

State of Iowa

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JOURNAL OF THE HOUSE

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

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

**Volume II
April 22 - May 12**

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

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JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day — Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 22, 1991

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

Prayer was offered by Reverend Tim Wiggins, pastor of Calmar Lutheran Church, Calmar.

The Journal of Friday, April 19, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hester of Pottawattamie on request of Van Maanen of Mahaska; Petersen of Muscatine on request of Bennett of Ida; Millage of Scott on request of Grubbs of Scott, all until their arrival.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 252, a bill for an act relating to exempting certain cargo tank motor vehicles from hazardous materials transportation regulations.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 688, 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, was taken up for consideration.

Connors of Polk in the chair at 10:42 a.m.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—3630 filed by him on April 15, 1991.

Haverland of Polk offered the following amendment H—3667 filed by him and moved its adoption:

H-3667

- 1 Amend House File 688 as follows:
- 2 1. Page 6, by striking line 19, and inserting the
- 3 following: "under a class of business, or all classes
- 4 of business in a defined geographic region if the
- 5 carrier is a health maintenance organization. The
- 6 small employer carrier shall".

Amendment H-3667 was adopted.

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

On the question "Shall the bill pass?" (H.F. 688)

The ayes were, 93:

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
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKinney
McNeal	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Connors			
Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Hester	Jay	McKean
Millage	Petersen, D. F.	Shearer	

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 10:58 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Wise of Lee in the chair.

The House stood at ease at 1:45 p.m., until the fall of the gavel.

The House resumed session at 2:31 p.m., Speaker Arnould in the chair.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House File 688 be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of Senate File 134, a bill for an act relating to the use of fireworks in state parks and preserves and providing a penalty, previously deferred and placed on the unfinished business calendar.

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. 134)

The ayes were, 76:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Black
Blanshan	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Daggett	Dickinson	Diemer	Eddie
Fogarty	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Haverland
Hibbard	Hurley	Iverson	Jesse
Jochum	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 21:

Bernau	Bisignano	Brand	Corbett
De Groot	Doderer	Dvorsky	Garman
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Holveck	Johnson	Kistler	Maulsby
Neuhauser	Osterberg	Svoboda	Teaford
Tyrrell			

Absent or not voting, 3:

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

SENATE AMENDMENTS CONSIDERED

Murphy of Dubuque called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3706:

H—3706

- 1 Amend House File 296, passed by the House, as
- 2 follows:
- 3 1. Page 4, by inserting after line 34 the
- 4 following:
- 5 "Sec. _____. Section 235A.15, subsection 2,
- 6 paragraph c, Code 1991, is amended by adding the
- 7 following new subparagraph:
- 8 NEW SUBPARAGRAPH. (10) To an administrator of a
- 9 community mental health center accredited under
- 10 chapter 230A if the information concerns a person
- 11 employed or being considered for employment by the
- 12 center."
- 13 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3706.

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

On the question "Shall the bill pass?" (H.F. 296)

The ayes were, 97:

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
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, 3:

Brammer	Hester	Jay
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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:

Shoultz of Black Hawk, for the remainder of the day, on request of McKinney of Dallas.

Poncy of Wapello called up for consideration 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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3704:

H—3704

- 1 Amend House File 589, as passed by the House, as
- 2 follows:
- 3 1. Page 4, line 12, by striking the word and
- 4 figure "January 1," and inserting the following:
- 5 "February 28,"

The motion prevailed and the House concurred in the Senate amendment H—3704.

Poney of Wapello 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. 589)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	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.	Harbor	Hatch	Haverland
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
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, 4:

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

INTRODUCTION OF BILL

House File 697, by committee on ways and means, a bill for an act relating to the collection of delinquent criminal fines by counties.

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

Unfinished Business Calendar

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

Halvorson of Webster offered the following amendment H-3634 filed by the committee on state government:

H-3634

- 1 Amend Senate File 476, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 6, and
- 4 inserting the following:
- 5 "Section 1. Section 56.2, subsection 4, Code 1991,
- 6 is amended by striking the subsection and inserting in
- 7 lieu thereof the following:
- 8 4. "Candidate's committee" means the committee
- 9 designated by the candidate to receive contributions,
- 10 expend funds, or incur indebtedness in the aggregate
- 11 as follows:
- 12 a. For federal, state, or county office, in excess
- 13 of two hundred fifty dollars in any calendar year on
- 14 behalf of the candidate.
- 15 b. For city or school office, in excess of five
- 16 hundred dollars in any calendar year on behalf of the
- 17 candidate."
- 18 2. Page 2, by striking lines 18 through 20 and
- 19 inserting the following: "be on forms prescribed by
- 20 the commission and be attached to the report required
- 21 of the committee receiving the contribution under
- 22 section 56.6. The form shall include the".
- 23 3. Page 2, by inserting after line 28, the
- 24 following:
- 25 "Sec. _____. Section 56.5A, Code 1991, is amended to

26 read as follows:

27 **56.5A CANDIDATE'S COMMITTEE.**

28 Each candidate for public federal, state, or county
29 office shall organize one, and only one, candidate's
30 committee for a specific office sought when the
31 candidate receives contributions, makes expenditures,
32 or incurs indebtedness in excess of two hundred fifty
33 dollars in a calendar year.

34 Each candidate for city or school office shall
35 organize one, and only one, candidate's committee for
36 a specific office sought when the candidate receives
37 contributions, makes expenditures, or incurs
38 indebtedness in excess of five hundred dollars in a
39 calendar year."

40 4. Page 4, by striking lines 4 through 22.

41 5. Page 4, line 23, by striking the figure
42 "56.42" and inserting the following: "56.12A".

43 6. Page 4, by inserting after line 28 the
44 following:

45 "This section shall not be construed to limit the
46 freedom of speech of the governing body of, or the
47 officials or employees of the governing body of, a
48 county, city, or other political subdivision of the
49 state."

50 7. Page 4, by inserting after line 28, the

Page 2

1 following:

2 "Sec. 100. Sections 101 through 105 of this Act
3 are created as a new division of chapter 56.

4 **Sec. 101. NEW SECTION. 56.40 CAMPAIGN FUNDS.**

5 As used in this division, "campaign funds" means
6 contributions to a candidate or candidate's committee
7 which are required by this chapter to be deposited in
8 a separate campaign account.

9 **Sec. 102. NEW SECTION. 56.41 USES OF CAMPAIGN**
10 **FUNDS.**

11 1. A candidate and the candidate's committee shall
12 use campaign funds only for the purpose of winning and
13 retaining public office, and shall not use campaign
14 funds for personal expenses.

15 2. Campaign funds shall not be used for any of the
16 following purposes:

17 a. Payment of civil or criminal penalties.

18 However, payment of civil penalties relating to
19 campaign finance and disclosure requirements is
20 permitted.

21 b. Satisfaction of personal debts, other than
22 campaign loans.

23 c. Personal services, including the services of
24 attorneys, accountants, physicians, and other

- 25 professional persons. However, payment for personal
26 services directly related to campaign activities is
27 permitted.
- 28 d. Clothing or laundry expense of a candidate or
29 members of the candidate's family.
- 30 e. Purchase of or installment payments for a motor
31 vehicle. However, a candidate may lease a motor
32 vehicle during the duration of the campaign if the
33 vehicle will be used for campaign purposes. If a
34 vehicle is leased, detailed records shall be kept on
35 the use of the vehicle and the cost of noncampaign
36 usage shall not be paid from campaign funds.
- 37 Candidates and campaign workers may be reimbursed for
38 actual mileage for campaign-related travel at a rate
39 not to exceed the current rate of reimbursement
40 allowed under the standard mileage rate method for
41 computation of business expenses pursuant to the
42 Internal Revenue Code.
- 43 f. Mortgage payments, rental payments,
44 furnishings, or renovation or improvement expenses for
45 a permanent residence of a candidate or family member,
46 including a residence in the state capital during a
47 term of office or legislative session.
- 48 g. Membership in professional organizations.
- 49 h. Membership in service organizations, except
50 those organizations which the candidate joins solely

Page 3

- 1 for the purpose of enhancing the candidacy.
- 2 i. Meals, groceries, or other food expense, except
3 for tickets to meals that the candidate attends solely
4 for the purpose of enhancing the candidacy. However,
5 payment for food and drink purchased for official
6 campaign functions and for entertainment of campaign
7 volunteers is permitted.
- 8 j. Payments clearly in excess of the fair market
9 value of the item or service purchased.
- 10 **Sec. 103. NEW SECTION. 56.42 TRANSFER OF**
11 **CAMPAIGN FUNDS.**
- 12 1. In addition to the uses permitted under section
13 56.41, a candidate's committee may transfer campaign
14 funds in one or more of the following ways:
- 15 a. Contributions to charitable organizations.
- 16 b. Contributions to national, state, or local
17 political party central committees, or other
18 candidate's committees.
- 19 c. Transfers to the treasurer of state for deposit
20 in the general fund of the state.
- 21 d. Return of contributions to contributors on a
22 pro rata basis, except that any contributor who
23 contributed five dollars or less may be excluded from

24 the distribution.

25 2. If an unexpended balance of campaign funds
26 remains when a candidate ceases to be a candidate or
27 the candidate's committee dissolves, the unexpended
28 balance shall be transferred pursuant to subsection 1.

29 3. A candidate or candidate's committee making a
30 transfer of campaign funds pursuant to subsection 1 or
31 2 shall not place any requirements or conditions on
32 the use of the campaign funds transferred.

33 4. A candidate or candidate's committee shall not
34 transfer campaign funds except as provided in this
35 section.

36 5. A candidate or candidate's committee shall not
37 transfer campaign funds with the intent of
38 circumventing the requirements of this section.

39 Sec. 104. NEW SECTION. 56.43 CAMPAIGN PROPERTY.

40 1. Equipment, supplies, or other materials
41 purchased on or after July 1, 1991, with campaign
42 funds are campaign property. Campaign property
43 belongs to the candidate's committee and not to the
44 candidate.

45 2. Upon dissolution of the candidate's committee,
46 a report accounting for the disposition of all items
47 of campaign property having a residual value of
48 twenty-five dollars or more shall be filed with the
49 commission. Each item of campaign property having a
50 residual value of twenty-five dollars or more shall be

Page 4

1 disposed of by one of the following methods:

2 a. Sale of the property at fair market value, in
3 which case the proceeds shall be treated the same as
4 other campaign funds.

5 b. Donation of the property under one of the
6 options for transferring campaign funds set forth in
7 section 56.42.

8 Sec. 105. APPLICABILITY. The restrictions imposed
9 by sections 102 and 103 of this Act apply to all
10 campaign funds held in campaign accounts on and after
11 the effective date of this Act."

12 8. Title page, line 9, by inserting after the
13 word "funds," the following: "restricting the uses of
14 campaign funds, providing for the transfer of campaign
15 funds, providing for the ownership and disposition of
16 campaign property, making penalties applicable."

McKinney of Dallas asked and received unanimous consent that Senate File 476 be deferred and retain its place on the unfinished business calendar.

(The committee amendment H—3634 pending.)

Murphy of Dubuque in the chair at 2:55 p.m.

SENATE AMENDMENTS CONSIDERED

Holveck of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3705:

H—3705

- 1 Amend House File 566, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 17, line 14, by striking the word "A" and
- 4 inserting the following: "Subsequent to December 31,
- 5 1991, a".
- 6 2. Page 18, by striking lines 20 through 24 and
- 7 inserting the following:
- 8 "Sec. _____. NEW SECTION. 322G.15 EFFECTIVE
- 9 DATES."
- 10 3. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3705.

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

On the question "Shall the bill pass?" (H.F. 566)

The ayes were, 97:

Adams	Arnould, Spkr.	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	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	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Murphy			
Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer Hester Shoultz

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

Koenigs of Mitchell called up for consideration **House File 385**, a bill for an act requiring the state department of transportation to publish an official Iowa map, amended by the Senate, and moved that the House concur in the following Senate amendment H—3564:

H—3564

- 1 Amend House File 385, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "7. Has an annual festival or celebration."
- 6 2. Page 1, by inserting after line 17 the
- 7 following:
- 8 "Sec. _____. Section 1 of this Act applies to the
- 9 map of the state of Iowa published by the state
- 10 department of transportation in 1993, and thereafter."
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3564.

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

On the question "Shall the bill pass?" (H.F. 385)

The ayes were, 85:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Garman
Gill	Gipp	Groninga	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	Mertz	Metcalf	Muhlbauer
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	Wise	Wissing
Murphy			
Presiding			

The nays were, 12:

De Groot	Eddie	Grubbs	Hatch
Hurley	Krebsbach	McNeal	Millage
Miller	Rafferty	Renken	Tyrrell

Absent or not voting, 3:

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 343**, a bill for an act relating to the medical assistance program, previously deferred and placed on the unfinished business calendar.

Grubbs of Scott offered the following amendment H—3644 filed by him and moved its adoption:

H—3644

- 1 Amend Senate File 343, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the figure
- 4 "1906" the following: ", as codified in 42 U.S.C. §
- 5 1396e".

6 2. Page 1, line 32, by inserting after the figure
7 "1906" the following: ", as codified in 42 U.S.C. §
8 1396e".

Amendment H—3644 was adopted.

Mertz of Kossuth offered the following amendment H—3642 filed
by Mertz, et al.:

H—3642

1 Amend Senate File 343, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 8 the
4 following:

5 "Sec. ____ NEW SECTION. 249A.20 ENHANCED MENTAL
6 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
7 DISABILITIES SERVICES PLAN OVERSIGHT COMMITTEE.

8 1. For purposes of this section and section
9 249A.21, "oversight committee" means the enhanced
10 mental health, mental retardation, and developmental
11 disabilities services plan oversight committee and
12 "candidate service" means day treatment, partial
13 hospitalization, and case management. Case management
14 is limited to persons with mental retardation, a
15 developmental disability, or chronic mental illness.

16 2. An enhanced mental health, mental retardation,
17 and developmental disabilities services plan oversight
18 committee is created in the department to assure that
19 the services plan is implemented within identified,
20 budgeted, and appropriated funds.

21 3. The oversight committee shall have nine
22 members. Two members shall be designated by the
23 fiscal committee of the legislative council and are
24 subject to approval by the governor. The director of
25 human services and the administrator of the division
26 of mental health, mental retardation, and
27 developmental disabilities or their designees shall be
28 members. Three members shall be designated by the
29 Iowa state association of counties. One member shall
30 be designated by the state mental health and mental
31 retardation commission. One member shall be
32 designated by the governor's planning council on
33 developmental disabilities. Members shall serve
34 staggered three-year terms and vacancies shall be
35 filled in the same manner as the initial appointment.
36 Members are entitled to actual and necessary expenses.

37 4. The oversight committee shall do all of the
38 following:

39 a. Take action on whether to include behavior
40 management as a candidate service in the state medical
41 assistance plan amendment, to develop a federal waiver

42 request for behavior management as a candidate
43 service, or to take no action to include behavior
44 management as a covered service. Decisions shall be
45 based upon a determination of the availability of
46 funds for the nonfederal share of the cost of the
47 service.
48 b. Explore and make recommendations regarding the
49 submission to the federal government of a state
50 medical assistance plan waiver for any candidate

Page 2

1 services which are not accepted by the federal
2 government as a state medical assistance plan
3 amendment.
4 c. Explore and make recommendations regarding the
5 submission to the federal government of a state
6 medical assistance plan waiver for any services
7 provided to persons with mental retardation, a
8 developmental disability, or chronic mental illness.
9 d. Review and make recommendations regarding the
10 county case management implementation plan and budget
11 to the state mental health and mental retardation
12 commission.
13 e. Track the expenditures for, and utilization of,
14 candidate services. Report a variance in an approved
15 plan to the governor, the legislative fiscal bureau,
16 and each county.
17 f. Recommend action regarding variations from the
18 budgeted, appropriated, and identified expenditures
19 and projected expenditure offsets to the council on
20 human services and the state mental health and mental
21 retardation commission.
22 g. Submit a report regarding the results of the
23 implementation of the provisions of this section,
24 including the impact upon the institutional
25 populations, to the governor and the general assembly.
26 The report shall contain recommendations regarding
27 continuing the provisions of this section in
28 subsequent fiscal years.
29 h. Recommend rules, or amendments to existing
30 rules, which implement the provisions of this section,
31 to the council on human services and the state mental
32 health and mental retardation commission.
33 i. Develop a methodology to determine the base
34 year expenditure for a county maintenance of effort
35 established pursuant to section 249A.21 which includes
36 an amount for each of the candidate services.
37 j. Issue a final advisory decision regarding any
38 issue of disagreement between a county and the
39 department relating to expenditures for candidate
40 services or the county's maintenance of effort.

41 Sec. _____. NEW SECTION. 249A.21 CANDIDATE
42 SERVICES FUND.

43 1. A state candidate services fund is created in
44 the office of the treasurer of state under the
45 authority of the department. The fund shall consist
46 of moneys appropriated to the fund and moneys received
47 from counties pursuant to this section.
48 Notwithstanding section 8.33, moneys in the candidate
49 services fund which are unobligated or unexpended on
50 June 30 of any fiscal year shall not revert to the

Page 3

1 general fund of the state but shall remain in the
2 candidate services fund and be used for the purposes
3 of this section. Any interest or other earnings on
4 the moneys in the candidate services fund shall remain
5 in the candidate services fund and shall be used for
6 the purposes of this section.

7 2. The county of legal settlement shall be billed
8 for fifty percent of the nonfederal share of the cost
9 of case management provided to adults, day treatment,
10 and partial hospitalization provided under the medical
11 assistance program for persons with mental
12 retardation, a developmental disability, or chronic
13 mental illness. For purposes of this section, chronic
14 mental illness does not include organic mental
15 disorders.

16 3. If a county's expenditures for candidate
17 services provided to persons with mental retardation,
18 a developmental disability, or chronic mental illness
19 exceeds the county's base year expenditure amount for
20 these services established under 1988 Iowa Acts,
21 chapter 1276, section 14, the county shall receive
22 from the candidate services fund the least amount of
23 the following:

24 a. The difference between the county's total
25 expenditures for the candidate services in the fiscal
26 year and the base year expenditure amount.

27 b. The amount expended by the county under
28 subsection 2.

29 c. The amount by which the total expenditures for
30 persons with mental retardation, a developmental
31 disability, or chronic mental illness for a fiscal
32 year, exceeds the maintenance of effort expenditures
33 established under 1988 Iowa Acts, chapter 1276,
34 subsection 14.

35 Sec. _____. NEW SECTION. 249A.22 INDEMNITY FOR
36 CASE MANAGEMENT AND DISALLOWED COSTS.

37 1. If the department contracts with a county or
38 consortium of counties to provide case management
39 services funded under medical assistance, the state

40 shall appear and defend the department's employees and
41 agents acting in an official capacity on the
42 department's behalf and the state shall indemnify the
43 employees and agents for acts within the scope of
44 their employment. The state's duties to defend and
45 indemnify shall not apply if the conduct upon which
46 any claim is based constitutes a willful and wanton
47 act or omission or malfeasance in office.
48 2. If the department is the case management
49 contractor, the state shall be responsible for any
50 costs included within the unit rate for case

Page 4

1 management services which are disallowed for medical
2 assistance reimbursement by the federal health care
3 financing administration. The contracting county
4 shall be credited for the county's share of any
5 amounts overpaid due to the disallowed costs.
6 However, if certain costs are disallowed due to
7 requirements or preferences of a particular county in
8 the provision of case management services, the county
9 shall not receive credit for the amount of the costs."
10 2. Page 2, by inserting after line 29 the
11 following:
12 "Sec. _____. LEGISLATIVE INTENT. Nothing in this
13 Act is intended by the general assembly to be the
14 provision of a fair and equitable funding formula
15 specified in 1985 Iowa Acts, chapter 249, section 9.
16 Nothing in this Act shall be construed, is intended,
17 or shall imply a claim of entitlement to any programs
18 or services specified in section 225C.28."
19 3. By renumbering as necessary.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H—3717, to amendment H—3642, filed by him on April 18, 1991.

On motion by Mertz of Kossuth, amendment H—3642 was adopted.

Grubbs 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. 343)

The ayes were, 97:

Adams	Arnould, Spkr.	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	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	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Murphy			
Presiding			

The nays were, none.

Absent or not voting, 3:

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

SENATE AMENDMENTS CONSIDERED

Groninga of Cerro Gordo called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3692:

H—3692

- 1 Amend House File 502, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 12 through 17, and
- 4 inserting the following: "amended to read as follows:
- 5 5. A person who is obligated to disclose
- 6 information under this section shall file a written
- 7 report disclosing the information with the treasurer
- 8 of state by January July 1 of each year. If a person
- 9 filing under this section makes any changes subsequent
- 10 to January July 1 but prior to July January 1 to any

- 11 of the information for which disclosure is required
 12 relating to credit cards, the person shall file an
 13 amended written report with the treasurer of state by
 14 July January 1 following the change."

The motion prevailed and the House concurred in the Senate amendment H—3692.

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

On the question "Shall the bill pass?" (H.F. 502)

The ayes were, 97:

Adams	Arnould, Spkr.	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	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	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrell
Van Maanen	Weidman	Wise	Wissing
Murphy			
Presiding			

The nays were, none.

Absent or not voting, 3:

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

Pavich of Pottawattamie called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3746:

H—3746

- 1 Amend House File 420, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 43.14, unnumbered paragraph 2,
- 6 Code 1991, is amended to read as follows:
- 7 "I, the undersigned, an eligible elector of
- 8 county or legislative district, and state of Iowa,
- 9 hereby nominate of county or
- 10 legislative district, state of Iowa, who has
- 11 affiliated registered with and is a member of the
- 12 party, as a candidate for the office of
- 13 to be voted for at the primary election to be
- 14 held on"
- 15 Sec. _____. Section 43.18, unnumbered paragraph 2,
- 16 Code 1991, is amended to read as follows:
- 17 I,, being duly sworn, say that I reside
- 18 at street, city of, county of
- 19 in the state of Iowa; that I am eligible to
- 20 the office for which I am a candidate, and that the
- 21 political party with which I affiliate is I am
- 22 registered with the party; that I am a
- 23 candidate for nomination to the office of
- 24 to be made at the primary election to be held on
- 25, and hereby request that my name be printed
- 26 upon the official primary ballot as provided by law,
- 27 as a candidate of that party. I furthermore declare
- 28 that if I am nominated and elected I will qualify as
- 29 such officer."
- 30 2. Title page, line 3, by striking the words "and
- 31 relating to" and inserting the following: "relating
- 32 to election nomination papers and affidavits,".
- 33 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3746.

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

On the question "Shall the bill pass?" (H.F. 420)

The ayes were, 97:

Adams	Arnould, Spkr.	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	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalfe	Millage	Miller
Muhlbauer	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
Murphy			
Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer	Hester	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.

Gruhn of Dickinson called up for consideration **House File 577**, a bill for an act relating to required reporting on state parks and preserves, amended by the Senate, and moved that the House concur in the following Senate amendment H—3703:

H—3703

- 1 Amend House File 577, as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 1, line 19, by striking the words "may be
 4 requested by a member" and inserting the following:
 5 "shall be made available to members".
 6 2. Page 1, line 20, by inserting after the word
 7 "assembly" the following: "by sending a copy of the
 8 report to the chief clerk of the house of
 9 representatives, the secretary of the senate, and the
 10 director of each of the caucus or research staffs of
 11 the general assembly".

The motion prevailed and the House concurred in the Senate amendment H-3703.

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

On the question "Shall the bill pass?" (H.F. 577)

The ayes were, 81:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beam	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
Doderer	Dvorsky	Fogarty	Garman
Gill	Gipp	Groninga	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Teaford	Weidman	Wise	Wissing
Murphy			
Presiding			

The nays were, 16:

Bennett	Corbett	De Groot	Dickinson
Diemer	Eddie	Grubbs	Hanson, D. E.
Hurley	Iverson	Koenigs	Krebsbach
Petersen, D. F.	Royer	Tyrrell	Van Maanen

Absent or not voting, 3:

Brammer

Hester

Shoultz

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

Connors of Polk called up for consideration **House File 152**, a bill for an act relating to boxing and wrestling laws administered by the athletic commissioner, amended by the Senate, and moved that the House concur in the following Senate amendment H—3742:

H—3742

1 Amend House File 152, as passed by the House, as
2 follows:

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

5 "Section 1. Section 90A.1, Code 1991, is amended
6 to read as follows:

7 90A.1 DEFINITION.

8 As used in this chapter, "boxing or wrestling
9 match" means a boxing, wrestling, or sparring contest
10 or exhibition open to the public or a closed-circuit
11 boxing or wrestling match for which admission for
12 viewing in this state is charged, for which the
13 principals or contestants are paid for their
14 participation."

15 2. Page 1, by inserting after line 35, the
16 following:

17 "The commissioner may adopt the rules of a
18 recognized national or world boxing organization which
19 sanctions a boxing match in this state to regulate the
20 match, if the organization's rules provide protection
21 to the boxers participating in the match which is
22 equal to or greater than the protections provided by
23 this chapter or by rules otherwise adopted pursuant to
24 this chapter. As used in this paragraph, "recognized
25 national or world boxing organization" includes, but
26 is not limited to, the international boxing
27 federation, the world boxing association, and the
28 world boxing council."

29 3. Page 2, by inserting before line 1 the
30 following:

31 "Sec. _____. Section 90A.7, subsection 1, Code 1991,
32 is amended to read as follows:

33 1. Every person conducting a boxing or wrestling
34 match or charging an admission fee for viewing of a
35 closed-circuit boxing or wrestling match in this state
36 shall, within twenty-four hours after such match,
37 furnish to the commissioner a written report, duly
38 verified, showing the number of tickets sold for such

- 39 boxing or wrestling match, and the amount of gross
 40 proceeds of such boxing or wrestling match, and such
 41 other matters as the commissioner may prescribe; and
 42 shall also within the same time period pay to the
 43 treasurer of state a tax of five percent of its total
 44 gross receipts, after deducting state sales tax, from
 45 the sale of tickets of admission to such boxing or
 46 wrestling match."
 47 4. By renumbering, relettering, or redesignating
 48 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3742.

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

On the question "Shall the bill pass?" (H.F. 152)

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
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
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	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Murphy
			Presiding

The nays were, 1:

Doderer

Absent or not voting, 3:

Brammer

Hester

Shultz

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

The House stood at ease at 3:44 p.m., until the fall of the gavel.

The House resumed session at 4:35 p.m., Murphy of Dubuque in the chair.

CONSIDERATION OF BILLS Unfinished Business Calendar

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

Connors of Polk offered the following amendment H-3603 filed by the committee on labor and industrial relations and moved its adoption:

H-3603

1 Amend Senate File 501, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 7.

4 2. By striking page 1, line 27 through page 2,
5 line 28.

6 3. Page 3, line 1, by striking the word and
7 figure "June 1" and inserting the following: "April
8 15".

9 4. Page 3, line 6, by striking the word and
10 figure "June 1." and inserting the following: "April
11 15."

12 5. Page 3, line 9, by striking the word and
13 figure "June 1" and inserting the following: "April
14 15".

15 6. Page 3, line 10, by striking the word and
16 figure "June 1." and inserting the following: "April
17 15."

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

20 "Sec. _____. Section 279.15, subsection 1, Code
21 1991, is amended to read as follows:

22 1. The superintendent or the superintendent's
23 designee shall notify the teacher not later than March
24 April 15 that the superintendent will recommend in
25 writing to the board at a regular or special meeting

26 of the board held not later than ~~March 31~~ April 30
27 that the teacher's continuing contract be terminated
28 effective at the end of the current school year.
29 However, if the district is subject to reorganization
30 under chapter 275, the notification shall not occur
31 until after the first organizational meeting of the
32 board of the newly formed district."

33 8. By renumbering as necessary.

The committee amendment H—3603 was adopted.

McNeal of Hardin offered the following amendment H—3766 filed by him from the floor:

H—3766

1 Amend Senate File 501, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 7, the
4 following:

5 "Sec. _____. Section 20.1, Code 1991, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 8. Maintain a panel of twelve
8 qualified persons to arbitrate cases pursuant to
9 section 279.13 and to adjudicate cases pursuant to
10 section 279.17, to provide such persons training in
11 statutory standards and procedures, and to provide
12 requesting parties a list for purposes of selection of
13 an arbitrator or adjudicator from the panel. Listing
14 on this panel shall be for a period of two years.
15 Initial appointment and reappointment shall occur only
16 after board consultation with the parties.
17 Arbitrators and adjudicators who fail to follow
18 statutory standards and procedures shall not be
19 reappointed. The parties may in the course of
20 negotiations mutually agree to alternative selection
21 procedures for an arbitrator, however, such
22 arbitrations shall be governed by the provisions of
23 this section.

24 A hearing before an arbitrator on a grievance
25 concerning a termination or discharge of a licensed
26 teacher shall be transcribed by a certified court
27 reporter and the arbitrator shall, thirty days
28 following the issuance of the decision, transmit the
29 entire record of the proceedings to the school board
30 secretary. If either party rejects the arbitrator's
31 decision, the rejecting party shall, within thirty
32 days of the initial filing of such decision, appeal to
33 the district court of the county in which the
34 administrative office of the school district is
35 located in accordance with the procedures of section
36 17A.19, applying the standards of review set forth in

37 this section. The notice of appeal shall be
38 immediately mailed by certified mail to the other
39 party. The board secretary shall transmit to the
40 reviewing court the original or a certified copy of
41 the entire record which may be the subject of the
42 petition. In proceedings for judicial review of the
43 arbitrator's decision, the court shall not hear any
44 further evidence but shall hear the case upon the
45 certified record. The court shall reverse, modify, or
46 grant any other appropriate relief from the
47 arbitrator's decision, either equitable or legal, and
48 including declaratory relief if substantial rights of
49 the petitioner have been prejudiced because the
50 arbitrator's award is any of the following:

Page 2

- 1 a. In violation of constitutional or statutory
- 2 provisions.
- 3 b. In excess of the statutory authority of the
- 4 arbitrator.
- 5 c. In violation of a board rule, policy, or
- 6 contract.
- 7 d. Not in strict adherence to school board's
- 8 standards of expectations or criteria for professional
- 9 performance or conduct established pursuant to this
- 10 section.
- 11 e. In violation of public policy.
- 12 f. Made upon unlawful procedure.
- 13 g. Affected by other error of law.
- 14 h. Unsupported by a preponderance of the competent
- 15 evidence in the record made before the arbitrator when
- 16 that record is viewed as a whole.
- 17 i. In violation of the standard of just cause.
- 18 j. Unreasonable, arbitrary, or capricious or
- 19 characterized by an abuse of discretion or a clearly
- 20 unwarranted exercise of discretion.
- 21 An aggrieved or adversely affected party to the
- 22 judicial review proceeding may obtain a review of any
- 23 final judgment of the district court by appeal to the
- 24 supreme court. The appeal shall be taken as in other
- 25 civil cases, although the appeal may be taken
- 26 regardless of the amount involved.
- 27 Notwithstanding the provisions of section 279.14,
- 28 each school board with a bargaining unit of licensed
- 29 teachers, and not the board of educational examiners,
- 30 shall establish and implement standards of performance
- 31 for teachers, which shall be deemed to be a part of
- 32 every collective bargaining agreement negotiated
- 33 pursuant to chapter 20 and part of every teacher's
- 34 contract of employment entered into pursuant to
- 35 section 279.13. Such standards shall maintain the

- 36 superior quality, performance, and role model
 37 effectiveness of teachers and shall provide for the
 38 termination of teachers failing to meet such
 39 standards. These performance standards shall not be
 40 mandatory subject of bargaining pursuant to section
 41 20.9"
 42 2. By renumbering as necessary.

Connors of Polk rose on a point of order that amendment H—3766 was not germane.

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

McNeal of Hardin moved that the rules be suspended to consider amendment H—3766.

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—3766?" (S.F. 501)

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	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, 52:

Adams	Arnould, Spkr.	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	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poney	Renaud	Schrader

Shearer
Teaford

Sherzan
Wise

Spear
Wissing

Svoboda
Murphy
Presiding

Absent or not voting, 4:

Brammer

Hester

Mertz

Shoultz

The motion to suspend the rules lost.

Speaker Arnould in the chair at 4:51 p.m.

Connors of Polk offered the following amendment H—3700 filed by him and moved its adoption:

H—3700

- 1 Amend Senate File 501, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 20 and inserting the
- 4 following: "hearing, receipt of the transcript, or
- 5 submission of any briefs. If the".
- 6 2. Page 3, line 6, by striking the word "state".
- 7 3. Page 3, line 20, by striking the word "in" and
- 8 inserting the following: "represented by".
- 9 4. Page 4, line 1, by striking the word "in" and
- 10 inserting the following: "represented by".
- 11 5. Page 4, line 13, by striking the word "in" and
- 12 inserting the following: "represented by".

Amendment H—3700 was adopted.

Iverson of Wright offered the following amendment H—3768 filed by him from the floor and moved its adoption:

H—3768

- 1 Amend Senate File 501, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 9 through 18.

A non-record roll call was requested.

The ayes were 37, nays 46.

Amendment H—3768 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. 501)

The ayes were, 69:

Adams
Bernau

Baker
Bisignano

Beaman
Black

Beatty
Brand

Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Gill	Gipp
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	Lageschulte	Lundby	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 26:

Banks	Bartz	Bennett	Daggett
Eddie	Garman	Grubbs	Hahn
Harbor	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Maulsby
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Renken	Royer	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 5:

Blanshan	Brammer	Hester	Plasier
Shoultz			

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

MOTION TO RECONSIDER (Senate File 501)

I move to reconsider the vote by which Senate File 501 passed the House on April 22, 1991.

SIEGRIST of Pottawattamie

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, April 19, 1991. Had I been present, I would have voted "aye" on House Files 690, 691, 693 and Senate Files 42, 112, 221, 269, 331, 336, 346, 363, 412, 473, 492, 502, 503; "nay" on Senate File 166.

BERNAU of Story

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 April, 1991: House Files 254, 288, 426, 486, 499 and 565.

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 22, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 274, an act relating to the omission of nullified administrative rules from the Iowa administrative code.

Senate File 104, an act relating to certain administrative functions of the department of personnel.

Senate File 171, an act providing for the identification and eradication of marijuana plants.

Senate File 213, an act relating to probate code provisions with respect to testamentary trusts, investments by fiduciaries, conservatorships, and the distribution of decedents' property by affidavit.

Senate File 308, an act relating to the Iowa uniform controlled substances Act.

Senate File 345, an act relating to state programs and institutions serving persons with mental retardation, developmental disabilities, or mental illness.

Senate File 378, an act relating to the weighting plan to be used to provide funds for the excess costs of instruction of children requiring special education.

Senate File 520, 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.

PRESENTATION OF VISITORS

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

Seventy-eight sixth grade students from Garner-Hayfield Middle School, Garner, accompanied by Miss Carroll, Mr. Krause and Mrs. Nelson. By Branstad of Winnebago.

Thirty-one senior students from Belmond High School, Belmond, accompanied by Claude Post. By Iverson of Wright.

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

- | | |
|----------|--|
| 1991-114 | Lynette Schumacher, Lake Park — For her leading role in the Spencer Community Theatre production of "Steel Magnolias." |
| 1991-115 | Thomas H. Boeke, O.D., Spirit Lake — For serving as the 1991-1992 President of the Iowa Optometric Association. |
| 1991-116 | Betty Massner, Mediapolis — For recognition upon retirement from thirty-five years of teaching in the Mediapolis Community Schools. |
| 1991-117 | Jason Heitland, Iowa Falls — For attaining Eagle Scout, the highest rank in the Boy Scouts of America. |
| 1991-118 | Iva Rensink, Boyden — For reaching the age of ninety years. |
| 1991-119 | Eagle Store #157, Iowa City — For their contribution to the community through the "Apples for Students" Program which provided computer software to the local schools. |
| 1991-120 | Eagle Store #220, Iowa City — For their contribution to the community through the "Apples for Students" Program which provided computer software to the local schools. |
| 1991-121 | Eagle Store #329, Iowa City — For their contribution to the community through the "Apples for Students" Program which provided computer software to the local schools. |
| 1991-122 | Karen Bolson, Decorah — For receiving the Iowa Family Child Care Provider of the Year Award. |
| 1991-123 | Liz Henry, Iowa School for the Deaf — For being named 1991 Deaf Girls Basketball Player of the Year. |
| 1991-124 | Thomas Jefferson High School's Booster Club, Council Bluffs — For receiving the District Booster Club of the Year Award. |
| 1991-125 | Rose Freiburger, Iowa School for the Deaf — For being named 1991 Deaf Girls Basketball Player of the Year. |

SUBCOMMITTEE ASSIGNMENT

Senate File 532

Appropriations: Jochum, Chair; Bisignano, Halvorson of Clayton, Harbor and Sherzan.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

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.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—3764 April 22, 1991.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 630), to establish a school bus driver education fund for school bus driver and passenger safety programs, and providing for a fee.

Fiscal Note is required.

Recommended Amend and Do Pass April 22, 1991.

Committee Bill (Formerly House Study Bill 325), relating to the collection of delinquent criminal fines by counties.

Fiscal Note is required.

Recommended Do Pass April 22, 1991.

AMENDMENTS FILED

H—3760	H.F.	252	Senate Amendment
H—3761	H.R.	12	Baker of Polk
H—3762	S.F.	166	Spear of Lee
H—3763	S.F.	508	Black of Jasper
H—3764	S.F.	532	Committee on Appropriations
H—3765	S.F.	508	Banks of Plymouth

H-3767	S.F.	476	Blanshan of Greene Halvorson of Webster Hanson of Delaware
H-3769	S.F.	508	Banks of Plymouth
H-3770	H.F.	87	Bartz of Worth
H-3771	H.F.	695	Koenigs of Mitchell De Groot of Lyon
H-3772	S.F.	294	Iverson of Wright
H-3773	S.F.	532	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

On motion by McKinney of Dallas, the House adjourned at 5:18 p.m., until 9:00 a.m., Tuesday, April 23, 1991.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day — Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 23, 1991

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

Prayer was offered by the Honorable Joan Hester, state representative from Pottawattamie County.

The Journal of Monday, April 22, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Wise of Lee, from forty constituents favoring parental notification and statistical reporting of abortions.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk, until his arrival, on request of Blanshan of Greene.

INTRODUCTION OF BILL

House File 698, by committee on ways and means, 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 ways and means calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 423, a bill for an act relating to student financial aid programs administered by the college student aid commission.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 504**, a bill for an act relating to the method of deregulation of communication services and facilities, previously deferred and placed on the unfinished business calendar.

Dickinson of Jackson offered the following amendment H—3735 filed by him:

H—3735

- 1 Amend Senate File 504, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 22, the
- 4 following:
- 5 "d. The utility has filed with the board, and
- 6 started implementation of, a network upgrade plan.
- 7 For purposes of this paragraph, a "network upgrade
- 8 plan" means a plan for the replacement of all
- 9 nondigital central office switches with digital
- 10 central office switches and associated improvements in
- 11 other facilities as required to allow the transmission
- 12 of signals within the local exchange at a level
- 13 consistent with the quality allowed by the digital
- 14 switch. The network upgrade plan shall be implemented
- 15 in good faith by the utility involved. Such
- 16 replacement and associated improvements under the plan
- 17 shall be completed no later than December 31, 1994."

Renken of Grundy rose on a point of order that amendment H—3735 was not germane.

The Speaker ruled the point not well taken and amendment H—3735 germane.

Dickinson of Jackson moved the adoption of amendment H—3735.

A non-record roll call was requested.

The ayes were 31, nays 50.

Amendment H—3735 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story, for the remainder of the morning, on request of McKinney of Dallas.

Groninga of Cerro Gordo in the chair at 10:14 a.m.

Holveck of Polk offered the following amendment H—3716 filed by him and moved its adoption:

H—3716

- 1 Amend Senate File 504, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 30, by inserting after the word

- 4 "earnings" the following: " , unless the board
- 5 determines that such information will assist in
- 6 determining whether a service or facility is subject
- 7 to effective competition".

A non-record roll call was requested.

The ayes were 28, nays 47.

Amendment H—3716 lost.

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. 504)

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	Grubbs
Gruhn	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	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Groninga
			Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Connors	Hammond	Sherzan
---------	---------	---------	---------

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

SENATE AMENDMENTS CONSIDERED

Jay of Appanoose called up for consideration **House File 625**, a bill for an act relating to issuance of junking certificates and certificates of title, amended by the Senate, and moved that the House concur in the following Senate amendment H—3702:

H—3702

- 1 Amend House File 625, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by inserting after line 30, the
- 4 following:
- 5 "Sec. _____. This Act is retroactively applicable to
- 6 all junking certificates for which certificates of
- 7 title have not been reissued."

The motion prevailed and the House concurred in the Senate amendment H—3702.

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

On the question "Shall the bill pass?" (H.F. 625)

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	Grubbs
Gruhn	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
Poney	Rafferty	Renaud	Renken
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda

Teaford
Wise

Tyrrell
Wissing

Van Maanen
Groninga
Presiding

Weidman

The nays were, none.

Absent or not voting, 5:

Brammer
Sherzan

Connors

Hammond

Royer

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

Holveck of Polk called up for consideration **House File 661**, a bill for an act relating to certain general permits for activities affecting the environment, amended by the Senate, and moved that the House concur in the following Senate amendment H—3755:

H—3755

- 1 Amend House File 661, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 20 the
- 4 following:
- 5 "4. An applicant to be covered under a general
- 6 permit shall pay a permit fee, as established by rule
- 7 of the commission, which is sufficient in the
- 8 aggregate to defray the costs of the permit program.
- 9 Moneys collected shall be remitted to the department."
- 10 2. Page 2, by inserting after line 31, the
- 11 following:
- 12 "Sec. ____ EFFECTIVE DATE. This Act, being deemed
- 13 of immediate importance, takes effect upon enactment."
- 14 3. Title page, line 2, by inserting after the
- 15 word "environment" the following: "and providing an
- 16 effective date".
- 17 4. By renumbering, relettering, or redesignating
- 18 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3755.

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

On the question "Shall the bill pass?" (H.F. 661)

The ayes were, 95:

Adams
Bartz

Arnould, Spkr.
Beaman

Baker
Beatty

Banks
Bennett

Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	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.
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	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Groninga	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Burke	Hammond	Sherzan
Svoboda			

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

Fogarty of Palo Alto called up for consideration **House File 297**, a bill for an act relating to driver's license reciprocity for minors, amended by the Senate, and moved that the House concur in the following Senate amendment H—3743:

H—3743

- 1 Amend House File 297, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 321.178, subsection 2,
- 6 paragraph a, Code 1991, is amended to read as follows:
- 7 a. Any person between sixteen and eighteen years
- 8 of age who is not in attendance at school or who is in
- 9 attendance in a public or private school where an
- 10 approved driver's education course is not offered or
- 11 available, may be issued a restricted license only for
- 12 travel to and from work or to transport dependents to

13 and from temporary care facilities, if necessary for
 14 the person to maintain the person's present employment
 15 without having completed an approved driver's
 16 education course. The restricted license shall be
 17 issued by the department only upon confirmation of the
 18 person's employment and need for a restricted license
 19 to travel to and from work or to transport dependents
 20 of temporary care facilities if necessary to maintain
 21 the person's employment and upon receipt of a written
 22 statement from the public or private school that an
 23 approved course in driver's education was not offered
 24 or available to the person, if applicable. The
 25 employer shall notify the department if the employment
 26 of the person is terminated before the person attains
 27 the age of eighteen. The person shall not have a
 28 restricted license revoked or suspended upon re-
 29 entering school prior to age eighteen provided the
 30 student enrolls in and completes the classroom portion
 31 of an approved driver's education course as soon as a
 32 course is available."

33 2. Title page, line 1, by inserting after the
 34 word "to" the following: "minor's restricted licenses
 35 and".

36 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3743.

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

On the question "Shall the bill pass?" (H.F. 297)

The ayes were, 95:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	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	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Groninga	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Blanshan	Brammer	Gruhn	Hammond
Sherzan			

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

Burke of Marshall called up for consideration **House File 639**, a bill for an act relating to the Iowa community cultural grants program, amended by the Senate, and moved that the House concur in the following Senate amendment H—3754:

H—3754

- 1 Amend House File 639, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 11 and
- 4 inserting the following: "by striking the subsection
- 5 and inserting in lieu thereof the following:
- 6 3. Notwithstanding section 8.33, moneys committed
- 7 to grantees under contract that remain unexpended on
- 8 June 30 of any fiscal year shall not revert but shall
- 9 be available for expenditure for purposes of the
- 10 contract until June 30 of the succeeding fiscal year."

The motion prevailed and the House concurred in the Senate amendment H—3754.

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

On the question "Shall the bill pass?" (H.F. 639)

The ayes were, 96:

Adams	Arnould, Spkr.	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	Gipp	Grubbs
Gruhn	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	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Groninga
			Presiding

The nays were, none.

Absent or not voting, 4:

Blanshan Brammer Hammond Sherzan

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

Neuhauser of Johnson called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-3751:

H-3751

- 1 Amend House File 558, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 31, the
- 4 following:
- 5 "Sec. ____ ASSISTANCE OF THE CHILD SUPPORT
- 6 ADVISORY COMMITTEE.
- 7 The child support enforcement program advisory
- 8 committee established pursuant to section 252B.18
- 9 shall assist the department of human services in
- 10 examining the impact and advisability of developing
- 11 procedures providing for the suspension, revocation,
- 12 or denial of a license to persons practicing

13 professions licensed or certified under chapters 80A,
 14 258A, 260, 321, and 602, or any other chapter, when
 15 such persons are delinquent in the payment of child
 16 support and of procedures to ensure the timely payment
 17 of child support by those persons who are financially
 18 able to make payments."

The motion prevailed and the House concurred in the Senate amendment H—3751.

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

On the question "Shall the bill pass?" (H.F. 558)

The ayes were, 95:

Adams	Arnould, Spkr.	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	Fogarty
Garman	Gill	Gipp	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	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	Groninga	
		Presiding	

The nays were, 1:

Hibbard

Absent or not voting, 4:

Brammer

Eddie

Hammond

Sherzan

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

Peterson of Carroll called up for consideration **House File 501**, a bill for an act relating to establishing a durable power of attorney authorized to make health care decisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-3749:

H-3749

- 1 Amend House File 501, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by inserting after line 20 the
- 4 following:
- 5 "Sec. _____ EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 2. Title page, line 2, by inserting after the
- 8 word "decisions" the following: "and providing an
- 9 effective date".
- 10 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3749.

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

On the question "Shall the bill pass?" (H.F. 501)

The ayes were, 88:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cphoon	Connors	Daggett
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Gill	Gipp	Grubbs
Gruhn	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	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	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Weidman	Wise	Wissing	Groninga
			Presiding

The nays were, 9:

Banks	Corbett	De Groot	Eddie
Garman	Krebsbach	Renken	Tyrrell
Van Maanen			

Absent or not voting, 3:

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

Dvorsky of Johnson called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3744:

H—3744

- 1 Amend House File 343, as passed by the House, as
- 2 follows: "
- 3 1. Page 1, by inserting after line 19 the
- 4 following:
- 5 "Any civil penalty may be compromised by the board.
- 6 In determining the amount of the penalty, or the
- 7 amount agreed upon in compromise, the board shall
- 8 consider the appropriateness of the penalty to the
- 9 size of the business of the person charged, the
- 10 gravity of the violation, and the good faith of the
- 11 person charged in attempting to achieve compliance
- 12 after notification of a violation."

The motion prevailed and the House concurred in the Senate amendment H—3744.

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

On the question "Shall the bill pass?" (H.F. 343)

The ayes were, 95:

Adams	Arnould, Spkr.	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	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
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	Groninga	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Branstad	Hammond	Harbor
Sherzan			

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2**, a bill for an act relating to sexual exploitation by a counselor or therapist and providing penalties, previously deferred and placed on the unfinished business calendar.

Knapp of Dubuque offered the following amendment H—3600 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3600

- 1 Amend Senate File 2, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 20, by inserting after the word
- 4 "clergy," the following: "attorney,".

The committee amendment H—3600 lost.

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

On the question "Shall the bill pass?" (S.F. 2)

The ayes were, 93:

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
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Grubbs	Gruhn
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	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
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Groninga			
Presiding			

The nays were, none.

Absent or not voting, 7:

Bartz	Brammer	Branstad	Hammond
Knapp	Miller	Sherzan	

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

On motion by Neuhauser of Johnson, the House was recessed at 11:46 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 25

Poney of Wapello called up for consideration House Concurrent Resolution 25, 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, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENTS CONSIDERED

Sherzan of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-3752:

H-3752

- 1 Amend House File 601, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 1, line 12, by striking the word "thirty"
- 4 and inserting the following: "sixty".

The motion prevailed and the House concurred in the Senate amendment H-3752.

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

On the question "Shall the bill pass?" (H.F. 601)

The ayes were, 98:

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	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, 1:

Holveck

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.

Muhlbauer of Crawford called up for consideration **House File 252**, a bill for an act relating to exempting certain cargo tank motor vehicles from hazardous materials transportation regulations, amended by the Senate, and moved that the House concur in the following Senate amendment H—3760:

H—3760

- 1 Amend House File 252, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by striking the word and
- 4 figure "and 178" and inserting the following: and
- 5 178, and 180
- 6 2. Page 1, by inserting after line 16, the
- 7 following:
- 8 "Sec. _____. Section 1 of this Act is repealed July
- 9 1, 1994. On that date the Code editor shall return
- 10 the language in section 1 of this Act to the language
- 11 appearing in the 1991 Code."
- 12 3. Title, line 2, by inserting after the word
- 13 "regulations" the following: ", and providing for the
- 14 repeal of the Act".

The motion prevailed and the House concurred in the Senate amendment H—3760.

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

On the question "Shall the bill pass?" (H.F. 252)

The ayes were, 99:

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
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, 1:

Brammer

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 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, and the committee amendment H—3634, found on pages 1417 through 1420 of the House Journal, previously deferred.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—3767, to the committee amendment H—3634, filed by Blanshan, et al., on April 22, 1991.

Blanshan of Greene offered the following amendment H—3782, to the committee amendment H—3634, filed from the floor by Blanshan, Halvorson of Webster and Hanson of Delaware and moved its adoption:

H—3782

- 1 Amend amendment, H—3634, to Senate File 476, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 12 and 13 and
- 5 inserting the following: "use campaign funds only for
- 6 campaign purposes, and shall not use campaign".
- 7 2. Page 3, line 4, by inserting after the word
- 8 "candidacy" the following: "or the candidacy of
- 9 another person".
- 10 3. Page 3, lines 5 and 6, by striking the words
- 11 "official campaign functions" and inserting the
- 12 following: "campaign related purposes".

Amendment H—3782 was adopted.

Hanson of Delaware offered the following amendment H—3708, to the committee amendment H—3634, filed by Hanson, et al., and moved its adoption:

H—3708

- 1 Amend the amendment, H—3634, to Senate File 476, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by inserting after line 38, the
- 5 following:
- 6 "6. An individual or a political committee shall
- 7 not knowingly make transfers or contributions to a
- 8 candidate or candidate's committee for the purpose of
- 9 transferring the funds to another candidate or
- 10 candidate's committee to avoid the disclosure of the
- 11 source of the funds pursuant to this chapter. A

12 candidate or candidate's committee shall not knowingly
13 accept transfers or contributions from an individual
14 or political committee for the purpose of transferring
15 funds to another candidate or candidate's committee as
16 prohibited by this subsection. A candidate or
17 candidate's committee shall not accept transfers or
18 contributions which have been transferred to another
19 candidate or candidate's committee as prohibited by
20 this subsection. The commission shall notify
21 candidates of the prohibition of such transfers and
22 contributions under this subsection."

Amendment H—3708 was adopted.

On motion by Halvorson of Webster, the committee amendment H—3634, as amended, was adopted.

Halvorson of Webster offered the following amendment H—3697 filed by him and Hanson of Delaware and moved its adoption:

H—3697

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 3, line 31, through page 4,
4 line 3, and inserting the following: "section 56.6,
5 subsection 1."

Amendment H—3697 was adopted.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H—3685.

Connors of Polk asked and received unanimous consent to withdraw amendment H—3575 filed by Connors, et al., on April 10, 1991.

Connors of Polk offered the following amendment H—3638 filed by him:

H—3638

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 28, the
4 following:
5 "Sec. _____. NEW SECTION. 79.19A PAYROLL
6 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.
7 A state officer, including the state board of
8 regents, in charge of a payroll system shall also make
9 payroll deductions authorized by an employee for
10 political committees under chapter 56 if the
11 employee's payroll system is currently making
12 deductions for employee organization membership dues,

13 and if the following conditions are met:

14 1. The request for the payroll deduction is made
15 in writing to the officer in charge of the payroll
16 system.

17 2. The pay period during which the deduction is
18 made and the frequency and amount of the deduction are
19 compatible with the payroll system.

20 3. The political committee for which the deduction
21 is requested is related to the employee organization
22 for which the employee's payroll system is currently
23 making membership dues deductions.

24 Sec. _____. NEW SECTION. 294.17 PAYROLL
25 DEDUCTIONS.

26 In addition to payroll deductions for the purpose
27 of paying annuity premiums, a school district shall
28 also make payroll deductions authorized by the
29 employee for political committees under chapter 56 if
30 the school district's payroll system is currently
31 making deductions for employee organization membership
32 dues, and if the following conditions are met:

33 1. The request for the payroll deduction is made
34 in writing to the officer in charge of the payroll
35 system.

36 2. The pay period during which the deduction is
37 made, and the frequency and amount of the deduction
38 are compatible with the payroll system.

39 3. The political committee for which the deduction
40 is requested is related to the employee organization
41 for which the school district's payroll system is
42 currently making membership dues deductions.

43 Sec. _____. NEW SECTION. 331.325 PAYROLL
44 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.

45 The board or the county officer in charge of any
46 county payroll system shall make payroll deductions
47 authorized by an employee for political committees
48 under chapter 56 if the employee's payroll system is
49 currently making deductions for employee organization
50 membership dues, and if the following conditions are

Page 2

1 met:

2 1. The request for the payroll deduction is made
3 in writing to the officer in charge of the payroll
4 system.

5 2. The pay period during which the deduction is
6 made and the frequency and amount of the deduction are
7 compatible with the payroll system.

8 3. The political committee for which the deduction
9 is requested is related to the employee organization
10 for which the employee's payroll system is currently
11 making membership dues deductions.

12 Sec. _____. NEW SECTION. 364.25 PAYROLL DEDUCTIONS
13 FOR POLITICAL CONTRIBUTIONS.

14 A city, or the city officer in charge of any city
15 payroll system shall make payroll deductions
16 authorized by an employee for political committees
17 under chapter 56 if the employee's payroll system is
18 currently making deductions for employee organization
19 membership dues, and if the following conditions are
20 met:

21 1. The request for the payroll deduction is made
22 in writing to the officer in charge of the payroll
23 system.

24 2. The pay period during which the deduction is
25 made and the frequency and amount of the deduction are
26 compatible with the payroll system.

27 3. The political committee for which the deduction
28 is requested is related to the employee organization
29 for which the employee's payroll system is currently
30 making membership dues deductions."

31 2. Title page, line 9, by inserting after the
32 word "funds," the following: "permitting certain
33 payroll deductions for political committees for state,
34 county, and city employees and employees of school
35 districts,".

36 3. By renumbering as necessary.

Garman of Story rose on a point of order that amendment H—3638 was not germane.

The Speaker ruled the point well taken and amendment H—3638 not germane.

Connors of Polk moved that the rules be suspended to consider amendment H—3638.

Roll call was requested by Brown of Lucas and Beatty of Warren.

On the question "Shall the rules be suspended to consider amendment H—3638?" (S.F. 476)

The ayes were, 54:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cphoon
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	Shoning
Shoultz	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	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Siegrist	Spear	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 3:

Brammer Hester Royer

The motion prevailed and the rules were suspended.

Connors of Polk moved the adoption of amendment H—3638.

A non-record roll call was requested.

The ayes were 38, nays 53.

Amendment H—3638 lost.

Halvorson of Webster offered the following amendment H—3674 filed by Halvorson, et al., and moved its adoption:

H—3674

- 1 Amend Senate File 476 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 28, the
- 4 following:
- 5 "Sec. _____. NEW SECTION. 56.43 CERTAIN ACCOUNTS
- 6 BY OFFICEHOLDERS PROHIBITED.
- 7 A holder of public office shall not maintain an
- 8 account, other than a campaign account, to receive
- 9 contributions for the purpose of publishing and
- 10 distributing newsletters or performing other
- 11 constituent services related to the official duties of
- 12 public office. This section applies whether or not
- 13 the officeholder is a candidate."
- 14 2. Title page, line 9, by inserting after the
- 15 word "funds," the following: "prohibiting certain
- 16 accounts by officeholders,".
- 17 3. By renumbering as necessary.

Amendment H—3674 was adopted.

Hanson of Delaware offered the following amendment H—3685, previously deferred, filed by him and Carpenter of Polk:

H-3685

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. _____. NEW SECTION. 56.12A TRANSFERS FROM
6 ONE CANDIDATE'S COMMITTEE TO ANOTHER.

7 A candidate for the general assembly or the
8 candidate's committee shall not use campaign funds for
9 transfers or contributions to another candidate for
10 office in the same house of the general assembly or to
11 the candidate's committee. The cost of purchasing
12 tickets to a fund-raising event held by or on behalf
13 of a candidate to raise money for the candidate's
14 campaign is considered a contribution for purposes of
15 this section, unless the event is sponsored by a state
16 or county statutory political committee.

17 Sec. _____. NEW SECTION. 56.13A CERTAIN ACCOUNTS
18 BY OFFICEHOLDERS PROHIBITED.

19 A holder of public office shall not maintain an
20 account, other than a campaign account, to receive
21 contributions for the purpose of publishing and
22 distributing newsletters or performing other
23 constituent services related to the official duties of
24 public office. This section applies whether or not
25 the officeholder is a candidate.

26 Sec. _____. NEW SECTION. 56.14A RESTRICTIONS ON
27 ACCEPTANCE OF CONTRIBUTIONS.

28 1. The candidate's committee of a holder of the
29 office or of a candidate for the office of state
30 representative or state senator shall not solicit or
31 accept contributions from a political committee, other
32 than a state or county statutory political committee,
33 or from a lobbyist registered under the rules adopted
34 by either house of the general assembly while the
35 general assembly is in regular session. As used in
36 this subsection, "in regular session" does not include
37 the period of time between final adjournment sine die
38 for that year and the ceremonial closing of the
39 session.

40 2. The candidate's committee of a holder of the
41 office or of a candidate for the office of governor
42 shall not solicit or accept contributions from a
43 political committee, other than a state or county
44 statutory political committee, or from a lobbyist
45 registered under the rules adopted by either house of
46 the general assembly while the general assembly is in
47 regular session and for thirty days after the final
48 adjournment sine die of the general assembly for that
49 year."

50 2. Title page, line 9, by inserting after the

Page 2

- 1 word "funds," the following: "prohibiting certain
- 2 transfers by candidates' committees, prohibiting
- 3 certain accounts by officeholders, providing
- 4 restrictions on acceptance of certain contributions,".
- 5 3. By renumbering as necessary.

Hanson of Delaware offered the following amendment H—3790, to amendment H—3685, filed by him from the floor and moved its adoption:

H—3790

- 1 Amend amendment H—3685 to Senate File 476, as
- 2 amended, passed and reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 through 25.
- 4 2. Page 2, by striking lines 1 through 3 and inserting
- 5 the following: "word "funds," the following: "providing"".

Amendment H—3790 was adopted.

Hanson of Delaware moved the adoption of amendment H—3685, as amended.

A non-record roll call was requested.

The ayes were 63, nays 35.

Amendment H—3685, as amended, 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. 476)

The ayes were, 99:

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
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:

Brammer

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

SENATE AMENDMENT CONSIDERED

Adams of Hamilton called up for consideration **House File 375**, a bill for an act relating to the prohibiting of the disposal of baled solid waste at a sanitary landfill, amended by the Senate amendment H—3745 as follows:

H—3745

- 1 Amend House File 375, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "disposal." the following: "Solid waste which is
- 5 baled on-site may be disposed of at the sanitary
- 6 landfill."

The House stood at ease at 3:23 p.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—3745 to House File 375 at 3:38 p.m., Haverland of Polk in the chair.

Brown of Lucas offered the following amendment H—3788, to the Senate amendment H—3745, filed by him from the floor:

H—3788

- 1 Amend the Senate amendment, H—3745, to House File
- 2 375, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2, the
- 4 following:
- 5 "____. Page 1, by inserting before line 1, the
- 6 following:

- 7 "Section 1. Section 455B.304, Code 1991, is
 8 amended by adding the following new subsection:
 9 NEW SUBSECTION. 16. The commission shall adopt
 10 rules which prohibit the issuance of a permit for the
 11 establishment and operation of a transfer station for
 12 the purpose of processing solid waste from a state
 13 other than Iowa, the final destination of which is a
 14 third state, when the purpose and result of such
 15 processing is the circumvention of the solid waste
 16 laws and rules of the receiving state." "
 17 2. Page 1, by inserting after line 6, the
 18 following:
 19 "_____. Title page, line 1, by inserting after the
 20 word "to" the following: "solid waste including".
 21 3. By renumbering as necessary.

Adams of Hamilton rose on a point of order that amendment H—3788 was not germane.

The Speaker ruled the point well taken and amendment H—3788 not germane.

On motion by Adams of Hamilton, the House concurred in the Senate amendment H—3745.

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

On the question "Shall the bill pass?" (H.F. 375)

The ayes were, 98:

Adams	Arnould, Spkr.	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	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorsen, 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, 2:

Blanshan Brammer

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

The House stood at ease at 3:41 p.m., until the fall of the gavel.

The House resumed session at 4:52 p.m., Speaker Arnould 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 23, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund.

JOHN F. DWYER, Secretary

MOTIONS TO RECONSIDER

(House File 297)

I move to reconsider the vote by which House File 297 passed the House on April 23, 1991.

KOENIGS of Mitchell

(House File 420)

I move to reconsider the vote by which House File 420 passed the House on April 22, 1991.

PAVICH of Pottawattamie

(Senate File 476)

I move to reconsider the vote by which Senate File 476 passed the House on April 23, 1991.

BLANSHAN of Greene

(Senate File 476)

I move to reconsider the vote by which Senate File 476 passed the House on April 23, 1991.

SCHRADER of Marion

(House File 558)

I move to reconsider the vote by which House File 558 passed the House on April 23, 1991.

CORBETT of Linn

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on April 23, 1991. Had I been present, I would have voted "aye" on House File 343 and Senate File 2.

BRANSTAD of Winnebago

I was necessarily absent from the House chamber on Friday, April 19, 1991. Had I been present, I would have voted "aye" on House Files 690, 691, 693 and Senate File 346.

LUNDBY of Linn

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 5, 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.

House File 306, an act relating to the collateral effect of job service division determinations regarding claims for unemployment benefits.

House File 334, 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.

House File 459, 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.

House File 567, an act relating to the requirements for a notice of right to cure concerning an obligation secured by a deed of trust or mortgage.

House File 592, an act relating to documents filed with the general assembly by officials and departments.

House File 598, an act relating to the payment of certain court filing fees by the United States.

Senate File 53, an act relating to certificates required for moving swine, and creating penalties.

Also: That on April 23, 1991, the Governor approved and transmitted to the Secretary of State the following bills:

House File 486, 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.

Senate File 179, an act relating to the protection of trade secrets and providing an effective date.

Senate File 231, an act allowing the issuance of personalized collegiate registration plates for motor vehicles and providing an effective date.

Senate File 389, an act relating to the department of human rights commission of Latino affairs and commission on the status of blacks.

PRESENTATION OF VISITORS

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

Thirty eighth grade students from West Harrison High School, Mondamin, accompanied by Tom Milke, Lori Sorenson and Kevin Peterson. By Hester of Pottawattamie.

Forty eighth grade students from Peet Junior High School, Cedar Falls, accompanied by Carolyn Haurum. By Teaford of Black Hawk.

Forty fifth grade students from Whittier Elementary School, Oskaloosa, accompanied by Donna De Groot. By Van Maanen of Mahaska.

AMENDMENTS FILED

H—3774	H.F.	423	Senate Amendment
H—3775	S.F.	508	McKean of Jones
			Osterberg of Linn
H—3776	S.F.	46	Hibbard of Madison
H—3777	S.F.	46	Hibbard of Madison

H-3778	S.F.	507	Hansen of Woodbury
H-3779	S.F.	532	Shoultz of Black Hawk
			Diemer of Black Hawk
			Osterberg of Linn
			Bernau of Story
			Black of Jasper
H-3780	H.F.	479	Mertz of Kossuth
			Svoboda of Tama
			Fogarty of Palo Alto
			Bennett of Ida
			Miller of Cherokee
			McNeal of Hardin
			Corbett of Linn
			Grubbs of Scott
H-3781	S.F.	532	Blanshan of Greene
			Teaford of Black Hawk
H-3783	S.F.	508	Neuhauser of Johnson
H-3784	S.F.	444	Millage of Scott
H-3785	S.F.	508	Grubbs of Scott
H-3786	S.F.	508	Banks of Plymouth
H-3787	H.F.	687	Mertz of Kossuth
			Dvorsky of Johnson
H-3789	H.F.	698	Cohoon of Des Moines
H-3791	S.F.	311	Groninga of Cerro Gordo
H-3792	S.F.	532	Teaford of Black Hawk
			Baker of Polk
			Murphy of Dubuque
			Hatch of Polk
			Halvorson of Webster
H-3793	S.F.	508	Grubbs of Scott
			Wissing of Scott

On motion by McKinney of Dallas, the House adjourned at 4:53 p.m., until 9:00 a.m., Wednesday, April 24, 1991.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day — Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 24, 1991

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

Prayer was offered by the Honorable Harold Van Maanen, state representative from Mahaska County.

The Journal of Tuesday, April 23, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk on request of Ollie of Clinton; Baker of Polk on request of Cohoon of Des Moines, both until their arrival.

SENATE MESSAGE CONSIDERED

Senate File 536, 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.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 22, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 518, a bill for an act to establish an advanced placement summer program.

Also: That the Senate has on April 22, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 22, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 9, a joint resolution to nullify an administrative rule of the department of human services relating to reimbursement for psychiatric medical institutions for children, and providing an effective date.

Also: That the Senate has on April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 138, a bill for an act 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 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 22, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 350, a bill for an act relating to the franchise tax on financial institutions and providing an effective date.

Also: That the Senate has on April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 382, a bill for an act relating to rural water districts.

Also: That the Senate has on April 22, 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 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 479, a bill for an act relating to the 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 22, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 23, 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.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 452**, a bill for an act relating to the administration of fairs, previously deferred and placed on the unfinished business calendar.

Gruhn of Dickinson offered the following amendment H—3622 filed by the committee on agriculture and moved its adoption:

H—3622

- 1 Amend Senate File 452, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 11.
- 4 2. Page 1, line 14, by striking the word
- 5 "congressional" and inserting the following:
- 6 "congressional".
- 7 3. Page 1, line 15, by striking the words "county
- 8 fair".
- 9 4. Page 1, line 31, by striking the words
- 10 "congressional county fair district" and inserting the
- 11 following: "congressional".
- 12 5. Page 1, lines 33 and 34, by striking the words
- 13 "congressional county fair district" and inserting the
- 14 following: "congressional".
- 15 6. Page 2, by striking lines 3 through 6, and
- 16 inserting the following:
- 17 "1. The convention shall establish staggered terms
- 18 of".
- 19 7. Page 2, line 9, by striking the word "three"
- 20 and inserting the following: "two".
- 21 8. Page 2, line 11, by striking the words "county
- 22 fair".
- 23 9. Page 2, lines 22 and 23, by striking the words
- 24 "county fair district".
- 25 10. Page 2, line 23, by striking the figure
- 26 "173.2" and inserting the following: "173.1".
- 27 11. Page 3, lines 21 and 22, by striking the
- 28 words "is entitled to" and inserting the following:
- 29 "may".

The committee amendment H—3622 was adopted.

Gruhn of Dickinson offered the following amendment H-3725 filed by her and moved its adoption:

H-3725

1 Amend Senate File 452, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 12, by inserting after the figure
4 "2" the following: ", 3".

5 2. Page 1, by inserting after line 16 the
6 following:

7 "3. A president and vice president to be elected
8 by the state fair board from the nine elected
9 directors."

10 3. Page 2, line 7, by inserting before the word
11 "directors" the following: "elected".

12 4. Page 2, line 28, by inserting after the word
13 "chapter." the following: "However, a director
14 elected on or after the effective date of this section
15 shall not serve more than five consecutive terms which
16 begin on or after the effective date of this section."

17 5. Page 3, by inserting after line 28, the
18 following:

19 "Sec. 1000. ELECTION OF MEMBERS TO THE IOWA STATE
20 FAIR BOARD.

21 1. Notwithstanding chapter 173, a convention which
22 meets pursuant to section 173.2 is not required to
23 elect new directors in 1991, unless this Act becomes
24 effective in that year.

25 2. The convention shall meet as early as
26 determined practicable by the Iowa state fair board
27 after the effective date of this section. The
28 convention shall elect ten directors to the Iowa state
29 fair board as provided in this Act who shall serve for
30 staggered terms as determined by the convention.

31 Sec. _____. EFFECTIVE DATE.

32 1. Except as provided in subsection 2, this Act
33 takes effect upon the date that five congressional
34 districts are legally established pursuant to chapter
35 42, and according to the 1990 United States census.

36 2. Section 173.11, subsection 3, section 173.14,
37 subsection 4, and section 174.2, unnumbered paragraph
38 3, as amended by this Act, take effect July 1, 1991.
39 Section 1000, subsection 1, of this Act also takes
40 effect July 1, 1991."

41 6. Title page, line 1, by inserting after the
42 word "fairs" the following: ", and providing for
43 effective dates".

44 7. By renumbering and correcting internal
45 references as necessary.

Amendment H-3725 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?" (S.F. 452)

The ayes were, 94:

Adams	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
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	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 1:

Jesse

Absent or not voting, 5:

Baker	Brammer	Haverland	Neuhauser
Shoultz			

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

MOTION TO RECONSIDER WITHDRAWN (Senate File 501)

Siegrist of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider 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, filed by him on April 22, 1991.

The House stood at ease at 9:25 a.m., until the fall of the gavel.

The House resumed session at 10:47 a.m., Speaker Arnould in the chair.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 9, by committee on human resources, a joint resolution to nullify an administrative rule of the department of human services relating to reimbursement for psychiatric medical institutions for children, and providing an effective date.

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

Senate File 350, by committee on ways and means, a bill for an act relating to the franchise tax on financial institutions and providing an effective date.

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

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Schrader of Marion escorted to the front of the Speaker's station and presented to the House Jennifer Vander Werf, queen of the 1991 Pella Tulip Festival.

Queen Jennifer, wearing the church-going Protestant costume, presented her attendants (also in costume) Desha Craver, Alicia Dieleman, Ronda Goemaat and Mary Ver Ploeg, accompanied by their parents. She invited everyone to attend the Pella Tulip Festival which will be May 9, 10 and 11.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies.

The House rose and expressed its welcome.

MOTION TO RECONSIDER WITHDRAWN (House File 297)

Koenigs of Mitchell asked and received unanimous consent to withdraw the motion to reconsider House File 297, a bill for an act relating to driver's license reciprocity for minors, filed by him on April 23, 1991.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 297 and Senate File 501**.

CONSIDERATION OF BILLS

Unfinished Business Calendar

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

Hatch of Polk offered the following amendment H-3797 filed from the floor by Hatch, Chapman, Peterson of Carroll, Neuhauser and Dvorsky:

H-3797

1 Amend House File 683 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. FINDINGS. The general assembly finds:

5 1. That the state annually produces millions of
6 pounds of pollution and expends millions of dollars
7 controlling this pollution.

8 2. That there are significant opportunities for
9 industry to reduce or prevent pollution at the source
10 through cost-effective changes in production,
11 operation, and raw material use. These changes would
12 afford industry substantial savings in raw materials,
13 pollution control, and liability costs and would also
14 reduce environmental harm and risks to worker health
15 and safety.

16 3. That the opportunities for pollution prevention
17 are often not realized, due to a focus upon treatment
18 and disposal rather than pollution prevention, the
19 lack of an emphasis on a multimedia management
20 approach to pollution prevention, and the lack of
21 necessary information and technical assistance
22 available to businesses in adopting pollution
23 prevention practices.

24 4. That pollution prevention is fundamentally
25 different from and should be encouraged in preference
26 to waste management or pollution control and that the
27 state should address the lack of attention to
28 pollution prevention.

29 Sec. 2. POLLUTION PREVENTION GOAL AND POLICY. The
30 goal of the state is to encourage pollution prevention
31 through the use of pollution prevention techniques in
32 preference to waste management or pollution control,
33 and through coordination and cooperation between
34 federal, state, and local departments, agencies, and
35 institutions in the development and administration of
36 a pollution prevention program.

37 Sec. 3. NEW SECTION. 455B.502 DEFINITIONS.

38 As used in this part, unless the context otherwise
39 requires:

40 1. "Authority" means the waste management
41 authority created pursuant to section 455B.483.

42 2. "Commission" means the environmental protection
43 commission established pursuant to section 455A.6.

44 3. "Department" means the department of natural
45 resources created pursuant to section 455A.2.

46 4. "Emergency Planning and Community Right-to-know
47 Act" or "EPCRA" means the federal Emergency Planning
48 and Community Right-to-know Act as defined in section
49 30.1.

50 5. "Environmental waste" means a pollutant, waste,

Page 2

1 or release regardless of the type or existence of
2 regulation and regardless of the media affected by the
3 pollutant, waste, or release.

4 6. "Existing toxics user" means a toxics user
5 installation or source constructed prior to July 1,
6 1991.

7 7. "Multimedia" means any combination of air,
8 water, land, or workplace environments into which
9 toxic substances or wastes are released.

10 8. "Release" means emission, discharge, or
11 disposal into any environmental media including air,
12 water, or land.

13 9. "Toxics pollution prevention" means employment
14 of a practice which reduces the industrial use of
15 toxic substances or reduces the environmental and
16 health hazards associated with an environmental waste
17 without diluting or concentrating the waste before the
18 release, handling, storage, transport, treatment, or
19 disposal of the waste. The term includes toxics
20 pollution prevention techniques but does not include a
21 practice which is applied to an environmental waste
22 after the waste is generated or comes into existence
23 on or after the waste exits a production or commercial
24 operation.

25 "Toxics pollution prevention" does not include,
26 promote, or require any of the following:

27 a. Waste burning in industrial furnaces, boilers,
28 smelters, or cement kilns for the purpose of energy
29 recovery.

30 b. The transfer of an environmental waste from one
31 environmental medium to another environmental medium,
32 the workplace environment, or a product.

33 c. Offsite waste recycling.

34 d. Any other method of end-of-pipe management of
35 environmental wastes including waste exchange and the

36 incorporation or embedding of regulated environmental
37 wastes into products or by-products.

38 10. "Toxics pollution prevention techniques" means
39 any of the following practices by a toxics user:

40 a. Input substitution, which refers to replacing a
41 toxic substance or raw material used in a production
42 process with a nontoxic or less toxic substance.

43 b. Product reformulation, which refers to
44 substituting for an existing end product an end
45 product which is nontoxic or less toxic upon use or
46 release.

47 c. Production process redesign or modification,
48 which refers to developing and using production
49 processes of a different design other than those
50 currently in use.

Page 3

1 d. Production process modernization, which refers
2 to upgrading or replacing existing production process
3 equipment or methods with other equipment or methods
4 based on the same production process.

5 e. Improved operation and maintenance of existing
6 production process equipment and methods, which refers
7 to modifying or adding to existing equipment or
8 methods, including but not limited to, such techniques
9 as improved housekeeping practices, system
10 adjustments, product and process inspections, and
11 production process control equipment or methods.

12 f. Recycling, reuse, or extended use of toxic
13 substances by using equipment or methods which become
14 an integral part of the production process.

15 11. "Toxic substance" means any chemical substance
16 in a gaseous, liquid, or solid state which is
17 identified as a reportable substance under the federal
18 Resource Conservation and Recovery Act, EPCRA, or
19 defined as a hazardous air pollutant under the Clean
20 Air Act of 1990. However, "toxic substance" does not
21 include a chemical substance present in the article;
22 used as a structural component of a facility; present
23 in a product used for routine janitorial or facility
24 grounds maintenance; present in foods, drugs,
25 cosmetics, or other personal items used by employees
26 or other persons at a toxics user facility; present in
27 process water or noncontact cooling water as drawn
28 from the environment or from municipal sources;
29 present in air used either as compressed air or as
30 part of combustion; present in a pesticide or
31 herbicide when used in agricultural applications; or
32 present in crude, fuel, or lube oils for direct
33 wholesale or retail sale.

34 12. "Toxics" means toxic substances.

35 13. "Toxics user" means a large quantity generator
36 as defined pursuant to the federal Resource
37 Conservation and Recovery Act, 42 U.S.C. § 6901 et
38 seq. or a person required to report pursuant to Title
39 III of the federal Superfund Amendments and
40 Reauthorization Act of 1986.

41 14. "Waste exchange" means a method of end-of-pipe
42 management of environmental wastes that involves the
43 transfer of environmental wastes between businesses or
44 facilities owned or operated by the same business for
45 recovery or to serve a productive purpose.

46 Sec. 4. NEW SECTION. 455B.503 DUTIES OF THE
47 DEPARTMENT.

48 The department shall do all of the following:

49 1. Identify all department and other state agency
50 requirements relating to the reporting of the use or

Page 4

1 release of toxic substances, and to the greatest
2 extent possible, standardize, consolidate, and
3 coordinate reporting requirements to minimize
4 unnecessary duplication.

5 2. To the extent practicable, coordinate and
6 compile information regarding the release or use of
7 toxic substances in order to provide access to this
8 information to toxics users and to facilitate the
9 enforcement of provisions of this part relating to
10 toxic substances.

11 3. Require that persons required to report toxic
12 release data pursuant to EPCRA, the federal Resource
13 Conservation and Recovery Act, or the federal Clean
14 Air Act of 1990 submit a copy of the required report
15 to the authority.

16 4. Develop and implement guidelines regarding
17 assistance to toxics users to ensure that, where
18 appropriate, the plans are multimedia in approach and
19 are not duplicated by the department or other agencies
20 of the state.

21 5. Identify obstacles to the promotion, within the
22 toxics user community, of toxics pollution prevention
23 techniques and practices.

24 Sec. 5. NEW SECTION. 455B.504 DUTIES OF THE
25 AUTHORITY.

26 The waste management authority shall do all of the
27 following:

28 1. Establish the criteria for the development of
29 the toxics pollution prevention program.

30 2. Develop and implement a toxics pollution
31 prevention program.

32 3. Assist toxics users in the completion of toxics
33 pollution prevention plans and inventories, and

- 34 provide technical assistance as requested by the
35 toxics user.
- 36 4. a. Seek, receive, and accept funds in the form
37 of appropriations, grants, awards, wills, bequests,
38 endowments, and gifts for the uses designated pursuant
39 to section 455B.133B. The authority shall also
40 coordinate existing resources and oversee the
41 disbursement of federal grant moneys to provide
42 consistency in achieving the toxics pollution
43 prevention goal of the state.
- 44 b. Provide, through the use of moneys collected
45 pursuant to section 455B.133A, the state matching
46 funds for grants under the federal Pollution
47 Prevention Act of 1990, Pub. L. No. 101-508, § 6604
48 and 6605.
- 49 5. Award grants, from the moneys collected
50 pursuant to section 455B.133A, to support and sustain

Page 5

- 1 toxics pollution prevention and education efforts
2 including efforts which provide for prevention through
3 reduction in the use of toxics in production and
4 commerce, and which may include any of the following:
- 5 a. Grants to toxics users who submit a letter of
6 intent to the division to develop toxics pollution
7 prevention plans.
- 8 b. Grants to establish technical assistance
9 programs to supplement the activities of the
10 department and the division.
- 11 c. Grants to assist in developing and making
12 available to toxics users and employees of toxics
13 users, training materials which promote toxics
14 pollution prevention within a toxics user's facility.
- 15 d. Grants to assist in establishing programs or
16 materials to train and assist industry personnel in
17 developing methods to measure the effects of and plan
18 for toxics pollution prevention.
- 19 e. Grants to assist in creating programs to train
20 and certify environmental auditors, engineers, and
21 industrial hygienists to identify, evaluate, and
22 implement toxics pollution prevention measures and
23 alternatives to performance of audits, plans, and
24 programs.
- 25 f. Grants to organizations for research and
26 development, pilot tests, and demonstration projects
27 that involve commonly used industrial or commercial
28 processes or materials and which will produce results
29 useful to businesses other than those involved in the
30 research and development, pilot tests, or
31 demonstration projects.
- 32 The division may require the provision of matching

33 funds for a grant awarded under this subsection.
34 Grant moneys awarded under this subsection shall not
35 be used for capital improvements or equipment.
36 Preference in the awarding of grants under this
37 subsection shall be given for the purposes designated
38 under paragraphs "c", "d", and "e" to toxics users who
39 submit letters of intent to develop toxics pollution
40 prevention plans.

41 Sec. 6. NEW SECTION. 455B.505 TOXICS POLLUTION
42 PREVENTION CLEARINGHOUSE ESTABLISHED.

43 1. The authority and the Iowa waste reduction
44 center at the university of northern Iowa shall
45 establish a toxics pollution prevention clearinghouse
46 at the university of northern Iowa.

47 2. The clearinghouse shall do all of the
48 following:

49 a. Function as a repository of research, data, and
50 information regarding toxics pollution prevention

Page 6

1 activities throughout the state.

2 b. Submit an annual report to the governor and the
3 general assembly which includes policy recommendations
4 regarding toxics pollution prevention and a review of
5 projects regarding the achievement and promotion of
6 toxics pollution prevention techniques.

7 c. Provide a forum for public discussion and
8 deliberation regarding toxic substances and toxics
9 pollution prevention.

10 d. Promote increased coordination between the
11 department, the Iowa waste reduction center at the
12 university of northern Iowa, and other departments,
13 agencies, and institutions with nonregulatory
14 responsibilities relating to toxic substances.

15 e. Coordinate state efforts with those of the
16 federal source reduction clearinghouse established
17 pursuant to the federal Pollution Prevention Act of
18 1990, Pub. L. No. 101-508, § 6606 and shall make data
19 collected available to the federal resource reduction
20 clearinghouse and disseminate data available from the
21 federal clearinghouse.

22 Sec. 7. NEW SECTION. 455B.506 TOXICS POLLUTION
23 PREVENTION PLANS.

24 1. A toxics user required to report under section
25 313 of EPCRA, 42 U.S.C. § 11023, or a large quantity
26 generator, as defined pursuant to the federal Resource
27 Conservation and Recovery Act, 42 U.S.C. § 6901 et
28 seq., shall be encouraged to develop a facility-wide
29 multimedia toxics pollution prevention plan, as
30 described pursuant to this section.

31 2. The authority shall adopt criteria for the

32 information required in a multimedia toxics pollution
33 prevention plan. To the extent possible, the plans
34 shall coordinate reporting requirements in order to
35 minimize unnecessary duplication. The plans shall
36 include, but are not limited to, all of the following:

37 a. A policy statement which articulates upper
38 management and corporate support for the toxics
39 pollution prevention plan and its implementation.

40 b. The identification and quantities of toxic
41 substances used and released. The estimates shall be
42 provided for the total toxics used and released for
43 each production process, line, method, activity, or
44 technique, or combination of these, used to produce a
45 product.

46 c. An assessment of the applicability, for each
47 production process, line, method, activity, or
48 technique, or a combination of these, in which a toxic
49 substance is used, of each of the approaches
50 designated as toxics pollution prevention techniques

Page 7

1 including input substitution; product reformulation;
2 production process redesign or modification;
3 production process modernization; improved operation
4 and maintenance of existing production process
5 equipment and methods; and recycling, reuse, or
6 extended use of toxic substances.

7 d. A description of current and previous
8 techniques used to reduce or eliminate toxics used or
9 released.

10 e. An economic analysis of the proposed toxics
11 pollution prevention plan. The economic analysis
12 shall also include an evaluation of the impact upon
13 the toxics user's existing labor force by division or
14 department, and the projected impact upon future
15 expansion of the toxics user's labor force.

16 f. A clear statement listing specific reduction
17 objectives.

18 g. A method for employees of a toxics user to
19 provide input and to be involved in the development of
20 the plans. If the employees are represented by a
21 labor union, organization, or association, a
22 representative of the union, organization, or
23 association shall be included in the development of
24 the plans.

25 3. The plans developed under this section shall
26 not promote the use of pollution control or waste
27 management approaches that address waste or pollution
28 after the creation of the waste or pollution.

29 4. A toxics pollution prevention plan developed
30 under this section shall be reviewed by the authority

31 for completeness, adequacy, and accuracy.

32 5. A toxics user shall maintain a copy of the plan
33 on the premises, and shall submit a summary of the
34 plan to the department.

35 Sec. 8. Section 30.7, Code 1991, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 5. The department of employment
38 services shall compile data or information from the
39 emergency and hazardous chemical inventory forms
40 required to be submitted to the commission under
41 section 312 of the Emergency Planning and Community
42 Right-to-know Act, 42 U.S.C. § 11022, by county, and
43 shall make the compiled reports available, annually,
44 to each county in the state by providing the report to
45 at least one public library in the named county.

46 Sec. 9. Section 30.8, Code 1991, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 4. The department of natural
49 resources shall compile the data collected pursuant to
50 section 313 of the Emergency Planning and Community

Page 8

1 Right-to-know Act, 42 U.S.C. § 11023, and shall make
2 the compiled data available to the public upon
3 request.

4 Sec. 10. Section 455B.133, Code 1991, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 8. Adopt rules consistent with
7 the federal Clean Air Act of 1990, Pub. L. No. 101-
8 549, which require the owner or operator of an air
9 contaminant source to obtain an operating permit prior
10 to operation of the source. The rules shall specify
11 the information required to be submitted with the
12 application for a permit and the conditions under
13 which a permit may be granted, modified, suspended,
14 terminated, revoked, reissued, or denied. The
15 commission may impose fees, including fees upon
16 regulated pollutants emitted from an air contaminant
17 source, in an amount sufficient to cover all
18 reasonable costs, direct and indirect, required to
19 develop and administer the permit program in
20 conformance with the federal Clean Air Act of 1990,
21 Pub. L. No. 101-549. In the case of affected sources
22 and affected units regulated under Title IV of the
23 federal Clean Air Act of 1990, Pub. L. No. 101-549,
24 such fees shall be collected only as provided in and
25 upon submission of an application pursuant to section
26 408 of the federal Act. The fees collected pursuant
27 to this subsection shall be deposited in the air
28 contaminant source fund created pursuant to section
29 455B.133B, and shall be utilized solely to cover all

30 reasonable costs required to develop and administer
31 the programs required by Title V of the federal Clean
32 Air Act of 1990, Pub. L. No. 101-549, including the
33 permit program pursuant to section 502 of the federal
34 Act and the small business stationary source technical
35 and environmental assistance program pursuant to
36 section 507 of the federal Act.

37 Sec. 11. NEW SECTION. 455B.133A TEMPORARY AIR
38 TOXICS FEE IMPOSED.

39 1. Beginning July 1, 1991, and continuing until
40 such time as the air contaminant source fee is
41 established by rule of the commission, an annual fee
42 of twenty-five dollars per ton of hazardous air
43 pollutant emissions shall be paid based upon the
44 following:

45 a. A source which emits hazardous air pollutants
46 included in Title III of the federal Clean Air Act of
47 1990 shall pay the established fee based upon air
48 emissions of such pollutants reported by the source to
49 the United States environmental protection agency in
50 the previous calendar year.

Page 9

1 b. A source required to report hazardous air
2 pollutant emissions under section 313 of EPCRA shall
3 pay the established fee based upon the most recently
4 reported emissions.

5 c. A source which emits hazardous air pollutants
6 which are included in Title III of the federal Clean
7 Air Act of 1990, which are not also included in
8 section 313 of EPCRA, shall pay the established fee
9 based upon the source's estimates as required by
10 section 313 of EPCRA including threshold
11 determinations and de minimus exclusions.

12 2. Moneys collected shall be deposited in the air
13 contaminant source fund created pursuant to section
14 455B.133B. Notwithstanding section 8.33, any
15 unexpended balance remaining in the fund, which was
16 generated pursuant to this section, shall remain in
17 the fund for the purposes designated under section
18 455B.133, subsection 8. Notwithstanding section
19 453.7, any interest and earnings on investments from
20 moneys in the fund shall be used for the purposes of
21 the fund.

22 Sec. 12. NEW SECTION. 455B.133B AIR CONTAMINANT
23 SOURCE FUND CREATED.

24 1. An air contaminant source fund is created in
25 the office of the treasurer of state under the control
26 of the department. Moneys received from the fees
27 assessed pursuant to sections 455B.133A and 455B.133,
28 subsection 8, shall be deposited in the fund. Moneys

29 collected pursuant to section 455B.133, subsection 8,
30 shall be used solely to defray the costs related to
31 the permit, monitoring, and inspection program,
32 including the small business stationary source
33 technical and environmental compliance assistance
34 program required pursuant to the federal Clean Air Act
35 of 1990, sections 502 and 507, Pub. L. No. 101-549.
36 Notwithstanding section 8.33, any unexpended balance
37 in the fund at the end of each fiscal year shall be
38 retained in the fund. Notwithstanding section 453.7,
39 any interest and earnings on investments from money in
40 the fund shall be credited to the fund.

41 2. Moneys collected pursuant to section 455B.133A
42 shall be used by the department for the following:
43 a. To prepare, submit, and obtain approval of the
44 permit program plan required by section 502(d) of the
45 federal Clean Air Act of 1990.

46 b. To provide funding for grants approved by the
47 authority pursuant to section 455B.504, subsection 5,
48 and to provide technical and other assistance to
49 toxics users, relating to toxics pollution prevention.

50 Sec. 13. Section 455B.134, subsection 3,

Page 10

1 unnumbered paragraph 1, Code 1991, is amended to read
2 as follows:

3 Grant, modify, suspend, terminate, revoke, reissue
4 or deny permits for the construction or operation of
5 new, or modified, or existing air contaminant sources
6 and for related control equipment, and conditional
7 permits for electric power generating facilities
8 subject to chapter 476A and other major stationary
9 sources, subject to the rules adopted by the
10 commission. The department shall furnish necessary
11 application forms for such permits.

12 Sec. 14. Section 455B.134, subsection 3, Code
13 1991, is amended by adding the following new paragraph
14 e, and relettering the subsequent paragraph:

15 NEW PARAGRAPH. e. A regulated air contaminant
16 source for which a construction permit or conditional
17 permit has been issued shall not be operated unless an
18 operating permit also has been issued for the source.
19 However, if the facility was in compliance with permit
20 conditions prior to the requirement for an operating
21 permit and has made timely application for an
22 operating permit, the facility may continue operation
23 until the operating permit is issued.

24 Sec. 15. Section 455B.134, subsection 9, Code
25 1991, is amended to read as follows:

26 9. Issue orders consistent with rules to cause the
27 abatement or control of air pollution, or to secure

28 compliance with permit conditions. In making the
29 orders, the director shall consider the facts and
30 circumstances bearing upon the reasonableness of the
31 emissions involved, including but not limited to, the
32 character and degree of injury to, or interference
33 with, the protection of health and the physical
34 property of the public, the practicability of reducing
35 or limiting the emissions from the air pollution
36 source, and the suitability or unsuitability of the
37 air pollution source to the area where it is located.
38 An order may include advisory recommendations for the
39 control of emissions from an air contaminant source
40 and the reduction of the emission of air contaminants.

41 Sec. 16. Section 455B.141, Code 1991, is amended
42 to read as follows:

43 455B.141 LEGAL ACTION.

44 If action to prevent, control, or abate air
45 pollution is not taken in accordance with the rules
46 established, or orders or permits issued by the
47 department, or if the director has evidence that an
48 emergency exists by reason of air pollution which
49 requires immediate action to protect the public health
50 or property, the attorney general, at the request of

Page 11

1 the director, shall commence legal action, in the name
2 of the state, for an injunction to prevent any further
3 or continued violation of such rule or order.

4 Sec. 17. CODIFICATION. The Code editor shall
5 codify sections 455B.502 through 455B.506, as enacted
6 in this Act, as a new part of division VI of chapter
7 455B."

8 2. Title page, by striking lines 2 through 4 and
9 inserting the following: "prevention program and
10 establishing fees."

Hammond of Story in the chair at 11:08 a.m.

The House stood at ease at 11:16 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment
H-3797 to House File 683 at 11:21 a.m., Hammond of Story in the
chair.

Grubbs of Scott offered the following amendment H-3798, to
amendment H-3797, filed by him from the floor and moved its
adoption:

H-3798

1 Amend amendment, H-3797, to House File 683 as
2 follows:

3 1. Page 7, line 15, by inserting after the word
 4 "force." the following: "If the projected impact will
 5 result in a reduction of the labor force by two
 6 percent or more, the employees of the toxics user
 7 shall vote to approve or reject the toxics pollution
 8 prevention plan. If a majority of the employees vote
 9 to reject the plan, the toxics user shall reformulate
 10 the plan to reduce the impact on the labor force to a
 11 reduction level of less than two percent."

Roll call was requested by Grubbs of Scott and Harbor of Mills.

Rule 75 was invoked.

On the question "Shall amendment H—3798, to amendment H—3797, be adopted?" (H.F. 683)

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, 52:

Adams	Arnould, Spkr.	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hansen, S. D.	Hatch	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	Hammond
			Presiding

Absent or not voting, 3:

Baker	Brammer	Haverland
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Amendment H—3798 lost.

Jesse of Jasper offered the following amendment H—3799, to amendment H—3797, filed from the floor by Jesse, Brown, McKean, Hanson of Delaware, Osterberg and Bernau:

H—3799

- 1 Amend amendment, H—3797, to House File 683 as
- 2 follows:
- 3 1. Page 8, by inserting after line 3 the
- 4 following:
- 5 "Sec. _____. Section 455B.133, subsection 4,
- 6 unnumbered paragraph 1, Code 1991, is amended to read
- 7 as follows:
- 8 Adopt, amend or repeal emission limitations or
- 9 standards relating to the maximum quantities of air
- 10 contaminants that may be emitted from any air
- 11 contaminant source. The standards or limitations
- 12 adopted under this section shall not may exceed the
- 13 standards or limitations promulgated by the
- 14 administrator of the United States environmental
- 15 protection agency or the requirements of the federal
- 16 Clean Air Act as amended to January 1, 1979 1991.
- 17 This does not prohibit the commission from adopting a
- 18 standard for a source or class of sources for which
- 19 the United States environmental protection agency has
- 20 not promulgated a standard."
- 21 2. By renumbering as necessary.

Jesse of Jasper asked and received unanimous consent to withdraw amendment H—3799.

The House stood at ease at 11:45 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3797, to House File 683 at 11:55 a.m., Dvorsky of Johnson in the chair.

Banks of Plymouth offered the following amendment H—3802, to amendment H—3797, filed from the floor by Banks, Grubbs, Lundby and Corbett and moved its adoption:

H—3802

- 1 Amend the amendment, H—3797, to House File 683 as
- 2 follows:
- 3 1. By striking page 1, line 4, through page 11,
- 4 line 10, and inserting the following:
- 5 "Section 1. Section 455B.133, Code 1991, is
- 6 amended by adding the following new subsection:
- 7 NEW SUBSECTION. 8. Adopt rules which require the
- 8 owner or operator of an air contaminant source to
- 9 obtain an operating permit prior to operation of the

10 source. The rules shall specify the information
11 required to be submitted with the application for a
12 permit and the conditions under which a permit may be
13 issued, suspended, modified, revoked, or renewed.

14 Sec. 2. NEW SECTION. 455B.133A AIR CONTAMINANT
15 SOURCE OPERATING PERMIT FEE IMPOSED.

16 The department, pursuant to the federal Clean Air
17 Act of 1990, section 502, Pub. L. No. 101-549, shall
18 collect an air contaminant source fee in an amount
19 sufficient to cover all of the reasonable costs of the
20 permit, monitoring, and inspection program including
21 the development and implementation of the small
22 business stationary source technical and environmental
23 compliance assistance program required pursuant to the
24 federal Clean Air Act of 1990, section 507, Pub. L.
25 No. 101-549. In the case of affected sources and
26 affected units under Title IV of the federal Clean Air
27 Act of 1990, the fee shall be collected only upon the
28 submission of an application pursuant to section 408
29 of the federal Clean Air Act. The moneys collected
30 shall be deposited in the air contaminant source fund
31 and shall be used solely for the costs of the permit,
32 monitoring, and inspection program including the small
33 business stationary source technical and environmental
34 compliance assistance program.

35 Sec. 3. NEW SECTION. 455B.133B TEMPORARY AIR
36 TOXICS FEE IMPOSED.

37 Beginning July 1, 1991, and thereafter until such
38 time as the permit fee for regulated pollutants is
39 established by rule of the commission, an annual fee
40 of twenty-five dollars per ton for the hazardous air
41 pollutants included in Title III of the federal Clean
42 Air Act of 1990 shall be paid by the affected sources.
43 The moneys collected shall be deposited in the air
44 contaminant source fund and shall be used solely for
45 the costs of establishing the operating permit
46 issuance program under the federal Clean Air Act of
47 1990. The fee shall be based upon the air emissions
48 of such pollutants reported by the source in the
49 previous calendar year. A person required to report
50 hazardous air pollutant emissions under section 313 of

Page 2

1 EPCRA shall pay the established fee based upon the
2 most recently reported emissions. A person shall pay
3 the established fee for hazardous air pollutants which
4 are not included in section 313 of EPCRA, but which
5 are included in Title III of the Clean Air Act of
6 1990, based upon the facility's estimates as required
7 by section 313 of EPCRA including threshold
8 determinations and de minimus exclusions.

9 Sec. 4. NEW SECTION. 455B.133C AIR CONTAMINANT
10 SOURCE FUND CREATED.

11 1. An air contaminant source fund is created in
12 the office of the treasurer of state under the control
13 of the department. Moneys received from the fees
14 assessed pursuant to sections 455B.133A and 455B.133B
15 shall be deposited in the fund and are appropriated
16 and shall be used solely to defray the costs related
17 to the permit, monitoring, and inspection program,
18 including the small business stationary source
19 technical and environmental compliance assistance
20 program required pursuant to the federal Clean Air Act
21 of 1990, sections 502 and 507, Pub. L. No. 101-549.
22 Notwithstanding section 8.33, any unexpended balance
23 in the fund at the end of each fiscal year shall be
24 retained in the fund. Notwithstanding section 453.7,
25 any interest and earnings on investments from money in
26 the fund shall be credited to the fund.

27 Sec. 5. Section 455B.134, Code 1991, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 14. Provide technical assistance
30 to toxics users for the purpose of preparing source
31 reduction reports required pursuant to the federal
32 Pollution Prevention Act of 1990, Pub. L. No. 101-508,
33 section 6607.

34 Sec. 6. Section 455B.134, subsection 3, unnumbered
35 paragraph 1, Code 1991, is amended to read as follows:

36 Grant, modify, or deny permits for the construction
37 or operation of new, or modified, or existing air
38 contaminant sources and for related control equipment,
39 and conditional permits for electric power generating
40 facilities subject to chapter 476A and other major
41 stationary sources, subject to the rules adopted by
42 the commission. The department shall furnish
43 necessary application forms for such permits.

44 Sec. 7. Section 455B.134, subsection 3, Code 1991,
45 is amended by adding the following new paragraph e,
46 and relettering the subsequent paragraph:

47 NEW PARAGRAPH. e. A regulated air contaminant
48 source for which a construction permit or conditional
49 permit has been issued shall not be operated unless an
50 operating permit also has been issued for the source.

Page 3

1 However, if the facility was in compliance with permit
2 conditions prior to the requirement for an operating
3 permit and has made timely application for an
4 operating permit, the facility may continue operation
5 until the operating permit is issued or denied.
6 Operating permits shall contain conditions and
7 schedules of compliance necessary to ensure that the

8 air contaminant source will meet all applicable
9 standards. Established deadlines for submission of an
10 operating permit shall match the federal mandates for
11 regulated pollutants. If construction of a new air
12 contaminant source is proposed, an operating permit
13 shall be issued concurrently with the construction
14 permit for the source whenever possible and
15 appropriate.

16 Sec. 8. Section 455B.134, subsection 9, Code 1991,
17 is amended to read as follows:

18 9. Issue orders consistent with rules to cause the
19 abatement or control of air pollution, or to secure
20 compliance with permit conditions. In making the
21 orders, the director shall consider the facts and
22 circumstances bearing upon the reasonableness of the
23 emissions involved, including but not limited to, the
24 character and degree of injury to, or interference
25 with, the protection of health and the physical
26 property of the public, the practicability of reducing
27 or limiting the emissions from the air pollution
28 source, and the suitability or unsuitability of the
29 air pollution source to the area where it is located.
30 An order may include advisory recommendations for the
31 control of emissions from an air contaminant source
32 and the reduction of the emission of air contaminants.

33 Sec. 9. Section 455B.141, Code 1991, is amended to
34 read as follows:

35 455B.141 LEGAL ACTION.

36 If action to prevent, control, or abate air
37 pollution is not taken in accordance with the rules
38 established, or orders or permits issued by the
39 department, or if the director has evidence that an
40 emergency exists by reason of air pollution which
41 requires immediate action to protect the public health
42 or property, the attorney general, at the request of
43 the director, shall commence legal action, in the name
44 of the state, for an injunction to prevent any further
45 or continued violation of such rule or order."

46 2. Title page, by striking lines 1 through 4, and
47 inserting the following: "An Act relating to toxic
48 substances including the imposing of air toxics fees."

Roll call was requested by Lundby of Linn and McNeal of Hardin.

On the question "Shall amendment H—3802, to amendment
H—3797, be adopted?" (H.F. 683)

The ayes were, 45:

Banks
Branstad
De Groot

Bartz
Carpenter
Diemer

Beaman
Corbett
Eddie

Bennett
Daggett
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.	Plasier
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 51:

Adams	Arnould, Spkr.	Beatty	Bernau
Bisignano	Blanshan	Brand	Brown
Burke	Chapman	Cohon	Connors
Dickinson	Doderer	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	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Dvorsky	
		Presiding	

Absent or not voting, 4:

Baker	Black	Brammer	Mertz
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Amendment H—3802 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of McKinney of Dallas.

Hatch of Polk moved the adoption of amendment H—3797.

A non-record roll call was requested.

The ayes were 49, nays 44.

Amendment H—3797 was adopted, placing the following amendments out of order:

H—3490 filed by Hatch of Polk on April 3, 1991.

H—3510, to amendment H—3490, filed by Grubbs of Scott on April 4, 1991.

H—3509 filed by Grubbs of Scott on April 4, 1991.

H—3532 filed by Hatch of Polk on April 8, 1991.

McKinney of Dallas asked and received unanimous consent that House File 683 be deferred and that the bill retain its place on the unfinished business calendar.

On motion by McKinney of Dallas, the House was recessed at 12:40 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

CONSIDERATION OF BILLS Unfinished Business Calendar

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 and placed on the unfinished business calendar.

Halvorson of Webster offered the following amendment H—3561 filed by him and Kremer of Buchanan and moved its adoption:

H—3561

1 Amend Senate File 311, as passed by the Senate, as
2 follows:

3 1. Page 1, line 7, by inserting after the word
4 "banking" the following: ", the superintendent of
5 savings and loan associations or the superintendent's
6 successor,".

7 2. Page 2, by inserting after line 31, the
8 following:

9 "3. A person who is in full compliance with the
10 provisions of this chapter is considered a supervised
11 financial organization under the Iowa consumer credit
12 code for purposes of contracting for finance charges
13 authorized for credit card issuers under section
14 537.2402."

15 3. Page 5, by inserting after line 11, the
16 following:

17 "3. The superintendent of savings and loan
18 associations or the superintendent's successor shall
19 enforce the provisions of this chapter with respect to
20 savings and loan associations not exempt from the
21 provisions of this chapter under section 536C.3."

Amendment H—3561 was adopted.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw amendment H—3619 filed by him on April 12, 1991.

Groninga of Cerro Gordo offered the following amendment
H-3791 filed by him and moved its adoption:

H-3791

1 Amend Senate File 311, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 527.2, Code 1991, is amended
6 by adding the following new subsections:
7 NEW SUBSECTION. 18. "Electronic personal
8 identifier" means a personal and confidential code or
9 other security mechanism which has been designated by
10 a financial institution issuing an access device to a
11 customer to serve as a supplemental means of access to
12 a customer's account that may be used by the customer
13 in conjunction with an access device for the purpose
14 of initiating a transaction by means of a satellite
15 terminal.

16 NEW SUBSECTION. 19. "Limited-function terminal"
17 means an on-line point-of-sale terminal or an off-line
18 point-of-sale terminal which satisfies the
19 requirements of section 527.4, subsection 3, paragraph
20 "d", or a multiple use terminal, which is not operated
21 in a manner to accept an electronic personal
22 identifier, and which is not operated to distinguish
23 between transactions which affect a customer asset
24 account and transactions which do not affect a
25 customer asset account. Except as otherwise provided,
26 a limited-function terminal shall not be subject to
27 the requirements imposed upon other satellite
28 terminals pursuant to sections 527.4 and 527.5,
29 subsections 1, 2, 3, 7, and 9.

30 NEW SUBSECTION. 20. "Customer asset account" or
31 "account" means a demand deposit, share, checking,
32 savings, or other customer account, other than an
33 occasional or incidental credit balance in a credit
34 plan, which represents a liability of the financial
35 institution which maintains such account at a business
36 location or office located in this state, either
37 directly or indirectly for the benefit of a customer.

38 Sec. 2. Section 527.2, subsections 5, 10, and 14,
39 Code 1991, are amended to read as follows:

40 5. "Financial institution" means and includes any
41 bank incorporated under the provisions of chapter 524
42 any state or federal law, any savings and loan
43 association incorporated under the provisions of
44 chapter 534 any state or federal law, any credit union
45 organized under the provisions of chapter 533 any
46 state or federal law, any corporation licensed as an
47 industrial loan company under chapter 536A, and any
48 affiliate of a bank, savings and loan association, or

49 credit union incorporated under federal law or the
50 laws of a state other than Iowa which has an office

Page 2

1 located within this state, or industrial loan company.
2 10. "Satellite terminal" means and includes any
3 machine or device located off the premises of a
4 financial institution, and any machine or device
5 located on the premises of a financial institution
6 only if the machine or device is available for use by
7 customers of other financial institutions, whether
8 attended or unattended, by means of which the
9 financial institution and its customers utilizing an
10 access device may engage through either the immediate
11 transmission of electronic impulses to or from the
12 financial institution or the recording of electronic
13 impulses or other indicia of a transaction for delayed
14 transmission to the financial institution, in
15 transactions which are incidental to the conduct of
16 the business of the financial institution affect a
17 customer asset account and which otherwise are
18 specifically permitted by applicable law. "Satellite
19 terminal" also includes any machine or device located
20 on the premises of a financial institution only if the
21 machine or device is available for use by customers of
22 other financial institutions. However, the term
23 "satellite terminal" does not include any such machine
24 or device, wherever located, if that machine or device
25 is not generally accessible to persons other than
26 employees of a financial institution or an affiliate
27 of a financial institution.

28 14. "Access device" means a card, code, or other
29 means of access to a customer's account mechanism, or
30 any combination thereof, that may be used by the a
31 customer for the purpose of initiating a transaction
32 by means of a satellite terminal which will affect a
33 customer asset account.

34 Sec. 3. Section 527.2, subsection 6, paragraph a,
35 Code 1991, is amended to read as follows:

36 a. The machine or device is established and owned
37 or operated by a person who primarily engages in a
38 service, business or enterprise, including but not
39 limited to the retail sale of goods or services, but
40 who is not organized under the laws of this state or
41 under federal law as a bank, savings and loan
42 association, or credit union;

43 Sec. 4. Section 527.3, subsection 2, Code 1991, is
44 amended to read as follows:

45 2. The administrator shall have the authority to
46 examine any person who operates a multiple use
47 terminal, limited-function terminal, or other

48 satellite terminal, and any other device or facility
49 with which such terminal is interconnected, as to any
50 transaction by, with, or involving a financial

Page 3

1 institution which affects a customer asset account.
2 Information obtained in the course of such an
3 examination shall not be disclosed, except as provided
4 by law.

5 Sec. 5. Section 527.3, Code 1991, is amended by
6 adding the following new subsections:

7 NEW SUBSECTION. 6. The authority of an
8 administrator pursuant to section 527.5, subsection 2,
9 paragraph "a", to approve access cards issued by a
10 financial institution for use as an access device
11 includes the requirement that a registration statement
12 shall be filed with the administrator and be
13 maintained on a current basis by each financial
14 institution issuing access cards within the state.
15 The registration statement shall be in writing on a
16 form prescribed by the administrator, and contain the
17 name and address of the registrant, a depiction of
18 both sides of the access card, and any other
19 information the administrator deems relevant relating
20 to the access card and transactions utilizing the
21 access card which affect a customer asset account.

22 NEW SUBSECTION. 7. A financial institution shall
23 not be required to join, be a member or shareholder
24 of, or otherwise participate in, any corporation,
25 association, partnership, cooperative, or other
26 enterprise as a condition of the financial
27 institution's utilization of any satellite terminal
28 located within this state.

29 Sec. 6. Section 527.4, subsection 3, paragraph d,
30 Code 1991, is amended to read as follows:

31 d. At any retail sales location in this state off
32 the premises of the financial institution if all of
33 the following apply:

34 (1) The satellite terminal is not designed,
35 configured, or operated to accept deposits or to
36 dispense scrip or other negotiable instruments.

37 (2) The satellite terminal is not designed,
38 configured, or operated to dispense cash except when
39 operated by the retailer as part of a retail sales a
40 person other than the customer initiating the
41 transaction.

42 (3) The satellite terminal is utilized for the
43 purpose of making payment to the retailer for provider
44 of goods or services purchased or provided at the
45 location of the satellite terminal.

46 Sec. 7. Section 527.5, subsection 2, paragraph b,
47 Code 1991, is amended by striking the paragraph.

48 Sec. 8. Section 527.5, subsection 6, Code 1991, is
49 amended to read as follows:

50 6. The charges required to be paid by any

Page 4

1 financial institution which utilizes the satellite
2 terminal for transactions involving an access device
3 shall not exceed a pro rata portion of the costs,
4 determined in accordance with generally accepted
5 accounting principles, of establishing, operating and
6 maintaining the satellite terminal, plus a reasonable
7 return on these costs to the owner of the satellite
8 terminal.

9 Sec. 9. Section 527.5, subsection 8, Code 1991, is
10 amended to read as follows:

11 8. a. A satellite terminal in this state shall
12 not be operated in a manner to permit a person to
13 credit deposit funds into a demand deposit account,
14 savings account, share account, or any other account
15 representing a liability of a financial institution,
16 if that the business location of the financial
17 institution where the original records pertaining to
18 the person's account are maintained is located outside
19 of this state.

20 b. Paragraph "a" of this subsection does not apply
21 to a corporation licensed under chapter 536A. A
22 satellite terminal shall not be operated in any manner
23 to permit a person to credit deposit funds into an
24 account representing a liability of a corporation
25 licensed under chapter 536A, if the business location
26 of the corporation where the original records
27 pertaining to the person's account are maintained is
28 located outside of this state.

29 Sec. 10. Section 527.5, subsection 9, paragraph b,
30 subparagraph (2), Code 1991, is amended to read as
31 follows:

32 (2) The transaction does not affect a deposit
33 customer asset account held by a financial
34 institution.

35 Sec. 11. Section 527.5, Code 1991, is amended by
36 adding the following new subsections:

37 **NEW SUBSECTION. 11.** Any person, as defined in
38 section 4.1, subsection 13, establishing a limited-
39 function terminal within this state, except for a
40 multiple use terminal, which is utilized to initiate
41 transactions affecting a customer asset account shall
42 file with the administrator and shall maintain on a
43 current basis a registration statement on a form
44 prescribed by the administrator containing the name

45 and address of the registrant, the location of the
46 limited-function terminal, and any other information
47 the administrator deems relevant. All limited-
48 function terminals established in this state prior to
49 July 1, 1991, shall be registered in a similar manner
50 by the establishing person no later than July 1, 1992.

Page 5

1 NEW SUBSECTION. 12. If at any time, a limited-
2 function terminal is upgraded, altered, or modified to
3 be operated in a manner to accept the use of an
4 electronic personal identifier or to distinguish
5 between transactions which affect customer asset
6 accounts and transactions which do not affect customer
7 asset accounts, all requirements of a satellite
8 terminal in this chapter apply. A financial
9 institution not eligible to establish satellite
10 terminals within this state, which has established a
11 limited-function terminal which is subsequently
12 upgraded, altered, or modified as contemplated in this
13 subsection, shall enter into an agreement with a
14 financial institution which is authorized to establish
15 a satellite terminal within this state to comply with
16 the requirements of section 527.4 and this subsection.

17 NEW SUBSECTION. 13. Effective July 1, 1993, any
18 transaction engaged in with a retailer through a
19 satellite terminal located in this state by means of
20 an access device which results in a debit to a
21 customer asset account shall be cleared and paid at
22 par to the retailer during the settlement of such
23 transaction to the retailer. Processing fees and
24 charges for such transactions to the retailer shall
25 not be based on a percentage of the amount of the
26 transaction. All accounting documents reflecting such
27 fees and charges shall separately identify
28 transactions which have resulted in a debit to a
29 customer asset account and the charges imposed. The
30 provisions of this subsection shall apply to all
31 satellite terminals, including limited-function
32 terminals and multiple use terminals.

33 Sec. 12. Section 527.7, subsection 2, Code 1991,
34 is amended to read as follows:

35 2. In any transaction where the total account
36 amount involved is deducted from funds in a customer's
37 account and is simultaneously paid either directly or
38 indirectly by the financial institution to the account
39 of a third party, any portion of the transaction
40 amount which represents a sales or other tax imposed
41 upon or included within the transaction and collected
42 by that third party from the customer, or any portion
43 of the transaction amount which represents interest

44 paid to the third party by the customer.
45 Sec. 13. NEW SECTION. 527.8A EXEMPTIONS.
46 Transactions initiated at a satellite terminal
47 which do not involve the use of an access device to
48 directly or indirectly affect a customer asset account
49 are not governed by this chapter.
50 Sec. 14. Section 527.9, subsection 2, paragraphs e

Page 6

1 and f, Code 1991, are amended to read as follows:
2 e. An agreement by the applicant that the proposed
3 central routing unit will be capable of accepting and
4 routing, and will be operated to accept and route,
5 transmissions of data originating at any satellite
6 terminal located in this state, except limited-
7 function terminals, whether receiving from that
8 terminal or from a data processing center or other
9 central routing unit.
10 f. A representation and undertaking that the
11 proposed central routing unit is directly connected to
12 every data processing center that is directly
13 connected to a satellite terminal located in this
14 state, and that the proposed central routing unit will
15 provide for direct connection in the future with any
16 data processing center that becomes directly connected
17 to a satellite terminal located in this state. This
18 representation and undertaking is not required of a
19 central routing unit with respect to limited-function
20 terminals."
21 2. By renumbering as necessary.

Amendment H—3791 was adopted.

Halvorson of Webster offered the following amendment H—3709
filed by him and Kremer of Buchanan and moved its adoption:

H—3709

1 Amend Senate File 311, as passed by the Senate, as
2 follows:
3 1. Page 1, line 17, by inserting after the word
4 "issued" the following: "by a financial institution".
5 2. Page 1, by striking line 22, and inserting the
6 following:
7 "6. "Financial institution" means a bank
8 incorporated under the provisions of any state or
9 federal law, a savings and loan association
10 incorporated under the provisions of any state or
11 federal law, a credit union organized under the
12 provisions of any state or federal law, and any
13 affiliate of such bank, savings and loan association,
14 or credit union.

- 15 7. "Person" means any individual, firm,
16 corporation,".

Amendment H—3709 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. 311)

The ayes were, 94:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Blanshan	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cphoon
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	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
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 1:

Rafferty

Absent or not voting, 5:

Baker	Black	Brammer	Doderer
Shoultz			

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

HOUSE FILE 680 WITHDRAWN

Halvorson of Webster asked and received unanimous consent to withdraw House File 680 from further consideration by the House.

Ways and Means Calendar

House File 687, 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, was taken up for consideration.

Mertz of Kossuth offered the following amendment H—3787 filed by her and Dvorsky of Johnson and moved its adoption:

H—3787

1 Amend House File 687 as follows:

2 1. Page 6, by inserting after line 3 the

3 following:

4 "Sec. _____. Section 331.604, Code 1991, is amended
5 to read as follows:

6 331.604 GENERAL RECORDING AND FILING FEE.

7 Except as otherwise provided by state law or
8 section 331.605, the recorder shall collect a fee of
9 five dollars for each page or fraction of a page of an
10 instrument which is filed or recorded in the
11 recorder's office. If a page or fraction of a page
12 contains more than one transaction, the recorder shall
13 collect the fee for each transaction."

14 2. Page 6, by inserting after line 5 the

15 following:

16 "Sec. _____. Section 409A.4, subsection 1, paragraph
17 a, Code 1991, is amended to read as follows:

18 a. A parcel letter or number designation approved
19 by the auditor.

20 Sec. _____. Section 409A.5, subsection 1, paragraph
21 a, Code 1991, is amended to read as follows:

22 a. The parcel letter or number designation."

23 3. Page 10, by inserting after line 29 the
24 following:

25 "Sec. _____. Section 428A.2, Code 1991, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 21. Deeds in which the
28 consideration is five hundred dollars or less."

29 4. Page 55, by inserting after line 3 the
30 following:

31 "Sec. _____. Section 450.81, Code 1991, is amended
32 to read as follows:

33 450.81 DUTY OF RECORDER.

34 Each county recorder shall, upon the filing in the
35 recorder's office of any a deed, bill of sale, or

36 other transfer of any description whatsoever which
37 shows upon its face that it was made or intended to
38 take effect in possession or enjoyment at or after the
39 death of the maker of such the instrument, forward to
40 the department of revenue and finance a certified copy
41 thereof of the instrument.

42 Sec. _____. Section 455A.19, subsection 1, paragraph
43 b, subparagraph (5), Code 1991, is amended to read as
44 follows:

45 (5) Funds allocated pursuant to subparagraphs (2)
46 and (3) shall only be allocated to counties dedicating
47 property tax revenue at least equal to twenty-two
48 cents per thousand dollars of the assessed value of
49 taxable property in the county to county conservation
50 purposes. State funds received under this paragraph

Page 2

1 shall not reduce or replace county tax revenues
2 appropriated for county conservation purposes. The
3 county auditor and treasurer shall submit
4 documentation annually of the dedication of property
5 tax revenue for county conservation purposes. The
6 annual audit of the financial transactions and
7 condition of a county shall certify compliance with
8 requirements of this subparagraph. Funds not
9 allocated to counties not qualifying for the
10 allocations under subparagraph (2) as a result of this
11 subparagraph shall be held in reserve for each county
12 for two years. Counties qualifying within two years
13 may receive the funds held in reserve. Funds not
14 spent by a county within two years shall revert to the
15 general pool of county funds for reallocation to other
16 counties where needed.

17 Sec. _____. Section 468.27, Code 1991, is amended by
18 adding the following new unnumbered paragraph after
19 unnumbered paragraph 2:

20 **NEW UNNUMBERED PARAGRAPH.** Upon the establishment
21 of the drainage district, the petitioners shall file
22 with the county auditor the survey and report or the
23 permanent survey, plat, and profile, if one was made,
24 and this filing shall be constructive notice of a
25 permanent right-of-way easement."

Amendment H—3787 was adopted.

Royer of Page offered the following amendment H—3583 filed by him and moved its adoption:

H—3583

1 Amend House File 687 as follows:

2 1. Page 19, line 24, by striking the words "; and

- 3 in case" and inserting the following: "; and in case
4 unless the last day of September is a Saturday or
5 Sunday in which case the amount of those taxes becomes
6 delinquent from the following Tuesday. If".
7 2. Page 19, line 27, by inserting after the word
8 "due" the following: "unless the last day of March is
9 a Saturday or Sunday in which case the amount of that
10 installment becomes delinquent from the following
11 Tuesday".
12 3. Page 19, line 33, by striking the word and
13 figure "October 1" and inserting the following:
14 "October 1 on the delinquent date of the first
15 installment".
16 4. Page 20, line 19, by striking the words and
17 figure "April 1 following the levy" and inserting the
18 following: "April 1 following the levy the delinquent
19 date specified for it in section 445.37".

A non-record roll call was requested.

The ayes were 46, nays 38.

Amendment H—3583 was adopted.

Shearer of Louisa offered amendment H—3585 filed by him. Division was requested as follows:

H—3585

- 1 Amend House File 687 as follows:

H—3585A

- 2 1. Page 26, by striking lines 25 through 27 and
3 inserting the following: "sale shall be made once by
4 the treasurer in an official newspaper in the county
5 designated by the treasurer at least".

H—3585B

- 6 2. Page 28, line 4, by striking the words "not
7 exceed" and inserting the following: "not exceed be".

Shearer of Louisa moved the adoption of amendment H—3585A.

A non-record roll call was requested.

The ayes were 17, nays 44.

Amendment H—3585A lost.

On motion by Shearer of Louisa, amendment H—3585B lost.

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. 687)

The ayes were, 96:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
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	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, 1:

Krebsbach

Absent or not voting, 3:

Baker Black Brammer

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

MOTIONS TO RECONSIDER WITHDRAWN (Senate File 491)

Halvorson of Webster and Harbor of Mills asked and received unanimous consent to withdraw the motions to reconsider 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, filed by them on April 17, 1991.

The House stood at ease at 2:38 p.m., until the fall of the gavel.

The House resumed session at 2:45 p.m., Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the afternoon, on request of Van Maanen of Mahaska.

SENATE AMENDMENT CONSIDERED

Neuhauser of Johnson called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3748:

H—3748

1 Amend House File 500, as passed by the House as
2 follows:

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

5 "Section 1. Section 237A.1, subsection 7, Code
6 1991, is amended by adding the following new
7 paragraphs:

8 **NEW PARAGRAPH. e.** A nonprofit program operated by
9 volunteers for no charge for not more than two hours
10 during any twenty-four hour period.

11 **NEW PARAGRAPH. f.** A program provided by the state
12 or a political subdivision, which provides
13 recreational classes for a period of less than two
14 hours per day."

15 2. Page 1, by inserting before line 1 the
16 following:

17 "Section 1. Section 237A.3, subsection 1, Code
18 1991, is amended to read as follows:

19 1. A person who operates or establishes a family
20 day care home may apply to the department for
21 registration under this chapter. The department shall
22 issue a certificate of registration upon receipt of a
23 statement from the family day care home that the home
24 complies with rules adopted by the department. The
25 registration certificate shall be posted in a
26 conspicuous place in the family day care home, shall
27 state the name of the registrant, the number of

28 individuals who may be received for care at any one
29 time, and the address of the home, and shall include a
30 check list of registration compliances. No greater
31 number of children than is authorized by the
32 certificate shall be kept in the family day care home
33 at any one time. However, a registered or
34 unregistered family day care home may provide care for
35 more than six but less than twelve children at any one
36 time for a period of less than two hours, but shall
37 not do so unless the home does not provide care at any
38 one time for more than six children who are not
39 attending school full-time on a regular basis. In
40 determining the number of children cared for at any
41 one time in a registered or unregistered family day
42 care home, if the person who operates or establishes
43 the home is a child's parent, guardian, relative, or
44 custodian and the child is not attending school full-
45 time on a regular basis or is not receiving child day
46 care full-time on a regular basis from another person,
47 the child shall be considered to be receiving child
48 day care from the person and shall be counted as one
49 of the children cared for in the home. The
50 registration process may be repeated on an annual

Page 2

1 basis. A child day care provider or program which is
2 not a family day care home by reason of the definition
3 of child day care in section 237A.1, subsection 7, but
4 which provides care, supervision or guidance to a
5 child may be issued a certificate of registration
6 under this chapter."

7 3. Title page, line 1, by inserting after the
8 word "care" the following: "family homes, and".

9 4. Title page, line 1, by inserting after the
10 word "facilities" the following: "and programs
11 including but not limited to those".

12 5. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3748.

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

On the question "Shall the bill pass?" (H.F. 500)

The ayes were, 94:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	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.	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	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or, not voting, 6:

Baker	Bisignano	Black	Brammer
Hanson, D. R.	Shultz		

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

MOTION TO RECONSIDER WITHDRAWN (House File 420)

Pavich of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider 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, filed by him on April 23, 1991.

Unfinished Business Calendar

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

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

On the question "Shall the bill pass?" (H.F. 683)

The ayes were, 54:

Adams	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	McKean
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoning	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.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McNeal	Mertz	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Siegrist	Spanner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 683 and 687.**

The House stood at ease at 3:08 p.m., until the fall of the gavel.

The House resumed session at 3:16 p.m., Speaker Arnould in the chair.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 254, an act relating to corn shellers and feed grinders and special mobile equipment.

House File 288, an act relating to boating registration requirements for boat manufacturers or dealers and providing an effective date.

House File 426, an act relating to Pearl Harbor motor vehicle registration plates.

House File 499, an act relating to demolition insurance reserves required for property within the corporate limits of a city.

House File 565, an act relating to contracts for the purchase of goods or services by a city.

Senate File 326, 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.

Senate File 337, an act relating to contracts for road, bridge, and culvert construction.

Senate File 419, an act relating to voting hours for drainage or levee district trustee elections.

Senate File 488, an act relating to the appointment of the clerk or secretary to a city civil service commission.

PRESENTATION OF VISITORS

Brown of Lucas presented to the House the Honorable Tom Dougherty, former member of the House representing Lucas County.

Shoultz of Black Hawk presented to the House the Honorable Pat Harper, former member of the House representing Black Hawk County.

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

Twenty-eight fifth grade students from Lakeview Elementary School, Centerville, accompanied by Kim Walker. By Jay of Appanoose.

Forty-five third grade students from St. Pius Catholic School, Des Moines, accompanied by Denise Zimmerman. By Metcalf of Polk.

RESOLUTION FILED

SCR 23, by Welsh, 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 the committee on **natural resources and outdoor recreation**.

AMENDMENTS FILED

H—3794	S.F.	508	Neuhauser of Johnson
H—3795	H.F.	489	Senate Amendment
H—3796	S.F.	445	Senate Amendment
H—3800	S.F.	508	Shearer of Louisa
H—3801	S.F.	507	Hansen of Woodbury
H—3803	S.F.	508	Adams of Hamilton
H—3804	S.F.	508	Adams of Hamilton
H—3805	S.F.	532	Millage of Scott
			Krebsbach of Mitchell
H—3806	S.F.	507	Hansen of Woodbury
H—3807	S.F.	532	Schrader of Marion
H—3808	S.F.	478	Hurley of Fayette
Grubbs of Scott			Siegrist of Pottawattamie
Mertz of Kossuth			Kistler of Jefferson
Iverson of Wright			Svoboda of Tama
Shearer of Louisa			Johnson of Clinton
Hanson of Black Hawk			Hansen of Woodbury
Carpenter of Polk			Connors of Polk
Daggett of Adams			Jay of Appanoose
Krebsbach of Mitchell			Spear of Lee

H-3810

S.F. 532

Corbett of Linn

Chapman of Linn

H-3811

S.F. 508

Adams of Hamilton

On motion by McKinney of Dallas, the House adjourned at 3:17 p.m., until 9:00 a.m., Thursday, April 25, 1991.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day — Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 25, 1991

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

Prayer was offered by Reverend James Oschwald, pastor of the Faith Lutheran Church, Griswold.

The Journal of Wednesday, April 24, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of McKinney of Dallas; Haverland of Polk, until his arrival, on request of Holveck of Polk.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 23, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 197, a bill for an act relating to the operation and dissolution of certain special districts organized to provide a municipal service.

Also: That the Senate has on April 23, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 237, a bill for an act relating to the perpetual care of cemeteries and cemetery lots and spaces.

Also: That the Senate has on April 23, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 325, a bill for an act relating to the establishment of a well contractor certification program, establishing fees, and making penalties applicable.

Also: That the Senate has on April 23, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 596, a bill for an act relating to the liability of certain persons rendering emergency medical care in good faith.

Also: That the Senate has on April 23, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 612, a bill for an act relating to the publication of notice for a public hearing on a county budget.

Also: That the Senate has on April 23, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 644, a bill for an act relating to communication by permanent nonprofit organizations with their dues-paying members under the campaign finance disclosure law.

Also: That the Senate has on April 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 97, a bill for an act increasing penalties for interfering with a traffic control device.

Also: That the Senate has on April 23, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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 April 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 172, a bill for an act establishing a state fair challenge grant foundation.

Also: That the Senate has on April 23, 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 182, a bill for an act relating to administrative rulemaking.

Also: That the Senate has on April 23, 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 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 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 23, 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 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 April 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 22, 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 356, a bill for an act relating to the procedures, confidentiality, penalties, refunds, and nonsubstantive changes for taxes administered by the department of revenue and finance, relating to refunds of the environmental protection charge, and providing effective dates.

Also: That the Senate has on April 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 23, 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 471, a bill for an act relating to state policies and procedures affecting children.

Also: That the Senate has on April 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 23, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 534, a bill for an act allowing a deduction from the individual income tax for certain expenses incurred by a person with a developmental disability to enable the person to be gainfully employed and providing a retroactive applicability date.

Also: That the Senate has on April 23, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 535, a bill for an act increasing the fees for issuance or replacement or renewal of a permit to carry weapons.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

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

Neuhauser of Johnson offered the following amendment H—3596 filed by the committee on human resources and moved its adoption:

H—3596

1 Amend Senate File 342, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 30 and 31 and
4 inserting the following:

5 "_____. "Council" means the prevention of
6 disabilities policy council."

7 2. Page 1, line 32, by striking the word "of" and
8 inserting the following: "to".

9 3. Page 1, line 33, by striking the word "board"
10 and inserting the following: "council".

11 4. Page 2, line 10, by striking the word "BOARD"
12 and inserting the following: "COUNCIL".

13 5. Page 2, line 11, by striking the word "board"
14 and inserting the following: "council".

15 6. Page 2, line 14, by striking the word "board"
16 and inserting the following: "council".

17 7. Page 2, by striking lines 15 through 20 and
18 inserting the following:

19 "a. Two members of the senate appointed by the
20 senate majority leader and minority leader and two
21 members of the house of representatives appointed by
22 the speaker of the house and the house minority
23 leader."

24 8. Page 2, line 33, by striking the word "board"
25 and inserting the following: "council".

26 9. Page 2, by striking line 35, and inserting the
27 following: "assembly appointed to the council shall
28 serve two-year terms and shall serve as ex officio,
29 nonvoting members."

30 10. Page 3, line 1, by striking the word "board"

31 and inserting the following: "council".

32 11. Page 3, by striking lines 2 through 4 and
33 inserting the following: "original appointments.
34 Members are entitled to reimbursement of actual
35 expenses incurred in performance of their official
36 duties."

37 12. Page 3, line 5, by striking the word "board"
38 and inserting the following: "council".

39 13. Page 3, by striking line 25 and inserting the
40 following: "council. The council shall also seek in-
41 kind and other private".

42 14. Page 3, line 31, by striking the words
43 "Identification of a" and inserting the following:
44 "A".

45 15. Page 3, line 33, by striking the words
46 "Identification of" and inserting the following: "A
47 listing of".

48 16. Page 3, by striking line 35 and inserting the
49 following:
50 "(3) Recommendations to".

Page 2

1 17. Page 4, line 1 by striking the word
2 "coordinating" and inserting the following:
3 "coordinate".

4 18. Page 4, by striking lines 3 and 4 and
5 inserting the following:

6 "(4) Recommendations to address the lack of
7 prevention of disability activities."

8 19. Page 4, line 5, by striking the words
9 "regarding an approach".

10 20. Page 4, line 8, by striking the words
11 "regarding methods".

12 21. Page 4, by striking lines 14 and 15 and
13 inserting the following:

14 "(8) Priorities for disability prevention
15 activities in the state."

16 22. Page 4, by striking lines 18 through 21 and
17 inserting the following:

18 "4. The council shall meet at least six times
19 during the year. A majority of the members of the
20 council constitutes a quorum, and a majority of the
21 council is necessary to act on matters within the
22 purview of the council."

23 23. Page 4, line 23, by striking the word "OF"
24 and inserting the word "TO".

25 24. Page 4, line 23, by striking the word "BOARD"
26 and inserting the following: "COUNCIL".

27 25. Page 4, line 26, by striking the word "board"
28 and inserting the following: "council".

29 26. Page 5, line 15, by striking the word "board"

- 30 and inserting the following: "council".
31 27. Page 5, line 21, by striking the word "board"
32 and inserting the following: "council".
33 28. Page 5, by striking lines 22 through 28 and
34 inserting the following:
35 "3. The committee shall meet as needed to assist
36 the council.
37 4. Members are entitled to reimbursement of actual
38 expenses incurred in performance of their official
39 duties."
40 29. Page 5, line 32, by striking the word "board"
41 and inserting the following: "council".
42 30. Page 6, lines 1 and 2, by striking the words
43 ", the board, and the committee" and inserting the
44 following: "and the council".
45 31. Page 6, line 6, by striking the words "board
46 and committee" and inserting the following:
47 "council".
48 32. Page 6, line 8, by striking the word "board"
49 and inserting the following: "council".
50 33. Page 6, line 9, by striking the word

Page 3

- 1 "funding" and inserting the following: "grants".
2 34. Page 6, line 10, by inserting after the word
3 "and" the following: "from".
4 35. Page 6, by striking lines 12 and 13 and
5 inserting the following: "implementation of this
6 chapter. The funds shall be used to carry out the
7 purposes of this chapter, including but not limited
8 to, any of the following purposes:".
9 36. Page 6, by striking lines 16 through 19 and
10 inserting the following:
11 "b. Coordinating the activities of the council,
12 state agencies, and state board of regents'
13 institutions to develop the prevention coordination
14 system and prepare the council's annual report."
15 37. Page 6, by striking line 22 and inserting the
16 following: "policy council, upon establishment of the
17 council, for the fiscal".
18 38. Title page, line 2, by striking the word
19 "board" and inserting the following: "council".
20 39. Title page, line 3, by striking the word
21 "board" and inserting the following: "council".
22 40. By renumbering, relettering, and correcting
23 internal references as necessary.

The committee amendment H—3596 was adopted.

Neuhauser of Johnson offered the following amendment H—3661
filed by her and moved its adoption:

H—3661

1 Amend Senate File 342, as passed by the Senate, as
2 follows:

3 1. Title page, lines 3 and 4, by striking the
4 words "and by making an appropriation" and inserting
5 the following: ", by making an appropriation, and
6 providing for a repeal".

Amendment H—3661 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. 342)

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	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	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:

Brammer

Haverland

Mertz

Shearer

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:

Hammond of Story, until her return, on request of McKinney of Dallas.

Ways and Means Calendar

House File 694, 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, 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. 694)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	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.
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	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Brammer
Mertz

Brown

Hammond

Haverland

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 694** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 403**, a bill for an act relating to the state income tax refund checkoff for Olympics, previously deferred and placed on the unfinished business calendar.

Poney 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. 403)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	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.	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
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	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 3:

Black	Halvorson, R. N.	Krebsbach
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Absent or not voting, 4:

Brammer

Hammond

Haverland

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 441**, a bill for an act relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation, previously deferred and placed on the unfinished business calendar.

Ollie of Clinton offered the following amendment H-3521 filed by the committee on labor and industrial relations and moved its adoption:

H-3521

- 1 Amend Senate File 441, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 28 and 29 and
- 4 inserting the following: "and a debtor under 11
- 5 U.S.C., on or after January 1, 1990, this".
- 6 2. Page 3, line 5, by striking the words
- 7 "employer and the association" and inserting the
- 8 following: "commissioner of insurance".
- 9 3. Page 6, by inserting after line 29 the
- 10 following:
- 11 "Sec. _____. Section 347.14, Code 1991, is amended
- 12 by adding the following new subsection:
- 13 **NEW SUBSECTION. 9A.** Certify levies for a tax in
- 14 excess of any tax levy limit to meet its obligations
- 15 to pay the premium costs on tort liability insurance,
- 16 property insurance, workers' compensation insurance,
- 17 and any other insurance that may be necessary for the
- 18 prudent management and operation of the county public
- 19 hospital, the costs of a self-insurance program, the
- 20 costs of a local government risk pool, and amounts
- 21 payable under any insurance agreements to provide or
- 22 procure such insurance, self-insurance program, or
- 23 local government risk pool."
- 24 4. By renumbering as necessary.

The committee amendment H-3521 was adopted.

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

On the question "Shall the bill pass?" (S.F. 441)

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	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	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	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

Brammer	Hammond	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.

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

Pavich of Pottawattamie offered the following amendment H—3607 filed by the committee on state government and moved its adoption:

H—3607

- 1 Amend Senate File 465, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 21 and
- 4 inserting the following:
- 5 "Section 1. Section 99B.1, subsection 18, Code

6 1991, is amended to read as follows:

7 18. "Net receipts" means gross receipts less
8 amounts awarded as prizes and less state and local
9 sales tax paid upon the gross receipts. Reasonable
10 expenses, charges, fees, taxes other than the state
11 and local sales tax, and deductions allowed by the
12 department shall not exceed twenty-five percent of net
13 receipts. However, reasonable expenses, charges,
14 fees, taxes other than the state and local sales tax,
15 and deductions allowed by the department shall not
16 exceed thirty percent of net receipts, if the
17 qualified organization reports quarterly gross
18 receipts of less than seventy-five thousand dollars in
19 quarterly reports submitted pursuant to section 99B.2,
20 subsection 4.

21 Sec. 2. Section 99B.7, subsection 3, paragraph a,
22 Code 1991, is amended to read as follows:

23 a. A person wishing to conduct games and raffles
24 pursuant to this section as a qualified organization
25 shall submit an application and a license fee of one
26 hundred fifty dollars. However, upon submission of an
27 application accompanied by a license fee of fifteen
28 dollars, a person may be issued a limited license
29 which shall authorize the person to conduct all games
30 and raffles pursuant to this section at a specified
31 location and during a specified period of fourteen
32 consecutive calendar days. In addition, a qualified
33 organization may be issued a limited license to
34 conduct raffles pursuant to this section for a period
35 of ninety days for a license fee of forty dollars or
36 for a period of one hundred eighty days for a license
37 fee of seventy-five dollars. A limited license shall
38 not be issued more than once during any calendar year
39 to the same person, or for the same location. For the
40 purposes of this paragraph, a limited license is
41 deemed to be issued on the first day of the fourteen-
42 day period for which the license is issued.

43 Sec. 3. Section 99B.7, subsection 3, paragraphs b
44 and c, Code 1991, are amended to read as follows:

45 b. A person or the agent of a person submitting
46 application to conduct games pursuant to this section
47 as a qualified organization shall certify that the
48 receipts of all games, less reasonable expenses,
49 charges, fees, taxes, and deductions allowed by this
50 chapter, either will be distributed as prizes to

Page 2

1 participants or will be dedicated and distributed to
2 educational, civic, public, charitable, patriotic or
3 religious uses in this state and that the amount
4 dedicated and distributed will equal at least seventy-

5 five percent of the net receipts. However, the amount
6 dedicated and distributed need only equal at least
7 seventy percent of the net receipts if the qualified
8 organization reports quarterly gross receipts of less
9 than seventy-five thousand dollars in quarterly
10 reports submitted pursuant to section 99B.2,
11 subsection 4. "Educational, civic, public,
12 charitable, patriotic, or religious uses" means uses
13 benefiting a society for the prevention of cruelty to
14 animals or, animal rescue league, or uses benefiting an
15 indefinite number of persons either by bringing them
16 under the influence of education or religion or
17 relieving them from disease, suffering, or constraint,
18 or by erecting or maintaining public buildings or
19 works, or otherwise lessening the burden of
20 government, or uses benefiting any bona fide
21 nationally chartered fraternal or military veterans'
22 corporation or organization which operates in Iowa a
23 clubroom, post, dining room, or dance hall, but does
24 not include the erection, acquisition, improvement,
25 maintenance, or repair of real, personal or mixed
26 property unless it is used for one or more of the uses
27 stated. "Public uses" specifically includes
28 dedication of net receipts to political parties as
29 defined in section 43.2. "Charitable uses" includes
30 uses benefiting a definite number of persons who are
31 the victims of loss of home or household possessions
32 through explosion, fire, flood, or storm when the loss
33 is uncompensated by insurance, and uses benefiting a
34 definite number of persons suffering from a seriously
35 disabling disease or injury, causing severe loss of
36 income or incurring extraordinary medical expense when
37 the loss is uncompensated by insurance.

38 Proceeds given to another charitable organization
39 to satisfy the seventy-five percent dedication
40 requirement shall not be used by the donee to pay any
41 expenses in connection with the conducting of bingo by
42 the donor organization, or for any cause, deed, or
43 activity that would not constitute a valid dedication
44 under this section.

45 c. A qualified organization shall distribute
46 amounts awarded as prizes on the day they are won. A
47 qualified organization shall dedicate and distribute
48 the balance of the net receipts received within a
49 quarter and remaining after deduction of reasonable
50 expenses, charges, fees, taxes, and deductions allowed

Page 3

1 by this chapter, before the quarterly report required
2 for that quarter under section 99B.2, subsection 4, is
3 due. The amount dedicated and distributed must equal

- 4 at least seventy-five percent of the net receipts
- 5 except as provided in paragraph "b". A person
- 6 desiring to hold the net receipts for a period longer
- 7 than permitted under this paragraph shall apply to the
- 8 department for special permission and upon good cause
- 9 shown the department may grant the request.
- 10 If permission is granted to hold the net receipts,
- 11 the person shall, as a part of the quarterly report
- 12 required by section 99B.2, report the amount of money
- 13 currently being held and all expenditures of the
- 14 funds. This report shall be filed even if the person
- 15 no longer holds a gambling license."
- 16 2. Title page, line 3, by inserting after the
- 17 word "activities" the following: ", and by changing
- 18 the percentage of net receipts of games conducted by
- 19 qualified organizations which shall be distributed for
- 20 certain uses".
- 21 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 45, nays 21.

The committee amendment H-3607 was adopted.

Jay of Appanoose offered the following amendment H-3699 filed by him and moved its adoption:

H-3699

- 1 Amend Senate File 465, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 7, by inserting after the word
- 4 "The" the following: "commercial".

Amendment H-3699 was adopted.

Garman of Story offered the following amendment H-3559 filed by her and moved its adoption:

H-3559

- 1 Amend Senate File 465, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, by striking lines 5 through 11.
- 4 2. By renumbering as necessary.

Roll call was requested by Garman of Story and Banks of Plymouth.

On the question "Shall amendment H-3559 be adopted?"
(S.F. 465)

The ayes were, 45:

Banks	Bartz	Beaman	Black
Branstad	Corbett	Daggett	De Groot
Dickinson	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hurley
Iverson	Jay	Johnson	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McNeal	Metcalf	Millage	Miller
Plasier	Rafferty	Renken	Royer
Schrader	Shoning	Siegrist	Spenner
Svoboda	Tyrrell	Van Maanen	Weidman
Wissing			

The nays were, 49:

Adams	Baker	Beatty	Bennett
Bernau	Bisignano	Blanshan	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Hatch	Hester	Hibbard
Holveck	Jesse	Jochum	Kistler
Knapp	Koenigs	McKean	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Sherzan
Shoultz	Spear	Teaford	Wise
Mr. Speaker			
Arnould			

Absent or not voting, 6:

Brammer	Connors	Hammond	Haverland
Mertz	Shearer		

Amendment H—3559 lost.

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

On the question "Shall the bill pass?" (S.F. 465)

The ayes were, 57:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Hester	Hibbard	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs

Lageschulte	Lundby	McKean	McKinney
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Sherzan
Shoning	Shoultz	Spear	Spenner
Teaford	Tyrrell	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 38:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Holveck	Hurley
Iverson	Johnson	Krebsbach	Kremer
Maulsby	McNeal	Millage	Miller
Petersen, D. F.	Rafferty	Renken	Royer
Schrader	Shearer	Siegrist	Svoboda
Van Maanen	Weidman		

Absent or not voting, 5:

Brammer	Hammond	Haverland	Mertz
Plasier			

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

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

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

Hansen of Woodbury offered the following amendment H—3595 filed by the committee on commerce:

H—3595

- 1 Amend Senate File 507, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 17.8, Code 1991, is amended to
- 6 read as follows:
- 7 17.8 SUPERINTENDENT OF BANKING.
- 8 The annual report of the superintendent of banking
- 9 shall cover the year ending June 30 of each year, and
- 10 shall be filed as soon as practicable after said date

11 and not later than September 1 December 31.

12 Sec. 2. Section 524.901, subsection 6, Code 1991,
13 is amended to read as follows:

14 6. A state bank may, in the exercise of the powers
15 granted in this chapter, purchase cash value life
16 insurance contracts which may include provisions for
17 the lump sum payment of premiums and which may include
18 insurance against the loss of the lump sum payment.
19 The cash value life insurance contracts purchased from
20 any one company shall not exceed twenty percent of
21 capital and surplus of the state bank and in the
22 aggregate from all companies, shall not exceed twenty-
23 five percent of total equity capital of the state bank
24 unless the state bank has obtained the approval of the
25 superintendent prior to the purchase of any cash value
26 life insurance contract in excess of this limitation.

27 Sec. 3. 1990 Iowa Acts, chapter 1274, unnumbered
28 paragraph 1 after the enacting clause, is amended to
29 read as follows:

30 That the banking laws contained in Code chapter
31 524, as identified by the superintendent of banking,
32 are suspended to the extent that the laws restrict any
33 state or nationally chartered bank located in Iowa or
34 bank holding company owning a bank located in Iowa in
35 the acquisition of savings associations eligible for
36 assistance or their assets or liabilities. Such
37 suspension shall remain in effect until July 1, 1991
38 1992. On and after July 1, ~~1991~~ 1992, the
39 restrictions in Code chapter 524 shall be applied as
40 though acquisitions made pursuant to this resolution
41 had not been made."

42 2. Title page, line 4, by inserting after the
43 word "bank," the following: "limiting the aggregate
44 amount of cash value life insurance a state bank may
45 purchase, amending the date by which the
46 superintendent must file an annual report, suspending
47 certain laws,".

48 3. Renumber as necessary.

The following amendment H—3823, to the committee amendment
H—3595, filed by Hansen of Woodbury from the floor was adopted
by unanimous consent:

H—3823

1 Amend amendment H—3595, to Senate File 507, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 42 and 43, and
4 inserting the following:

5 "2. Title page, by striking lines 1 through 5,
6 and inserting the following:

7 "An Act relating to limiting the aggregate".

8 2. Page 1, by striking lines 46 and 47, and

9 inserting the following: "superintendent must file
10 an annual report, and suspending certain laws."

On motion by Hansen of Woodbury, the committee amendment H-3595, as amended, was adopted.

Hansen of Woodbury offered the following amendment H-3806 filed by him:

H-3806

1 Amend Senate File 507, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 524.201, subsection 1, Code
6 1991, is amended to read as follows:
7 1. The governor shall appoint, subject to
8 confirmation by the senate, a superintendent of
9 banking. The appointee shall be selected solely with
10 regard to qualification and fitness to discharge the
11 duties of office, and no person shall be appointed who
12 has not had at least five years experience in a bank
13 or in the regulation or examination of banks.
14 However, an appointee shall not knowingly engage in a
15 business or employment which would be a conflict of
16 interest or interfere or conflict with the proper
17 discharge of the duties of the superintendent of
18 banking."
19 2. Renumber as necessary.

Renken of Grundy rose on a point of order that amendment H-3806 was not germane.

The Speaker ruled the point well taken and amendment H-3806 not germane.

Hansen of Woodbury asked and received unanimous consent to withdraw amendment H-3778 filed by him on April 23, 1991.

Hansen of Woodbury offered the following amendment H-3801 filed by him and moved its adoption:

H-3801

1 Amend Senate File 507, as passed by the Senate, as
2 follows:
3 1. By striking page 1, line 1, through page 13,
4 line 3.

Amendment H-3801 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. 507)

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.	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	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	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Hammond	Haverland	Jochum
Mertz			

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

UNANIMOUS CONSENT

Svoboda of Tama asked and received unanimous consent to change her vote from "aye" to "nay" on Senate File 465, and the vote was so recorded.

The House stood at ease at 10:30 a.m., until the fall of the gavel.

The House resumed session at 1:12 p.m., Speaker Arnould in the chair.

On motion by McKinney of Dallas, the House was recessed at 1:13 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILLS

House File 699, by committee on ways and means, a bill for an act relating to residential development within certain urban renewal areas and providing an effective date.

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

House File 700, by committee on ways and means, a bill for an act raising the city transit property tax levy limit.

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

House File 701, by committee on ways and means, 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 placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 534, by committee on ways and means, a bill for an act allowing a deduction from the individual income tax for certain expenses incurred by a person with a developmental disability to enable the person to be gainfully employed and providing a retroactive applicability date.

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

Senate File 535, by committee on ways and means, a bill for an act increasing the fees for issuance or replacement or renewal of a permit to carry weapons.

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

SPECIAL PRESENTATION

Black of Jasper, Tyrrell of Iowa and Baker of Polk presented the following visitors from West Africa: Honorable Alieu Mansaray, Member of Parliament; Emmanuel Egoh, Chairman, Kaduna Lg. Council (Mayor); Azey Adeenze-Kangah, Headmaster of Schools; and Ribul Baka.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS

Regular Calendar

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

Adams of Hamilton offered the following amendment H—3636 filed by the committee on energy and environmental protection and requested division as follows:

H—3636

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3636A

- 3 1. Page 1, line 9, by inserting after the word
- 4 "electricity." the following: "This subsection does
- 5 not apply to vehicles purchased for law enforcement
- 6 purposes."
- 7 2. Page 1, by striking lines 10 through 17.

H—3636B

- 8 3. Page 8, by striking lines 19 through 21, and
- 9 inserting the following: "attainable efficiencies or
- 10 feasible improved efficiencies. The department shall
- 11 adopt standards".

H—3636A

- 12 4. Page 14, lines 21 and 22, by striking the
- 13 words "the costs of weatherization and other".
- 14 5. Page 15, by inserting after line 10 the
- 15 following:
- 16 "NEW SUBSECTION. 10A. Develop an employee transit
- 17 subsidy program financed with funds from the repayment
- 18 of transit assistance loans pursuant to section
- 19 307.38."
- 20 6. By striking Page 15, line 35, through page 16,
- 21 line 25.

H-3636A

22 7. Page 19, by striking lines 14 and 15 and
23 inserting the following: " , upon the request of a
24 state agency or political subdivision to which it
25 provides service, provide advice and assistance
26 regarding measures which the state agency or political
27 subdivision might take in achieving improved energy
28 efficiency results. The cooperation shall".

29 8. Page 19, by inserting after line 17, the
30 following:

31 "Sec. _____. Section 476.10A, Code 1991, is amended
32 by adding the following new unnumbered paragraph:
33 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
34 8.33, any unexpended moneys remitted to the treasurer
35 of state under this section shall be retained for the
36 purposes designated. Notwithstanding section 453.7,
37 subsection 2, interest or earnings on investments or
38 time deposits of the moneys remitted under this
39 section shall be retained and used for the purposes
40 designated."

41 9. Page 20, by inserting after line 6 the
42 following:

43 "Sec. _____. 1990 Iowa Acts, chapter 1252, section
44 49, subsection 1, unnumbered paragraph 1, is amended
45 to read as follows:

46 The state department of transportation, in
47 consultation with units of local government, including
48 representatives of cities of 200,000 or more
49 population, cities of 50,000 or more but less than
50 200,000 population, and cities under 50,000

Page 2

1 population, shall conduct, ~~conditioned upon the~~
2 ~~availability of funds~~, a comprehensive study of the
3 relationship between transportation planning, systems
4 development, and management to urban and rural
5 development, land use planning, and energy demand.
6 The study shall include an analysis of the
7 relationship between parking development and pricing
8 structure and transit usage and shall include an
9 analysis of the relationship between commercial and
10 industrial site selection and transportation energy
11 consumption. The purpose of the study shall be to
12 identify opportunities to improve the long-term energy
13 efficiency of transportation, as well as to improve
14 traffic safety and service. The results of the study
15 shall be reported to the general assembly and shall
16 contain recommended policies and legislation."
17 10. Title page, by striking lines 7 through 10
18 and inserting the following: "for certain products
19 and establishing various energy efficiency-related
20 programs and projects."

H—3636A

- 21 11. By renumbering, relettering, and correcting
22 internal references as necessary.

The following amendments, to the committee amendment H—3636A, were withdrawn by unanimous consent:

H—3666 filed by Neuhauser of Johnson on April 17, 1991.

H—3800 filed by Shearer of Louisa on April 24, 1991.

Shearer of Louisa offered the following amendment H—3830, to the committee amendment H—3636A, filed by him from the floor and moved its adoption:

H—3830

- 1 Amend amendment, H—3636, to Senate File 508, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 6 and
5 inserting the following:
6 "_____. Page 1, by striking lines 3 through 9 and
7 inserting the following:
8 "NEW SUBSECTION. 4A. Of all new passenger
9 vehicles and light pickup trucks purchased by the
10 state vehicle dispatcher, institutions under the
11 control of the state board of regents, community
12 colleges, and any other state agency purchasing such
13 new vehicles and trucks, beginning July 1, 1992, a
14 minimum of five percent, and beginning July 1, 1995, a
15 minimum of ten percent of all such vehicles and trucks
16 purchased shall be equipped with engines which utilize
17 alternative methods of propulsion including but not
18 limited to those propelled by flexible fuels, solar
19 energy, or electricity. For the purpose of this
20 subsection, "flexible fuels" means fuels which are
21 blended with eighty-five percent ethanol and fifteen
22 percent gasoline. The provisions of this subsection
23 do not apply to such vehicles and trucks purchased for
24 the following purposes: law enforcement, off-road
25 maintenance work, or work vehicles used to pull loaded
26 trailers. This subsection also does not apply to
27 school corporations, with the exceptions of those
28 designated above. It is the intent of the general
29 assembly that the members of the midwest energy
30 compact promote the development and purchase of motor
31 vehicles equipped with engines which utilize
32 alternative methods of propulsion." "

A non-record roll call was requested.

The ayes were 42, nays 30.

Amendment H—3830 was adopted.

Adams of Hamilton offered the following amendment H—3691, to the committee amendment H—3636A, filed by her and moved its adoption:

H—3691

- 1 Amend the amendment, H—3636, to Senate File 508, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 11, the
- 5 following:
- 6 "_____, Page 8, line 30, by striking the figure
- 7 "93.43" and inserting the following: "93.42".
- 8 _____ Page 9, line 1, by striking the figure
- 9 "93.44" and inserting the following: "93.43".
- 10 2. By renumbering as necessary.

Amendment H—3691 was adopted.

Adams of Hamilton asked and received unanimous consent to withdraw amendments H—3803, H—3804 and H—3811, to the committee amendment H—3636A, filed by her on April 24, 1991.

Neuhauser of Johnson offered the following amendment H—3677, to the committee amendment H—3636A, filed by her and moved its adoption:

H—3677

- 1 Amend the amendment, H—3636, to Senate File 508, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 16, by striking the words "an
- 5 employee" and inserting the following: "a".
- 6 2. Page 1, line 17, by inserting after the word
- 7 "program" the following: "for state employees".

Amendment H—3677 was adopted.

Banks of Plymouth offered the following amendment H—3765, to the committee amendment H—3636A, filed by him and moved its adoption:

H—3765

- 1 Amend the amendment, H—3636, to Senate File 508, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 14 through 19.
- 5 2. By renumbering as necessary.

Roll call was requested by Neuhauser of Johnson and Banks of Plymouth.

Rule 75 was invoked.

On the question "Shall amendment H—3765, to the committee amendment H—3636A, be adopted?" (S.F. 508)

The ayes were, 50:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Cohoon	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	Lageschulte	Lundby	Maulsby
McKean	McNeal	Mertz	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman		

The nays were, 49:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brand	Brown
Burke	Carpenter	Chapman	Connors
Dickinson	Doderer	Dvorsky	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	McKinney	Metcalf	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, 1:

Brammer

Amendment H—3765 was adopted, placing out of order amendment H—3677, previously adopted.

Neuhauser of Johnson offered the following amendment H—3794, to the committee amendment H—3636A, filed by her and moved its adoption:

H—3794

- 1 Amend the amendment, H—3636, to Senate File 508, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 19, the
- 5 following:
- 6 "_____. Page 15, by striking lines 13 through 15."

Amendment H—3794 was adopted.

Grubbs of Scott offered the following amendment H—3793, to the committee amendment H—3636A, filed by him and Wissing of Scott and moved its adoption:

H—3793

- 1 Amend the amendment, H—3636, to Senate File 508, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 21 the
- 5 following:
- 6 "_____. Page 16, by inserting after line 25 the
- 7 following:
- 8 "Sec. _____. Section 364.24, Code 1991, is amended
- 9 to read as follows:
- 10 364.24 TRAFFIC LIGHT SYNCHRONIZATION.
- 11 After July 1, 1992, all cities with more than three
- 12 traffic lights within the corporate limits shall
- 13 establish a traffic light synchronization program for
- 14 energy efficiency in accordance with rules adopted by
- 15 the state department of transportation. The state
- 16 department of transportation shall adopt rules
- 17 required by this section by July 1, 1990. This
- 18 section does not require that a city replace lighting,
- 19 which has not completed its useful life, in order to
- 20 comply with the requirements of this section."
- 21 2. By renumbering as necessary.

Amendment H—3793 was adopted.

On motion by Adams of Hamilton, the committee amendment H—3636A, as amended, was adopted.

Adams of Hamilton asked and received unanimous consent to withdraw the committee amendment H—3636B.

The Speaker announced that amendment H—3785, filed by Grubbs of Scott on April 23, 1991, was out of order with the adoption of the committee amendment H—3636A, as amended.

Adams of Hamilton offered the following amendment H—3814 filed from the floor by Adams, Neuhauser, Shearer and Dvorsky and moved its adoption:

H—3814

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by striking lines 9 through 29.
- 4 2. Page 9, by striking lines 1 through 16.
- 5 3. By renumbering as necessary.

Amendment H—3814 was adopted, placing out of order lines 8 and

9 of amendment H—3691, previously adopted, and amendment H—3763 filed by Black of Jasper on April 22, 1991.

Shearer of Louisa offered the following amendment H—3822 filed by him from the floor and moved its adoption:

H—3822

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 32, by inserting after the word
- 4 "signs" the following: "at the time of replacement".

Amendment H—3822 was adopted.

Neuhauser of Johnson offered the following amendment H—3783 filed by her and moved its adoption:

H—3783

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, line 26, by striking the words
- 4 "intrastate and".
- 5 2. Page 14, by striking line 27, and inserting
- 6 the following: "interstate passenger rail service
- 7 connections."
- 8 3. Page 15, line 11, by striking the words
- 9 "Develop a vanpool program and act" and inserting the
- 10 following: "Act".
- 11 4. Page 19, line 31, by striking the words
- 12 "department of management" and inserting the
- 13 following: "state department of transportation".
- 14 5. Page 20, line 3, by inserting after the word
- 15 "The" the following: "state".
- 16 6. Page 20, line 4, by striking the word
- 17 "management" and inserting the following:
- 18 "transportation".

Amendment H—3783 was adopted.

Banks of Plymouth asked and received unanimous consent to withdraw amendment H—3769 filed by him on April 22, 1991.

Banks of Plymouth offered amendment H—3786 filed by him and requested division as follows:

H—3786

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3786A

- 3 1. Page 15, line 27, by inserting after the word

H-3786A

- 4 "emissions" the following: "of mobile sources, as
- 5 identified pursuant to Title II of the federal Clean
- 6 Air Act of 1990, Pub. L. No. 101-549,".

H-3786B

- 7 2. Page 19, line 31, by striking the words
- 8 "department of management" and inserting the
- 9 following: "state department of transportation".
- 10 3. Page 20, line 3, by inserting after the word
- 11 "The" the following: "state".
- 12 4. Page 20, line 4, by striking the word
- 13 "management" and inserting the following:
- 14 "transportation".

On motion by Banks of Plymouth, amendment H-3786A was adopted.

Banks of Plymouth asked and received unanimous consent to withdraw amendment H-3786B.

Chapman of Linn asked and received unanimous consent to withdraw amendment H-3756 filed by her on April 19, 1991.

McKean of Jones offered the following amendment H-3758 filed by him and Nielsen of Linn:

H-3758

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 25, the
- 4 following:
- 5 "Sec. ____: Section 364.23, Code 1991, is amended
- 6 to read as follows:
- 7 364.23 ENERGY EFFICIENT LIGHTING REQUIRED.
- 8 All city-owned exterior flood lighting, including
- 9 but not limited to, street and security lighting but
- 10 not including era or period lighting, shall be
- 11 replaced, when worn-out, exclusively with high
- 12 pressure sodium lighting or lighting with equivalent
- 13 or better energy efficiency as approved in rules
- 14 adopted by the utilities board within the utilities
- 15 division of the department of commerce."
- 16 2. By renumbering as necessary.

McKean of Jones offered the following amendment H-3775, to amendment H-3758, filed by him and Osterberg of Linn and moved its adoption:

H—3775

- 1 Amend the amendment, H—3758, to Senate File 508, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 10, by inserting after the word
- 5 "lighting" the following: "which has a minimum
- 6 efficiency rating of fifty-eight lumens per watt".

Amendment H—3775 was adopted.

On motion by McKean of Jones, amendment H—3758, as amended, was adopted.

The House stood at ease at 3:45 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 508 at 4:00 p.m., Speaker Arnould in the chair.

Dvorsky of Johnson offered the following amendment H—3851 filed by him and Bisignano of Polk from the floor and moved its adoption:

H—3851

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, by striking lines 28 and 29.
- 4 2. By renumbering as necessary.

Amendment H—3851 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. 508)

The ayes were, 92:

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	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach

Kremer	Lageschulte	Lundby	McKean
McKinney	McNeal	Metcalf	Millage
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	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 7:

Branstad	Maulsby	Mertz	Miller
Renken	Royer	Svoboda	

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.

INTRODUCTION OF BILL

House File 702, by committee on ways and means, 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 effective dates.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 508** be immediately messaged to the Senate.

The House stood at ease at 4:10 p.m., until the fall of the gavel.

The House resumed session at 4:30 p.m., Speaker Arnould in the chair.

MOTIONS TO RECONSIDER WITHDRAWN (Senate File 476)

Blanshan of Greene and Schrader of Marion asked and received unanimous consent to withdraw the motions to reconsider 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, filed by them on April 23, 1991.

CONSIDERATION OF BILLS Appropriations Calendar

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

Jochum of Dubuque offered the following amendment H—3764 filed by the committee on appropriations and moved its adoption:

H—3764

- 1 Amend Senate File 532, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 52, line 16, by striking the figure
- 4 "7,815,100" and inserting the following: "7,890,100
- 5 As a condition, limitation, and qualification of
- 6 the funds appropriated in this section, not more than
- 7 \$75,000 of the funds appropriated in this section
- 8 shall be used to pay interest in an amount calculated
- 9 in accordance with section 421.7 to service providers
- 10 on their billings to the state payable pursuant to
- 11 section 232.141, subsection 4, which during the period
- 12 of January 1, 1991, through April 30, 1991, became
- 13 more than 60 days past due."

The committee amendment H—3764 was adopted.

Teaford of Black Hawk offered the following amendment H—3792 filed by Teaford, et al., and moved its adoption:

H—3792

- 1 Amend Senate File 532, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 24, by striking the figure
- 4 "1,052,766" and inserting the following: "1,108,308".
- 5 2. Page 5, line 27, by striking the figure
- 6 "653,500" and inserting the following: "709,042".
- 7 3. Page 7, line 9, by striking the words
- 8 "paragraphs a and" and inserting the following:
- 9 "paragraph a, paragraph d, unnumbered paragraph 1, and
- 10 paragraph".

11 4. Page 9, by inserting after line 9, the

12 following:

13 "For grants to county boards of supervisors for the

14 homemaker-home health aide program:

15\$ 8,454,000
168,398,458".

Roll call was requested by Teafor of Black Hawk and Hammond of Story.

On the question "Shall amendment H—3792 be adopted?"
(S.F. 532)

The ayes were, 52:

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.	Hanson, D. E.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peterson, M. K.	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teafor	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 47:

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

Absent or not voting, 1:

Brammer

Amendment H—3792 was adopted.

Millage of Scott offered the following amendment H—3837 filed by him and Svoboda of Tama from the floor:

H—3837

1 Amend Senate File 532, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. By striking page 11, line 27 through page 15,
4 line 30.

Connors of Polk in the chair at 5:08 p.m.

Millage of Scott moved the adoption of amendment H—3837.

A non-record roll call was requested.

The ayes were 63, nays 20.

Amendment H—3837 was adopted.

Schrader of Marion offered the following amendment H—3807
filed by him and moved its adoption:

H—3807

1 Amend Senate File 532, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 27, by inserting after line 13 the
4 following:
5 "Sec. _____. Notwithstanding any other provision of
6 law, all entities which applied for and were awarded
7 funds, based upon the availability of the
8 appropriation originally made in 1990 Iowa Acts,
9 chapter 1262, section 15, which did not receive such
10 funds as a result of the reduction in the amount
11 appropriated under section 507 of this division, shall
12 be provided such funds during the fiscal year
13 beginning July 1, 1991, immediately upon the
14 availability of moneys for the rural community 2000
15 program."

Amendment H—3807 was adopted.

Corbett of Linn offered the following amendment H—3810 filed
by him and Chapman of Linn and moved its adoption:

H—3810

1 Amend Senate File 532, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 30, line 17, by striking the figure
4 "314,271" and inserting the following: "290,271".
5 2. Page 34, line 1, by striking the figure
6 "3,460,631" and inserting the following: "3,522,631".
7 3. Page 35, line 12, by striking the figure
8 "1,134,134" and inserting the following: "1,096,134".

Amendment H—3810 was adopted.

Krebsbach of Mitchell offered the following amendment H—3773
filed by Krebsbach, et al.:

H-3773

1 Amend Senate File 532, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 45, by inserting after line 2 the
4 following:

5 "Sec. _____. 1990 Iowa Acts, chapter 1268, section
6 5, subsection 1, is amended by adding the following
7 new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. As a condition,
9 limitation, and qualification of this appropriation,
10 the department shall adopt rules as required pursuant
11 to section 246.105 pertaining to executions of persons
12 convicted of capital murder."

13 2. Page 52, by inserting after line 26 the
14 following:

15 "DIVISION C

16 Sec. _____. Section 246.105, Code 1991, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 9A. Adopt rules pursuant to
19 chapter 17A pertaining to executions of persons
20 convicted of capital murder.

21 Sec. _____. Section 701.7, Code 1991, is amended to
22 read as follows:

23 701.7 FELONY DEFINED AND CLASSIFIED.

24 A public offense is a felony of a particular class
25 when the statute defining the crime declares it to be
26 a felony. Felonies are capital felonies, class "A"
27 felonies, class "B" felonies, class "C" felonies, and
28 class "D" felonies. ~~Where~~ If the statute defining the
29 offense declares it to be a felony but does not state
30 what class of felony it is or provide for a specific
31 penalty, that felony shall be is a class "D" felony.

32 Sec. _____. NEW SECTION. 707.1A CAPITAL MURDER.

33 1. a. A person commits capital murder if the
34 person commits murder in the first degree pursuant to
35 section 707.2, and the person previously has been
36 convicted of capital murder or a class "A" felony
37 pursuant to section 707.2, 709.2, or 710.2.

38 b. A person commits capital murder if the person
39 commits murder in the first degree pursuant to section
40 707.2, and the person, in the course of that murder,
41 commits another capital murder or another class "A"
42 felony pursuant to section 707.2, 709.2, or 710.2.

43 2. Capital murder is a felony punishable either by
44 death or by life imprisonment, as determined pursuant
45 to sections 10115 through 10118 of this Act. However,
46 if a person is convicted of capital murder who was
47 under the age of sixteen years at the time the offense
48 was committed, the person shall be sentenced to life
49 imprisonment.

50 3. If a defendant is sentenced to death pursuant

Page 2

1 to sections 10115 through 10118 of this Act, the
2 sentence shall be executed by the administration of a
3 lethal injection pursuant to rules adopted by the
4 board of corrections. For the purposes of this
5 section, "lethal injection" means a continuous
6 intravenous injection of a lethal quantity of sodium
7 thiopental or other equally or more effective
8 substance sufficient to cause death.

9 Sec. _____. Section 707.2, unnumbered paragraph 1,
10 Code 1991, is amended to read as follows:

11 A person commits murder in the first degree when
12 the person commits murder which is not capital murder
13 and which is committed under any of the following
14 circumstances:

15 Sec. _____. Section 707.3, unnumbered paragraph 1,
16 Code 1991, is amended to read as follows:

17 A person commits murder in the second degree when
18 the person commits murder which is not capital murder
19 or murder in the first degree.

20 Sec. _____. Section 707.4, unnumbered paragraph 2,
21 Code 1991, is amended to read as follows:

22 Voluntary manslaughter is an included offense under
23 an indictment for capital murder or murder in the
24 first or second degree.

25 Sec. _____. Section 707.5, unnumbered paragraph 1,
26 Code 1991, is amended to read as follows:

27 Involuntary manslaughter as defined in this section
28 is an included offense under an indictment for capital
29 murder or murder in the first or second degree or
30 voluntary manslaughter.

31 Sec. _____. Section 802.1, Code 1991, is amended to
32 read as follows:

33 802.1 MURDER.

34 A prosecution for capital murder or murder in the
35 first or second degree may be commenced at any time
36 after the death of the victim.

37 Sec. _____. Section 811.1, subsections 1 and 2, Code
38 1991, are amended to read as follows:

39 1. A defendant awaiting judgment of conviction and
40 sentencing following either a plea or verdict of
41 guilty of a class "A" felony, capital murder, murder,
42 felonious assault, sexual abuse in the second degree,
43 sexual abuse in the third degree, kidnapping, robbery
44 in the first degree, arson in the first degree, or
45 burglary in the first degree, or any felony included
46 in section 204.401, subsection 1, paragraph "a".

47 2. A defendant appealing a conviction of a class
48 "A" felony, capital murder, murder, felonious assault,
49 sexual abuse in the second degree, sexual abuse in the
50 third degree, kidnapping, robbery in the first degree,

Page 3

1 arson in the first degree, or burglary in the first
2 degree, or any felony included in section 204.401,
3 subsection 1, paragraph "a".

4 Sec. _____. Section 811.1, Code 1991, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 4. A defendant charged with
7 capital murder, if upon hearing held under the
8 conditions required by section 812.2, the prosecuting
9 attorney establishes by clear and convincing evidence
10 that the release of the defendant from custody is
11 likely to pose a danger of physical harm to another
12 person. The court shall consider all lawfully
13 obtained evidence relevant to the required
14 determination, whether or not the evidence would be
15 admissible at trial, but testimony of the person
16 charged is not admissible at a subsequent trial on the
17 issue of guilt of the offense charged or of any other
18 offense.

19 Sec. _____. NEW SECTION. 814.28 REVIEW OF DEATH
20 SENTENCE.

21 1. In a case in which a sentence of death is
22 imposed, the supreme court shall automatically review
23 the judgment and sentence. The case shall not be
24 transferred to the court of appeals.

25 2. A review by the supreme court of a judgment and
26 sentence imposing the punishment of death has priority
27 over all other criminal and other actions pending
28 before the supreme court.

29 3. The supreme court shall review the trial and
30 judgment, and separately shall review the sentencing
31 proceeding. Upon determining that errors did not
32 occur at the trial requiring reversal or modification
33 of the judgment, the supreme court shall proceed to
34 determine if the sentence of death is lawfully
35 imposed. In its review of the sentencing proceeding
36 the supreme court shall determine all of the
37 following:

38 a. Whether the sentence of death was imposed
39 capriciously or under the influence of prejudice or
40 other arbitrary factor.

41 b. Whether the special verdicts returned under
42 section 10115, subsection 2 of this Act, are supported
43 by the evidence.

44 c. Whether the sentence of death is excessive or
45 disproportionate to the penalty imposed in similar
46 cases, considering both the crime and the defendant.

47 4. If the supreme court determines that the
48 sentence of death was not lawfully imposed the court
49 shall set aside the sentence and shall remand the case
50 to the trial court for imposition of a sentence of

Page 4

1 life imprisonment.

2 5. If the supreme court affirms the judgment and
3 sentence of death, the clerk of the supreme court
4 shall certify the judgment of the supreme court under
5 the seal of the court to the clerk of the trial court.

6 Sec. _____. NEW SECTION. 901.11 CAPITAL MURDER
7 PROCEEDINGS.

8 1. If a charge of capital murder is submitted to
9 the jury or court, but the prosecuting attorney waives
10 the death penalty, upon a verdict of guilty, the court
11 shall sentence the defendant to life imprisonment. If
12 the prosecuting attorney waives the death penalty, the
13 court shall follow the sentencing procedures set forth
14 in rule of criminal procedure 22, Iowa court rules,
15 third edition, and need not follow the special
16 sentencing procedures provided for capital murder
17 cases.

18 2. If capital murder is charged, but the charge is
19 not submitted to the court or jury, or the court or
20 jury finds the defendant guilty of another offense,
21 upon conviction of the other charge, the court shall
22 follow the sentencing procedures set forth in rule of
23 criminal procedure 22, Iowa court rules, third
24 edition, concerning sentencing for the offense, rather
25 than the sentencing procedures provided for capital
26 murder cases.

27 3. Capital murder proceedings shall be conducted
28 in bifurcated proceedings before the same trier of
29 fact. During the initial proceeding, the jury, or the
30 court, if the defendant waives the right to a jury
31 trial, shall decide only whether the defendant is
32 guilty or not guilty of any submitted offense. The
33 issue of punishment shall not be submitted during the
34 initial proceeding.

35 Upon a verdict of guilty to a capital murder
36 charge, a separate sentencing proceeding shall be
37 conducted as provided in sections 10115 through 10118
38 of this Act. If a defendant enters a plea of guilty
39 to a capital murder charge, the court shall conduct a
40 separate sentencing proceeding as provided in sections
41 10115 through 10118 of this Act.

42 Sec. _____. NEW SECTION. 902.12 CAPITAL MURDER.

43 If a person is to be sentenced to life imprisonment
44 under section 10115, subsection 5 of this Act, nothing
45 in chapters 901 through 909, pertaining to deferred
46 judgment, deferred sentence, suspended sentence, or
47 reconsideration of sentence, applies, and the person
48 shall not be released on parole unless the governor
49 commutes the person's sentence to a term of years and
50 shall not otherwise be released from confinement

Page 5

1 unless the governor pardons the person.

2 Sec. _____. Rules of criminal procedure, Iowa court
3 rules, third edition, are amended by adding sections
4 10115 through 10118 of this Act.

5 Sec. 10115. NEW RULE. CAPITAL MURDER -
6 PROCEDURE.

7 1. Upon a finding or plea that a defendant is
8 guilty of capital murder, the court shall conduct a
9 separate sentencing proceeding to determine whether
10 the defendant shall be sentenced to death or to life
11 imprisonment. The proceeding shall be conducted in
12 the trial court before the trial jury, or the court if
13 there is no jury, as soon as practicable. In the
14 proceeding, additional evidence may be presented as to
15 any matter which is relevant to the sentence. The
16 court shall receive when offered any evidence that is
17 required by the rules of criminal procedure. This
18 subsection does not authorize the introduction of any
19 evidence secured in violation of the Constitution of
20 the United States or of the Constitution of the State
21 of Iowa. The state and the defendant or the
22 defendant's counsel shall be permitted to cross-
23 examine witnesses and to present argument for or
24 against a sentence of death.

25 2. On conclusion of the presentation of the
26 evidence, the court shall submit each of the following
27 issues to the jury:

28 a. Whether the conduct of the defendant that
29 caused the death of the deceased was committed
30 willfully, deliberately, and with the reasonable
31 expectation that the death of the deceased or another
32 would result.

33 b. Whether a probability exists that in the future
34 the defendant would commit criminal acts of violence
35 that would constitute a continuing threat to society.

36 c. Whether aggravating circumstances exist that
37 are sufficient to outweigh any mitigating
38 circumstances that may exist.

39 If the case is not tried to a jury, the court shall
40 determine the issues.

41 3. The state must prove each issue in subsection 2
42 beyond a reasonable doubt, and the jury, or the court
43 if there is no jury, shall return a special verdict of
44 "yes" or "no" on each issue.

45 4. If the case is tried to a jury, the court shall
46 charge the jury that:

47 a. It shall answer any issue "yes" if it agrees
48 unanimously.

49 b. It shall answer any issue "no" if the jurors
50 unanimously agree that the answer is "no" or if the

Page 6

1 jurors do not unanimously agree that the answer is
2 "yes".

3 5. If the jury, or the court if there is no jury,
4 returns an affirmative finding on all applicable
5 issues, the court shall sentence the defendant to
6 death. If the jury or the court returns a negative
7 finding on any applicable issue, the court shall
8 sentence the defendant to the custody of the director
9 of the department of corrections for confinement for
10 the rest of the defendant's life.

11 6. Iowa Code chapters 901 through 909 do not apply
12 to a conviction of capital murder if the defendant is
13 sentenced to death.

14 Sec. 10116. NEW RULE. AUTOMATIC REVIEW — STAY OF
15 JUDGMENT.

16 1. A judgment of conviction and sentence of death
17 shall be reviewed automatically in the manner provided
18 in Iowa Code section 814.28, and the Iowa supreme
19 court has exclusive jurisdiction of the review.

20 2. Upon entry of judgment and sentence of death,
21 the trial court shall prepare a complete record and
22 transcript of the action in the manner provided in the
23 rules of criminal procedure and shall docket the
24 record and transcript with the clerk of the supreme
25 court.

26 3. The judgment and sentence of the trial court is
27 stayed as a matter of law from the time of its entry
28 until the judgment of the supreme court is certified
29 to and entered by the trial court. Upon entry of a
30 judgment of the supreme court which affirms the
31 conviction and sentence, the stay of the judgment and
32 sentence terminates as a matter of law.

33 4. All court costs required due to the automatic
34 preparation of the record and transcript, docketing
35 with the supreme court, and stay of judgment and
36 sentence shall be assessed to the state.

37 Sec. 10117. NEW RULE. ISSUANCE OF WARRANT.

38 1. Upon entry by the trial court of the judgment
39 of the supreme court affirming a judgment and sentence
40 of death, a district judge shall within five days of
41 the entry issue a warrant under the seal of the court
42 for the execution of the sentence of death. The
43 warrant shall specifically set forth the offense and
44 the fact of conviction, shall state the judgment and
45 sentence of the court, shall state that the judgment
46 and sentence were affirmed by the supreme court and
47 the date of entry of judgment of the supreme court in
48 the trial court, and shall specify the date fixed for
49 execution of the defendant which shall be not less
50 than fifty nor more than sixty days after the date of

Page 7

1 entry in the trial court of the judgment of the
2 supreme court affirming the judgment and sentence of
3 death. The warrant shall be directed to the director
4 of the department of corrections commanding the
5 director to cause the warrant to be executed on the
6 date specified. The trial court shall deliver the
7 warrant to the sheriff of the county in which judgment
8 of conviction was entered and the sheriff shall
9 deliver the warrant and the defendant to the custody
10 of the department of corrections for confinement in
11 the state penitentiary. The director of the
12 department of corrections shall acknowledge receipt of
13 the warrant and the defendant, and the sheriff shall
14 return the acknowledgment to the office of the clerk
15 of the trial court from which the warrant was issued.

16 2. Immediately after issuance of a warrant
17 ordering a sentence of death, the clerk of the trial
18 court issuing the warrant shall transmit by mail to
19 the governor a copy of the indictment, the plea, the
20 verdict and special findings, the affirmation of
21 judgment and sentence by the supreme court, and the
22 complete transcript of the trial court.

23 Sec. 10118. NEW RULE. EVIDENCE AT SENTENCING IN
24 CAPITAL MURDER CASES - REQUIRED INFORMATION.

25 1. At a reasonable time before the commencement of
26 sentencing proceedings in a capital murder case, each
27 party shall file and serve upon the other party the
28 following:

29 a. A list of all aggravating or mitigating
30 circumstances which the party intends to prove during
31 the sentencing proceedings.

32 b. The names of all persons whom the party intends
33 to call as witnesses during the sentencing
34 proceedings.

35 c. Notwithstanding rule 13, copies, or for
36 inspection purposes, the location, of all documents,
37 including books, papers, writings, drawings, graphs,
38 charts, photographs, phonorecords, and other data
39 compilations from which information can be obtained,
40 or other objects which the party intends to offer into
41 evidence during the sentencing proceedings. If copies
42 are not supplied to opposing counsel, the party shall
43 make the items available for inspection and copying
44 without order of the court.

45 2. In proceedings to determine whether the
46 sentence shall be death or life imprisonment, evidence
47 may be presented as to any matter which the trial
48 court deems relevant to sentence, including but not
49 limited to the nature, circumstances, and manner of
50 completion of the murder, and the defendant's

Page 8

- 1 character, background, history, and mental and
- 2 physical condition. The trial court shall admit any
- 3 relevant evidence respecting any aggravating or
- 4 mitigating circumstances, if the party has included
- 5 the circumstance on a list provided pursuant to this
- 6 rule, or good cause is shown for the failure to do so.
- 7 Sec. _____. APPLICABILITY. This division of this
- 8 Act applies to offenses committed on or after the
- 9 effective date of this Act."
- 10 3. Title page, line 4, by inserting after the
- 11 word "state," the following: "requiring the adoption
- 12 of rules concerning the death penalty as a condition
- 13 of certain appropriations, establishing the offense of
- 14 capital murder, providing a minimum age for imposition
- 15 of the death sentence,".
- 16 4. Title page, line 5, by inserting after the
- 17 word "date" the following: "and applicability
- 18 provision".
- 19 5. By renumbering and correcting internal
- 20 references as necessary.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—3781, to amendment H—3773, filed by him and Teaford of Black Hawk on April 23, 1991.

Krebsbach of Mitchell asked and received unanimous consent to withdraw amendment H—3805, to amendment H—3773, filed by Millage of Scott and him on April 24, 1991.

Jochum of Dubuque rose on a point of order that amendment H—3773 was not germane.

The Speaker ruled the point well taken and amendment H—3773 not germane.

Van Maanen of Mahaska moved that the rules be suspended to consider amendment H—3773.

Roll call was requested by Garman of Story and Grubbs of Scott.

On the question "Shall the rules be suspended to consider amendment H—3773?" (S.F. 532)

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	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
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	Sherzan	Shoultz
Spear	Svoboda	Teaford	Wise
Wissing	Connors		
	Presiding		

Absent or not voting, 1:

Brammer

The motion to suspend the rules lost.

Shoultz of Black Hawk offered the following amendment H—3779 filed by Shoultz, et al., and moved its adoption:

H—3779

- 1 Amend Senate File 532, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 49, by inserting after line 1, the
- 4 following:
- 5 "For purposes of this section, moneys collected and
- 6 deposited into the groundwater protection fund during
- 7 the fiscal year ending June 30, 1991, which were
- 8 designated by formula for specific centers at any
- 9 state board of regents institutions shall be
- 10 considered encumbered and obligated funds."

Amendment H—3779 was adopted.

Murphy of Dubuque offered the following amendment H—3855 filed by him from the floor and moved its adoption:

H—3855

1 Amend Senate File 532, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 51, by inserting after line 6 the
4 following:

5 "As a condition, limitation, and qualification of
6 the supplemental funds appropriated in this section,
7 notwithstanding the adoption of an administrative rule
8 limiting coverage of organ transplants under the
9 medical assistance program, the department shall
10 continue through the fiscal year ending June 30, 1992,
11 to provide medical assistance coverage for organ
12 transplants to individuals who applied for and
13 received approval from the department on or before
14 January 1, 1991, for medical assistance coverage of an
15 organ transplant."

Roll call was requested by Murphy of Dubuque and Ollie of Clinton.

On the question "Shall amendment H—3855 be adopted?"
(S.F. 532)

The ayes were, 89:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Gill	Gipp
Groninga	Grubbs	Gruhn	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	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Connors			
Presiding			

The nays were, 6:

Banks	Corbett	Garman	Hahn
Osterberg	Renken		

Absent or not voting, 5:

Brammer	Harbor	Miller	Royer
Teaford			

Amendment H—3855 was adopted.

Murphy of Dubuque offered the following amendment H—3856 filed by him and Brown of Lucas from the floor and moved its adoption:

H—3856

- 1 Amend Senate File 532, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 51, by inserting after line 6, the
- 4 following:
- 5 "As a condition, limitation, and qualification of
- 6 the supplemental funds appropriated in this section,
- 7 notwithstanding the adoption of an administrative rule
- 8 limiting coverage of organ transplants under the
- 9 medical assistance program, the department shall
- 10 continue through the fiscal year ending June 30, 1992,
- 11 to provide medical assistance coverage for organ
- 12 transplants of the pancreas and the liver until the
- 13 department establishes criteria for the coverage of
- 14 these transplants. The criteria shall include but are
- 15 not limited to health status and anticipated outcomes,
- 16 including expected quality of life. The department
- 17 may adopt emergency rules to implement the provisions
- 18 of this subsection."

Amendment H—3856 was adopted.

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

On the question "Shall the bill pass?" (S.F. 532)

The ayes were, 88:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Blanshan	Brand
Burke	Carpenter	Chapman	Cohoon
Corbett	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.	Hanson, D. R.

Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Jay
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.	Poncy	Rafferty	Renaud
Renken	Royer	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, 11:

Black	Branstad	Brown	Dickinson
Halvorson, R. N.	Iverson	Jesse	Lageschulte
Plasier	Schrader	Shoultz	

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 stood at ease at 6:12 p.m., until the fall of the gavel.

The House resumed session at 6:31 p.m., Speaker Arnould in the chair.

REREFERRED TO COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

McKinney of Dallas asked and received unanimous consent to rerefer **Senate File 384**, presently on the **regular calendar**, to the committee on **judiciary and law enforcement**.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 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.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—3813 April 24, 1991.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 529.

Appropriations Calendar

Senate File 529, a bill for an act relating to and making appropriations to state departments, agencies, programs, funds, and the inter-state agricultural grain marketing commission, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Jochum of Dubuque offered the following amendment H—3813 filed by the committee on appropriations from the floor:

H—3813

- 1 Amend Senate File 529, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 2, line 34, through page 3,
- 4 line 1.
- 5 2. Page 3, line 16, by striking the figure
- 6 "752,033" and inserting the following: "791,614".
- 7 3. Page 6, by inserting after line 26 the fol-
- 8 lowing:
- 9 "The department of general services may use funds
- 10 appropriated in this subsection for utility costs to
- 11 fund energy conservation projects in the state capitol
- 12 complex which will have a 100 percent payback within a
- 13 24-month period. The department of general services
- 14 shall report quarterly to the chairpersons and ranking
- 15 members of the administration appropriations
- 16 subcommittee, and to the legislative fiscal bureau,
- 17 concerning the savings generated as a result of
- 18 implementation of these projects."
- 19 4. Page 13, line 19, by striking the figure
- 20 "10,787,985" and inserting the following:
- 21 "10,825,147".
- 22 5. Page 13, line 23, by striking the figure
- 23 "6,744,640" and inserting the following: "6,750,450".
- 24 6. Page 13, line 27, by striking the figure
- 25 "2,053,165" and inserting the following: "2,006,656".
- 26 7. Page 13, line 31, by striking the figure
- 27 "1,362,581" and inserting the following: "1,383,566".
- 28 8. Page 13, line 35, by striking the figure
- 29 "2,225,415" and inserting the following: "2,172,978".
- 30 9. Page 14, line 4, by striking the figure

31 "964,784" and inserting the following: "1,033,213".

32 10. Page 17, by inserting before line 15 the
33 following:

34 "Sec. _____. NEW SECTION. 7.15A APPOINTMENTS.

35 The governor, when appointing a person to fill a
36 full-time position for a division, department, board,
37 commission, or council of the state shall provide all
38 necessary information regarding the appointive
39 position to the department of personnel.

40 The department of personnel shall give public
41 notice of recruitment for the position, and the
42 position shall remain open for at least fifteen
43 calendar days following the date of public notice.

44 Recruitment for the position may be limited to a
45 specific geographic area or to persons with specific
46 background qualifications, or both. Recruitment
47 announcements shall specify the title, salary range,
48 method for making application, closing date for
49 receiving applications, and any specific availability
50 or background requirements. Recruitment announcements

Page 2

1 shall be posted in conspicuous locations throughout
2 the relevant state agency and in the offices of the
3 division of job service of the department of
4 employment services. Recruitment announcements shall
5 also be sent to newspapers, radio stations,
6 educational institutions, professional and vocational
7 associations, and other recruitment sources as funds
8 allow."

9 11. By striking page 17, line 28, through page
10 18, line 5, and inserting the following:

11 "Sec. _____. USE OF RECOVERED ADMINISTRATIVE FUNDS.

12 The funds collected as administrative and related
13 overhead costs under section 12.8 for the fiscal year
14 beginning July 1, 1991, shall be credited to the
15 general fund of the state. The treasurer of state
16 shall report to the chairpersons and ranking members
17 of the joint administration appropriations
18 subcommittee, to the legislative fiscal committee, and
19 to the legislative fiscal bureau, as to the amounts
20 collected. It is the intent of the general assembly
21 that commencing with the fiscal year beginning July 1,
22 1992, the administrative and related overhead costs
23 recovered shall become part of the budget of the
24 office of treasurer of state."

25 12. Page 18, by striking lines 6 through 23.

26 13. Page 18, by striking lines 24 through 29 and
27 inserting the following:

28 "Sec. _____. Section 73.16, subsection 1, Code 1991,
29 is amended to read as follows:

30 1. Every agency, department, commission, board,
31 committee, officer or other governing body of the
32 state shall purchase ten percent of goods and services
33 supplied by small businesses and targeted small
34 businesses, having average annual gross sales of less
35 than five million dollars over the previous three
36 years in Iowa. In addition to the other provisions of
37 this section relating to procurement contracts for
38 targeted small businesses, all purchasing authorities
39 shall assure that a proportionate share of small
40 businesses and targeted small businesses identified
41 under the uniform small business vendor application
42 program of the department of economic development are
43 given the opportunity to bid on all solicitations
44 issued by agencies and departments of state
45 government. Any goods or services purchased from
46 targeted small businesses shall be counted toward the
47 ten percent procurement requirement."
48 14. Page 19, line 10, by striking the figure
49 "985,358" and inserting the following: "1,085,919".
50 15. Page 19, line 23, by striking the figure

Page 3

1 "32.20" and inserting the following: "41.20".
2 16. Page 19, line 33, by striking the figure
3 "828,873" and inserting the following: "861,528".
4 17. Page 19, line 34, by striking the figure
5 "19.0" and inserting the following: "23.0".
6 18. By striking page 19, line 35, through page
7 20, line 6, and inserting the following:
8 "_____. As a condition, limitation, and
9 qualification of the appropriation under paragraph
10 "a", \$165,000 shall be used for research and promotion
11 of ethanol and other alternative fuels, and to perform
12 in-state promotion of Iowa grown crops. The duties
13 shall be performed by a full-time equivalent position
14 which is within the division."
15 19. Page 20, line 20, by striking the figure
16 "3,879,715" and inserting the following: "4,129,715".
17 20. Page 21, line 28, by striking the figure
18 "5,232,428" and inserting the following: "5,132,428".
19 21. Page 22, by striking lines 30 through 35 and
20 inserting the following:
21 "(8) Funds shall not be allocated for financial
22 incentives for which the appropriation under paragraph
23 "d" is made.
24 d. To provide financial incentives for soil
25 conservation practices not exceeding 100 percent of
26 the approved costs or 100 percent of the actual cost,
27 whichever is less, of establishing permanent grass and
28 buffer zones as provided under section 467A.48:

- 29\$ 206,000".
- 30 22. Page 23, line 24, by striking the figure
- 31 "500,000" and inserting the following: "250,000".
- 32 23. Page 23, by striking lines 25 through 35.
- 33 24. Page 24, line 30, by striking the figure
- 34 "55,893" and inserting the following: "56,031".
- 35 25. Page 25, line 1, by striking the figure
- 36 "711,672" and inserting the following: "728,044".
- 37 26. Page 25, line 7, by striking the figure
- 38 "1,588,181" and inserting the following: "1,619,895".
- 39 27. Page 25, line 10, by inserting before the
- 40 word "For" the following: "a."
- 41 28. Page 25, line 13, by striking the figure
- 42 "5,170,899" and inserting the following: "5,445,002".
- 43 29. Page 25, by inserting after line 14 the
- 44 following:
- 45 "b. As a condition, limitation, and qualification
- 46 of the appropriation under paragraph "a", the
- 47 department of natural resources shall construct a
- 48 safety fence on the dam at Beeds lake in Franklin
- 49 county."
- 50 30. Page 25, line 19, by striking the figure

Page 4

- 1 "1,617,265" and inserting the following: "1,626,062".
- 2 31. Page 25, line 25, by striking the figure
- 3 "1,223,941" and inserting the following: "1,386,097".
- 4 32. Page 25, line 26, by striking the figure
- 5 "58.62" and inserting the following: "59.62".
- 6 33. Page 25, line 31, by striking the figure
- 7 "1,965,992" and inserting the following: "2,002,785".
- 8 34. Page 28, line 23, by striking the figure
- 9 "1,350,000" and inserting the following: "2,620,568".
- 10 35. Page 28, line 28, by striking the letter "a."
- 11 36. Page 28, line 31, by striking the figure
- 12 "850,000" and inserting the following: "750,000".
- 13 37. By striking page 28, line 32, through page
- 14 29, line 9.
- 15 38. Page 31, by inserting after line 20 the
- 16 following:
- 17 "Sec. _____. The laboratory division of the
- 18 department of agriculture and land stewardship, the
- 19 university of Iowa, and Iowa state university of
- 20 science and technology shall cooperate together in
- 21 developing a plan for sharing laboratory resources,
- 22 eliminating duplication of efforts, and reducing the
- 23 expenditures of moneys from the general fund of the
- 24 state. The laboratory shall submit the plan to the
- 25 members of the agriculture and natural resources
- 26 appropriations subcommittee of the committees on
- 27 appropriations in the senate and house of

28 representatives, and to the legislative fiscal bureau
29 by January 13, 1992."

30 39. Page 32, by inserting after line 10 the
31 following:

32 "Sec. _____. The general assembly requests that the
33 center for health effects of environmental
34 contamination at the university of Iowa study to the
35 extent practicable the contribution to groundwater and
36 surface water contamination caused by the application
37 of lawn care chemicals. A report prepared by the
38 center shall be forwarded to the secretary of the
39 senate and chief clerk of the house of representatives
40 as soon as possible."

41 40. Page 32, by inserting after line 33, the
42 following:

43 "Sec. _____. Notwithstanding the amount of the
44 appropriation specified in section 455A.18, subsection
45 4, for the fiscal year beginning July 1, 1991, the
46 amount of the appropriation from the general fund of
47 the state shall be \$20,000,000."

48 41. Page 34, by striking lines 6 through 9.

49 42. By striking page 34, line 34, through page
50 35, line 30, and inserting the following:

Page 5

1 "Sec. _____. Section 173.14B, subsection 1,
2 unnumbered paragraph 1, Code 1991, is amended to read
3 as follows:

4 The board may issue and sell negotiable revenue
5 bonds of the authority in denominations and amounts as
6 the board deems for the best interests of the fair,
7 for any of the following purposes after authorization.
8 However, the board must first submit a list of the
9 purposes ranked by priority and a purpose must be
10 authorized by a constitutional majority of each house
11 of the general assembly and approval approved by the
12 governor. A purpose must be one of the following:

13 Sec. _____. Section 173.14B, subsection 2, Code
14 1991, is amended to read as follows:

15 2. The board may issue negotiable bonds and notes
16 of the authority in principal amounts which are
17 necessary to provide sufficient funds for achievement
18 of its corporate purposes, the payment of interest on
19 its bonds and notes, the establishment of reserves to
20 secure its bonds and notes, and all other expenditures
21 of the board incident to and necessary, subject to
22 authorization and approval required under subsection
23 1. However, the total principal amount of bonds and
24 notes outstanding at any time under subsection 1 and
25 this subsection shall not exceed one hundred fifty six
26 million dollars. The bonds and notes are deemed to be

27 investment securities and negotiable instruments
 28 within the meaning of and for all purposes of the
 29 uniform commercial code."

30 43. Page 37, lines 4 and 5, by striking the words
 31 "AND RECORDS".

32 44. Page 37, by striking lines 6 through 8 and
 33 inserting the following:

34 "The department may establish a schedule of fees
 35 for subscriptions to publications produced by the".

36 45. By striking page 37, line 16 through page 38,
 37 line 13, and inserting the following: "the
 38 publication."

39 46. Page 40, by striking lines 23 through 34.

40 47. Page 41, line 10, by striking the figure
 41 "995,421" and inserting the following: "1,040,965".

42 48. Page 41, line 33, by striking the figure
 43 "130,853" and inserting the following: "144,648".

44 49. Page 42, line 4, by striking the figure
 45 "318,858" and inserting the following: "344,358".

46 50. Page 42, line 7, by striking the figure
 47 "125,000" and inserting the following: "140,000".

48 51. Page 42, line 9, by striking the figure
 49 "33,500" and inserting the following: "44,000".

50 52. Page 43, line 13, by striking the figure

Page 6

1 "229,415" and inserting the following: "269,261".

2 53. Page 43, line 14, by striking the figure

3 "5.00" and inserting the following: "6.00".

4 54. Page 43, by inserting after line 19 the fol-
 5 lowing:

6 "9. COMMUNITY ACTION AGENCIES DIVISION

7 For the expenses of the community action agencies
 8 commission:

9\$ 3,644".

10 55. Page 44, line 3, by striking the figure

11 "429,519" and inserting the following: "448,630".

12 56. Page 44, line 5, by striking the figure

13 "\$50,000" and inserting the following: "a sufficient
 14 amount".

15 57. Page 44, line 20, by striking the figure

16 "83,000" and inserting the following: "73,000".

17 58. Page 44, line 28, by inserting after the word

18 "care," the following: "respite care, case management
 19 for the frail elderly,".

20 59. Page 45, by striking lines 3 through 11.

21 60. Page 45, line 20, by striking the letter "a."

22 61. Page 45, by striking lines 25 through 31.

23 62. Page 46, line 18, by striking the figure

24 "100,000" and inserting the following: "300,000".

25 63. Page 46, line 26, by inserting after the word

- 26 "to" the following: "private".
- 27 64. Page 46, line 33, by striking the figure
- 28 "2,301,510" and inserting the following: "2,407,574".
- 29 65. Page 46, line 34, by striking the figure
- 30 "82.04" and inserting the following: "85.54".
- 31 66. Page 48, line 5, by striking the figure
- 32 "597,785" and inserting the following: "615,785".
- 33 67. Page 49, line 12, by striking the figure
- 34 "8,571,941" and inserting the following: "8,471,941".
- 35 68. Page 49, line 20, by striking the figure
- 36 "4,345,820" and inserting the following: "4,647,820".
- 37 69. Page 49, line 23, by striking the figure
- 38 "631,000" and inserting the following: "578,969".
- 39 70. Page 49, by striking lines 25 and 26, and
- 40 inserting the following: "funds, and \$282,969 shall
- 41 be allocated for regional".
- 42 71. Page 49, line 31, by striking the figure
- 43 "99,000" and inserting the following: "77,000".
- 44 72. Page 49, line 33, by striking the figure
- 45 "657,500" and inserting the following: "754,500".
- 46 73. Page 50, line 15, by striking the figure
- 47 "341,500" and inserting the following: "321,993".
- 48 74. Page 50, line 21, by striking the figure
- 49 "125,000" and inserting the following: "119,497".
- 50 75. Page 50, line 23, by striking the figure

Page 7

- 1 "67,000" and inserting the following: "64,044".
- 2 76. Page 50, line 31, by striking the figure
- 3 "101,500" and inserting the following: "97,092".
- 4 77. Page 51, line 26, by striking the figure
- 5 "2,682,249" and inserting the following: "2,596,249".
- 6 78. Page 53, line 14, by striking the figure
- 7 "8,975,159" and inserting the following: "8,775,159".
- 8 79. Page 57, line 24, by striking the figure
- 9 "606,945" and inserting the following: "605,000".
- 10 80. By striking page 58, line 3 through page 59,
- 11 line 4.
- 12 81. Page 61, line 27, by striking the figure
- 13 "2,574,205" and inserting the following: "2,274,713".
- 14 82. Page 61, line 28, by striking the figure
- 15 "95.00" and inserting the following: "86.00".
- 16 83. By striking page 61, line 33 through page 62,
- 17 line 3.
- 18 84. Page 65, by striking lines 31 through 34 and
- 19 inserting the following:
- | | | |
|---------------|----|-----------|
| 20 "....." | \$ | 1,612,239 |
| 21 ".....FTEs | | 117.00 |
- 22 Of the amount appropriated in this subsection,
- 23 \$110,438, of so much thereof as is necessary, shall be
- 24 expended for 7.00".

25 85. Page 66, by inserting after line 1 the
26 following:
27 "A nursing home regulation review task force is
28 established for the purpose of developing rules and
29 recommendations to implement federal requirements for
30 nursing home reform. The task force is to be
31 organized and convened by the department of
32 inspections and appeals. The membership of the task
33 force is to consist of the following:
34 1. One member representing the department of
35 inspections and appeals to be appointed by the
36 director of that department.
37 2. One member representing the department of human
38 services to be appointed by the director of that
39 department.
40 3. One member representing the nursing home
41 ombudsman within the department of elder affairs to be
42 appointed by the director of that department.
43 4. One member representing the Iowa health care
44 association.
45 5. One member representing the Iowa association of
46 homes for the aging.
47 6. One member representing the Iowa hospital
48 associations.
49 7. Legislative members to be appointed by the
50 legislative council. Legislative members shall

Page 8

1 include members from the senate and the house of
2 representatives who serve on the regulation
3 appropriations subcommittee and the standing
4 committees on human resources.
5 The task force shall meet as necessary and shall
6 report the conclusions and recommendations of the task
7 force to the general assembly by September 1, 1991."
8 86. By striking page 66, line 28, through page
9 67, line 17.
10 87. Page 68, by striking lines 23 through 27 and
11 inserting the following:
12 "a. The number of court appointments, both adult
13 and juvenile, by type of case and by county.
14 b. The amount of restitution as follows:"
15 88. Page 68, line 29, by inserting before the
16 word "case" the following: "adult and juvenile".
17 89. Page 68, by striking line 31 and inserting
18 the following:
19 "c. The original charge and the disposition charge
20 of each adult".
21 90. Page 70, line 11, by striking the figure
22 "1,491,046" and inserting the following: "1,470,846".
23 91. Page 70, line 12, by striking the figure

24 "42.50" and inserting the following: "41.50".

25 92. Page 71, by striking lines 16 through 19 and
26 inserting the following:

27 "The banking division shall provide technical
28 assistance and staffing assistance to the director of
29 the department of commerce, as necessary, to assist
30 the director in the director's capacity as
31 superintendent of savings and loan associations as
32 provided in Senate File 494, if enacted by the 1991
33 Session of the Seventy-fourth General Assembly."

34 93. By striking page 74, line 19, through page
35 75, line 6.

36 94. Page 75, by striking lines 7 through 21 and
37 inserting the following:

38 "Sec. _____. Section 96.7, subsection 9, Code 1991,
39 is amended by striking the subsection."

40 95. Page 78, by inserting after line 12 the
41 following:

42 "Sec. _____. **NEW SECTION. 815.10A CLAIM FOR**
43 **COMPENSATION - REQUIREMENTS.**

44 1. The department of inspections and appeals shall
45 require all claims for compensation filed by court-
46 appointed attorneys for indigent defense cases,
47 whether adult or juvenile, to include all of the
48 following:

49 a. The number of in-court hours associated with
50 the case.

Page 9

1 b. The number of out-of-court hours associated
2 with the case.

3 c. The total number of hours, in-court and out-of-
4 court, for which the attorney is submitting a claim
5 for compensation.

6 d. The hourly rate of compensation the attorney
7 would like to receive.

8 e. An attached itemized statement of the services
9 performed by the attorney for which the attorney is
10 seeking compensation.

11 f. A statement of the offense for which the client
12 was prosecuted.

13 g. The Code sections under which the charges
14 against the client were filed.

15 h. The signature of the attorney certifying the
16 information in the claim for compensation to be
17 correct.

18 2. If the information required in this section is
19 submitted with the claim for compensation, the court
20 may then award reasonable and proper compensation to
21 the attorney. If information required is not
22 submitted with the claim for compensation, the

23 department may reject the claim until such information.
24 is submitted."

25 96. Page 79, line 8, by striking the figure
26 "3,315,946" and inserting the following: "3,405,823".

27 97. Page 79, line 14, by striking the figure
28 "315,399" and inserting the following: "332,844".

29 98. Page 79, line 20, by striking the figure
30 "142,340" and inserting the following: "142,338".

31 99. Page 79, line 28, by striking the figure
32 "9,676" and inserting the following: "10,185".

33 100. Page 80, line 4, by striking the figure
34 "2,395,663" and inserting the following: "2,503,178".

35 101. Page 80, line 16, by striking the figure
36 "3,141,241" and inserting the following: "3,325,447".

37 102. Page 80, line 27, by striking the figure
38 "6,250,157" and inserting the following: "7,859,746".

39 103. Page 80, line 28, by striking the figure
40 "141.00" and inserting the following: "160.00".

41 104. Page 81, line 1, by striking the figure
42 "2,148,790" and inserting the following: "2,152,747".

43 105. Page 81, line 4, by striking the figure
44 "260,250" and inserting the following: "261,000".

45 106. Page 81, line 11, by striking the figure
46 "1,427,474" and inserting the following: "1,473,233".

47 107. Page 81, line 12, by striking the figure
48 "33.00" and inserting the following: "34.00".

49 108. Page 81, line 15, by striking the figure
50 "1,135,371" and inserting the following: "1,161,735".

Page 10

1 109. Page 81, line 29, by striking the figure
2 "27,771" and inserting the following: "29,544".

3 110. Page 82, line 10, by striking the figure
4 "24,458,362" and inserting the following:
5 "24,198,122".

6 111. Page 82, line 11, by striking the figure
7 "456.00" and inserting the following: "452.00".

8 112. Page 82, by striking lines 19 through 21.

9 113. By striking page 83, line 30, through page
10 84, line 10.

11 114. Page 86, line 20, by striking the figure
12 "2,959.00" and inserting the following: "2,933.00".

13 115. Page 86, by inserting before line 21 the
14 following:

15 "As a condition, limitation, and qualification of
16 the appropriation in this paragraph, the department
17 shall conduct a pilot project for contracting with
18 counties for winter maintenance on state primary
19 highways. The department shall continue this project
20 for a duration that is sufficient to determine the
21 feasibility for performing permanent contractual

22 maintenance with counties. Participating counties
23 shall meet minimum criteria relating to highway
24 maintenance functions, as determined by the
25 department. The department shall submit an annual
26 report to the general assembly outlining the progress
27 of the pilot project."

28 116. Page 89, line 1, by striking the figure
29 "1,580,546" and inserting the following: "2,480,546".

30 117. Page 89, by striking lines 2 through 17.

31 118. Page 91, by striking lines 10 through 32.

32 119. Page 92, by inserting after line 11, the
33 following:

34 "DIVISION VI
35 GENERAL REDUCTIONS

36 Sec. _____. REDUCTIONS. Notwithstanding the
37 specific appropriations made in this Act, all
38 appropriations made in this Act shall be reduced by
39 0.5 percent."

40 120. By renumbering, relettering, or
41 redesignating and correcting internal references as
42 necessary.

Svoboda of Tama offered amendment H—3862, to the committee amendment H—3813, filed from the floor by Svoboda, Gruhn and Mertz. Division was requested as follows:

H—3862

1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

H—3862A

4 1. Page 3, line 3, by striking the figure
5 "861,528" and inserting the following: "1,111,528".

H—3862B

6 2. Page 3, by striking lines 19 through 29, and
7 inserting the following:
8 "_____. Page 22, by striking lines 30 through 35."
9 3. By renumbering as necessary.

On motion by Svoboda of Tama, amendment H—3862A lost.

Petersen of Muscatine offered the following amendment H—3860, to the committee amendment H—3813, filed by him and Mertz of Kossuth from the floor:

H—3860

1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by striking lines 19 through 29 and
5 inserting the following:

- 6 "_____. Page 21, line 32, by striking the figure
7 "6,439,972" and inserting the following: "6,645,972".
8 2. By renumbering as necessary.

Petersen of Muscatine asked and received unanimous consent to defer action on amendment H—3860.

The House resumed consideration of amendment H—3862B, to the committee amendment H—3813.

Svoboda of Tama asked and received unanimous consent to defer action on amendment H—3862B.

Petersen of Muscatine offered the following amendment H—3864, to the committee amendment H—3813, filed from the floor by Petersen, Hanson of Delaware, Tyrrell and Eddie, and moved its adoption:

H—3864

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 31, by striking the figure
5 "250,000" and inserting the following: "450,000".
6 2. Page 6, by striking lines 23 and 24.
7 3. By renumbering as necessary.

Amendment H—3864 lost.

Schrader of Marion offered the following amendment H—3853, to the committee amendment H—3813, filed by him and Dvorsky of Johnson from the floor and moved its adoption:

H—3853

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by striking lines 33 and 34 and
5 inserting the following: "department of natural
6 resources study to the".

Amendment H—3853 was adopted.

Halvorson of Clayton offered the following amendment H—3848, to the committee amendment H—3813, filed by him and Kistler of Jefferson from the floor:

H—3848

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, line 47, by striking the figure
5 "20,000,000", and inserting the following:
6 "10,000,000".

Haverland of Polk in the chair at 7:00 p.m.

Halvorson of Clayton moved the adoption of amendment H—3848, to the committee amendment H—3813.

Roll call was requested by Shoultz of Black Hawk and Black of Jasper.

On the question "Shall amendment H—3848, to the committee amendment H—3813, be adopted?" (S.F. 529)

The ayes were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Eddie	Garman	Gipp	Hahn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Maulsby	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Svoboda	Van Maanen
Weidman			

The nays were, 57:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Diemer
Dvorsky	Fogarty	Gill	Groninga
Grubbs	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hatch	Hibbard
Holveck	Jesse	Jochum	Knapp
Koenigs	Lageschulte	Lundby	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Tyrrell	Wise	Wissing
Haverland			
Presiding			

Absent or not voting, 6:

Bisignano	Brammer	Doderer	Jay
Plasier	Teaford		

Amendment H—3848 lost.

Jochum of Dubuque offered the following amendment H—3877, to the committee amendment H—3813, filed by him from the floor and moved its adoption:

H—3877

1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, line 43, by striking the word "Sec."
5 "_____." and inserting the following: "Sec. 2000."

6 2. Page 4, by striking line 47, and inserting the
7 following: "the state shall be \$20,000,000."

8 Sec. _____. Notwithstanding the requirement in
9 section 99E.10, subsection 1, to transfer lottery
10 revenue remaining after expenses are deducted, the
11 requirement under section 99E.20, subsection 2, for
12 the commissioner to certify and transfer a portion of
13 the lottery fund to the CLEAN fund, nor the
14 appropriations and allocations in section 99E.34, all
15 lottery revenues received during the fiscal year
16 beginning July 1, 1991, and ending June 30, 1992,
17 after deductions for expenses as provided in section
18 99E.10, subsection 1, shall not be transferred to and
19 deposited into the CLEAN fund but shall be used to
20 reimburse the general fund of the state for each
21 dollar spent, up to the following amounts, as a result
22 of the appropriations made for the following purposes:

23 1. Soil conservation cost share as administered by
24 the department of agriculture and land stewardship, up
25 to \$6,439,972.

26 2. Filter strips, as administered by the
27 department of agriculture and land stewardship, up to
28 \$206,000.

29 3. Parks and preserves division, of the department
30 of natural resources, up to \$5,000,000.

31 4. Forests and forestry division, of the
32 department of natural resources, up to \$1,500,000.

33 5. Environmental protection division, of the
34 department of natural resources, up to \$1,750,000.

35 6. Agricultural experiment station at Iowa state
36 university of science and technology, up to
37 \$4,704,028.

38 7. Leopold center at Iowa state university of
39 science and technology, up to \$600,000.

40 8. Iowa resource enhancement and protection fund
41 as provided in section 2000, up to \$20,000,000.

42 Notwithstanding section 8.33, money in the lottery
43 fund not used for the reimbursement of general fund
44 expenditure for the purposes and in the amounts
45 specified in sections 1 through 8 shall not revert to
46 the general fund of the state but shall remain in the
47 lottery fund."

Amendment H—3877 was adopted.

Jochum of Dubuque offered the following amendment H—3836, to the committee amendment H—3813, filed by him from the floor and moved its adoption:

H—3836

- 1 Amend the House amendment, H—3813, to Senate File
- 2 529, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 5, line 21, by inserting after the word
- 5 "necessary" the following: "or convenient to carry
- 6 out its purposes and powers".
- 7 2. Page 6, line 36, by striking the figure
- 8 "4,647,820" and inserting the following: "4,347,820".
- 9 3. Page 6, line 40, by striking the word "and".
- 10 4. Page 7, line 28, by striking the word
- 11 "developing" and inserting the following:
- 12 "reviewing".
- 13 5. Page 7, line 30, by inserting after the word
- 14 "reform" the following: "and to make recommendations
- 15 on whether the department of inspections and appeals
- 16 is in need of increased funding and staffing levels
- 17 for implementing appropriate nursing home reform".

Amendment H—3836 was adopted.

Speaker Arnould in the chair at 7:43 p.m.

Teaford of Black Hawk offered the following amendment H—3852, to the committee amendment H—3813, filed by her and Gruhn of Dickinson from the floor and moved its adoption:

H—3852

- 1 Amend the amendment, H—3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, line 43, by striking the figure
- 5 "144,648" and inserting the following: "180,853".

Amendment H—3852 was adopted.

Svoboda of Tama offered the following amendment H—3857, to the committee amendment H—3813, filed from the floor by Svoboda, Garman and Mertz:

H—3857

- 1 Amend the amendment, H—3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by striking line 22 and inserting the
- 5 following:

6 "_____. Page 45, by striking lines 25 and 26 and
7 inserting the following:

8 "b. For the statistical analysis".

9 2. Page 7, by inserting after line 11 the
10 following:

11 "_____. Page 60, by inserting after line 5 the
12 following:

13 "Sec. _____. NEW SECTION. 144.29A TERMINATION OF
14 PREGNANCY REPORTING.

15 1. A health care provider who identifies a
16 spontaneous termination of pregnancy or who induces a
17 termination of pregnancy shall file with the
18 department a report for each termination within thirty
19 days of the occurrence. The report shall contain all
20 of the following information with respect to each
21 termination:

22 a. The health care provider number.

23 b. The health facility number.

24 c. The state of residence and, if this state, the
25 county of residence of the patient.

26 d. The age of the patient.

27 e. The marital status of the patient.

28 f. The month and year in which the termination
29 occurred.

30 g. The number of weeks since the patient's last
31 menstrual period.

32 h. Complications, if any.

33 i. The cause of termination, if known.

34 j. The type of procedure.

35 2. The information shall be collected in a manner
36 specified by rule of the department, pursuant to
37 chapter 17A, and which ensures the anonymity of the
38 patient who experiences a termination of pregnancy,
39 the health care provider who identifies or induces a
40 termination of pregnancy, and the hospital, clinic, or
41 other health facility in which a termination of
42 pregnancy is identified or induced. The department
43 shall publish, annually, demographic summaries of the
44 information obtained pursuant to this section, except
45 that the department shall not disclose any information
46 obtained pursuant to this section which reveals the
47 identity of any patient, health care provider, or
48 hospital, clinic, or other health facility, and shall
49 ensure anonymity in the following ways:

50 a. The department may use information concerning

Page 2

1 the identity of a specific reporting hospital, clinic,
2 or other health facility only for purposes of
3 information collection. The department shall not
4 reproduce this information for any purpose, and shall

- 5 not extrapolate this information for any purposes
6 other than for use in annually publishing the
7 demographic summary under this section.
8 b. The department shall immediately destroy all
9 reports submitted after information is extrapolated
10 from the reports for use in annually publishing the
11 demographic summary under this section.
12 3. For the purposes of this section, "health care
13 provider" means a person providing health care
14 services of any kind." "
15 3. By renumbering as necessary.

Jochum of Dubuque rose on a point of order that amendment H—3857 was not germane.

The Speaker ruled the point well taken and amendment H—3857 not germane.

Haverland of Polk offered the following amendment H—3850, to the committee amendment H—3813, filed by him from the floor and moved its adoption:

H—3850

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 6, by striking lines 25 and 26.
5 2. By renumbering as necessary.

Amendment H—3850 was adopted.

Beatty of Warren offered the following amendment H—3843, to the committee amendment H—3813, filed from the floor by Beatty, Brown, Connors and Renaud and moved its adoption:

H—3843

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 7, by striking lines 12 through 17.
5 2. By renumbering as necessary.

Roll call was requested by Brown of Lucas and Renaud of Polk.

On the question "Shall amendment H—3843, to the committee amendment H—3813, be adopted?" (S.F. 529)

The ayes were, 55:

Adams
Bisignano
Brown

Baker
Black
Burke

Beatty
Blanshan
Chapman

Bernau
Brand
Cohon

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	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.
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	Tyrrell	Van Maanen	Weidman

Absent or not voting, 1:

Brammer

Amendment H—3843 was adopted.

Hammond of Story offered the following amendment H—3876, to the committee amendment H—3813, filed by her from the floor and moved its adoption:

H—3876

- 1 Amend the amendment, H—3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, by inserting after line 48, the
- 5 following:
- 6 "6A. One member representing the Iowa council of
- 7 health care centers."
- 8 2. By renumbering as necessary.

Amendment H—3876 was adopted.

Hammond of Story offered the following amendment H—3846, to the committee amendment H—3813, filed by her and Beatty of Warren from the floor and moved its adoption:

H-3846

- 1 Amend the committee amendment, H-3813, to Senate
- 2 File 529, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 8, by inserting after line 9, the
- 5 following:
- 6 "_____. Page 67, by inserting after line 21, the
- 7 following:
- 8 "_____. As a condition, limitation, and
- 9 qualification of the funds appropriated in this
- 10 section, the department shall convene a task force to
- 11 work with counties, service providers, and the mental
- 12 health and mental retardation commission, in the
- 13 development of survey forms, interpretation of active
- 14 treatment guidelines for providers, training of
- 15 inspectors, and other issues associated with persons
- 16 residing in intermediate care facilities for the
- 17 mentally retarded." "
- 18 2. By renumbering as necessary.

Amendment H-3846 was adopted.

Beatty of Warren offered the following amendment H-3875, to the committee amendment H-3813, filed by her from the floor and moved its adoption:

H-3875

- 1 Amend the amendment, H-3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 8, line 47, through page 9,
- 5 line 17, and inserting the following: "whether adult
- 6 or juvenile, to include specific information as
- 7 required by rules of the department."

Amendment H-3875 was adopted.

McNeal of Hardin offered the following amendment H-3874, to the committee amendment H-3813, filed by him from the floor:

H-3874

- 1 Amend the amendment, H-3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 10, line 10, by striking the figure "10."
- 5 and inserting the following: "10 and inserting the
- 6 following:
- 7 "Sec. _____. DEPARTMENT OF PUBLIC DEFENSE.
- 8 1. There is appropriated from the general fund of
- 9 the state to the department of public defense for the
- 10 fiscal year beginning July 1, 1991, and ending June

11 30, 1992, the following amounts, or so much thereof as
 12 is necessary, to be used for the purposes designated:

13 a. For design of armories at Boone, Fairfield, and
 14 Mount Pleasant:

15\$ 38,000

16 b. For construction of armories at Corning,
 17 Council Bluffs, and Oskaloosa:

18\$ 1,757,000

19 2. As a condition, limitation, and qualification
 20 of the appropriations in subsection 1, the
 21 appropriations made under subsection 1, paragraphs "a"
 22 and "b" shall be contingent upon the presence of
 23 sufficient moneys in the general fund of the state to
 24 support the purposes, as determined and authorized by
 25 the department of management."

26 2. By renumbering as necessary.

Ollie of Clinton in the chair at 8:30 p.m.

On motion by McNeal of Hardin, amendment H—3874, to the committee amendment H—3813, lost.

Cohoon of Des Moines offered the following amendment H—3835, to the committee amendment H—3813, filed by him from the floor and moved its adoption:

H—3835

1 Amend the amendment, H—3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 10, by striking lines 9 and 10, and
 5 inserting the following:

6 "_____. Page 84, by striking lines 5 through 10."

7 2. By renumbering as necessary.

Amendment H—3835 was adopted.

Koenigs of Mitchell offered the following amendment H—3872, to the committee amendment H—3813, filed by him and De Groot of Lyon from the floor and moved its adoption:

H—3872

1 Amend the amendment, H—3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 10, by striking lines 15 and 16 and
 5 inserting the following:

6 "It is the intent of the general assembly that the
 7 department".

8 2. Page 10, line 17, by striking the word "shall"
 9 and inserting the following: "may".

- 10 3. Page 10, line 19, by striking the word "shall"
11 and inserting the following: "may".
12 4. Page 10, line 25, by striking the word "The"
13 and inserting the following: "If a pilot project is
14 conducted, the".

Amendment H—3872 was adopted.

Jochum of Dubuque offered the following amendment H—3839, to the committee amendment H—3813, filed by him from the floor and moved its adoption:

H—3839

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 10, line 38, by inserting before the word
5 "appropriations" the following: "state general fund".

Amendment H—3839 was adopted.

Brand of Benton offered the following amendment H—3878, to the committee amendment H—3813, filed by him from the floor and moved its adoption:

H—3878

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 10, line 39, by striking the word
5 "percent." and inserting the following: "percent."
6 DIVISION VII
7 CAPITAL PROJECTS AND LEASE-PURCHASE AGREEMENTS
8 Sec. _____. Section 2.47A, subsection 1, paragraph
9 d, Code 1991, is amended to read as follows:
10 d. Receive quarterly semiannual status reports for
11 all ongoing capital projects of state agencies,
12 pursuant to section 18.12, subsection 15.
13 Sec. _____. Section 8.6, subsection 13, Code 1991,
14 is amended to read as follows:
15 13. CAPITAL PROJECT BUDGETING REQUESTS. To
16 compile annually, no later than October 1, all capital
17 project budgeting requests of all state agencies, as
18 defined in section 8.3A, and to consolidate the
19 requests, with individual state agency priorities
20 noted, into a report for submission to the legislative
21 capital projects committee not later than October
22 November 1, with any. Any additional information
23 regarding the capital project budgeting requests or
24 priorities to ~~shall be compiled and submitted in the~~
25 same manner no later than November 1 report.

26 Sec. _____. Section 8.6, subsection 14, unnumbered
27 paragraph 1, Code 1991, is amended to read as follows:

28 To prepare annually, in cooperation with the
29 department of general services, a five-year capital
30 project priority plan for all state agencies, as
31 defined in section 8.3A, to be submitted no later than
32 July November 1, beginning in the year 1990, to the
33 legislative capital projects committee. The plan
34 shall include but is not limited to the following:

35 Sec. _____. NEW SECTION. 8.46 LEASE-PURCHASE —
36 REPORTING.

37 For the purposes of this section, unless the
38 context otherwise requires, "state agency" means any
39 executive, judicial, or legislative department,
40 commission, board, institution, division, bureau,
41 office, agency, or other entity of state government.

42 1. Before entering into a contract involving a
43 lease-purchase arrangement in which any part or the
44 total amount of the contract is at least fifty
45 thousand dollars, a state agency shall notify the
46 legislative fiscal committee of the legislative
47 council regarding the contract. The notification is
48 required regardless of the source of payment for the
49 lease-purchase arrangement. The notification shall
50 include all of the following information:

Page 2

1 a. A description of the object of the lease-
2 purchase arrangement.

3 b. The cost of the contract.

4 c. The terms of the contract.

5 d. The total cost of the contract, including
6 principal and interest costs.

7 e. An identification of the means and source of
8 payment of the contract.

9 f. An analysis of consequences of delaying or
10 abandoning the commencement of the contract.

11 2. The legislative fiscal committee shall report
12 to the legislative council concerning the
13 notifications it receives pursuant to this section.

14 3. A state agency shall report quarterly to the
15 legislative fiscal committee concerning its contracts
16 involving a lease-purchase arrangement. The format of
17 the report shall be determined by the legislative
18 fiscal bureau in consultation with the department of
19 management. The report shall include all of the
20 following information:

21 a. A description of the objects of a lease-
22 purchase arrangement under contract.

23 b. The total costs of the contracts.

- 24 c. Total principal and interest cost in each
25 fiscal year of each contract.
- 26 d. An identification of the means and source of
27 payment for each contract.
- 28 Sec. _____. Section 18.12, subsection 10, unnumbered
29 paragraph 1, paragraphs b, d, and e, and unnumbered
30 paragraphs 2 and 3, Code 1991, are amended to read as
31 follows:
- 32 On behalf of the department, enter into lease-
33 purchase contracts for real or personal property,
34 wherever located within the state, to be used for
35 buildings, facilities, and structures, or for
36 additions or improvements to existing buildings,
37 facilities, and structures, to carry out the
38 provisions of this chapter section or for the proper
39 use and benefit of the state and its state agencies on
40 the following terms and conditions:
- 41 b. The lease-purchase contract may provide for
42 ultimate ownership of the property by the state.
43 Title to all property acquired in this manner shall be
44 taken and held in the name of the state. The state
45 shall be the lessee or contracting party under all
46 lease-purchase contracts entered into pursuant to this
47 chapter section. The lease-purchase contract may
48 contain provisions similar to provisions customarily
49 found in lease-purchase contracts between private
50 persons, including, but not limited to, provisions

Page 3

- 1 prohibiting the acquisition or use by the lessee of
2 competing property or property in substitution for the
3 lease-purchased property, obligating the lessee to pay
4 costs of operation, maintenance, insurance, and taxes
5 relating to the property, and permitting the lessor to
6 retain a security interest in the property lease-
7 purchased, until title passes to the state, which may
8 be assigned or pledged by the lessor. The director
9 may contract for additional security or liquidity for
10 a lease-purchase contract and may enter into
11 agreements for letters of credit, lines of credit,
12 insurance, or other forms of security with respect to
13 rental and other payments due under a lease-purchase
14 contract. Fees for the costs of additional security
15 or liquidity are a cost of entering into the lease-
16 purchase contract and may be paid from funds annually
17 appropriated by the general assembly to the state
18 agency for which the property is being obtained or
19 from other funds legally available. The lease-
20 purchase contract may include the costs of entering
21 into the lease-purchase contract as a cost of the
22 lease-purchased property. The provision of a lease-

23 purchase contract which provides that a portion of the
24 periodic rental payment be applied as interest is
25 subject to chapter 74A. Other laws relating to
26 interest rates do not apply. Chapter 75 does not
27 apply to lease-purchase contracts entered into
28 pursuant to this chapter section. Rental and other
29 costs due under lease-purchase contracts entered into
30 pursuant to this chapter section shall be payable from
31 funds annually appropriated by the general assembly to
32 the state agency for which the property is being
33 obtained or from other funds legally available.

34 d. The director shall not enter into lease-
35 purchase contracts pursuant to this chapter section
36 without prior authorization by a constitutional
37 majority of each house of the general assembly and
38 approval by the governor of the use, location, and
39 maximum cost, not including interest expense, of the
40 real or personal property to be lease-purchased.
41 However, the director shall not enter into a lease-
42 purchase contract for real or personal property which
43 is to be constructed for use as a prison or prison-
44 related facility without prior authorization by a
45 constitutional majority of each house of the general
46 assembly and approval by the governor of the use,
47 location, and maximum cost, not including interest
48 expense, of the real or personal property to be lease-
49 purchased and with the construction in accordance with
50 space needs as established by an independent study of

Page 4

1 space needs authorized by the general assembly.
2 e. A contract for acquisition, construction,
3 erection, demolition, alteration, or repair by a
4 private person of real or personal property to be
5 lease-purchased by the director pursuant to this
6 chapter section is exempt from section 18.6,
7 subsections 1 and 9, unless the lease-purchase
8 contract is funded in advance by a deposit of the
9 lessor's moneys to be administered by the director
10 under a lease-purchase contract which requires rent
11 payments to commence upon delivery of the lessor's
12 moneys to the lessee.

13 This subsection provides an alternative and
14 independent method for carrying out projects under
15 this chapter and for entering into lease-purchase
16 contracts in connection therewith with the projects,
17 without reference to any other statute, and is not an
18 amendment of or subject to the provision of any other
19 law. No publication of any notice, whether under
20 section 23.12 or otherwise, and no other or further
21 proceedings with respect to the lease-purchase

22 contracts is referred to in this section are required
23 except as set forth in this chapter section, any
24 provisions of other statutes of the state to the
25 contrary notwithstanding.

26 For purposes of this subsection and subsection 12,
27 "state agency" means a board, commission, bureau,
28 division, office, department, or branch of state
29 government.

30 Sec. _____. Section 18.12, subsection 15, Code 1991,
31 is amended to read as follows:

32 15. Prepare quarterly semiannual status reports
33 for all ongoing capital projects of all state
34 agencies, as defined in section 8.3A, and submit the
35 status reports to the legislative capital projects
36 committee.

37 Sec. _____. Section 262A.3, Code 1991, is amended to
38 read as follows:

39 262A.3 TEN-YEAR FIVE-YEAR PROGRAM AND TWO-YEAR
40 BOND PROPOSAL SUBMITTED EACH YEAR.

41 The board shall prepare and submit to the general
42 assembly for approval or rejection a proposed ten-year
43 five-year building program for each institution,
44 including an estimate of the maximum amount of bonds
45 which the board expects to issue under the provisions
46 of this chapter during each year of the ensuing
47 biennium. ~~Sueh~~ The program and estimate shall be
48 submitted ~~no later than seven days after the passage~~
49 ~~of this chapter by the general assembly and thereafter~~
50 ~~no later than seven days after the convening of each~~

Page 5

1 regular annual session of the general assembly. The
2 building program shall contain a list of the buildings
3 and facilities which the board deems necessary to
4 further the educational objectives of the
5 institutions. This list shall be revised annually,
6 but no project shall be eliminated from the list when
7 bonds have previously been issued by the board to pay
8 the cost thereof of the project. Each such list shall
9 contain an estimate of the cost of each of the
10 buildings and facilities referred to therein in the
11 list. If the general assembly rejects or fails to
12 approve any proposed ten-year five-year building
13 program, ~~sueh~~ this action or inaction shall not affect
14 the status or legality of any project previously or
15 subsequently authorized by the general assembly as
16 provided in section 262A.4.

17 Sec. _____. NEW SECTION. 455A.9 STATE FISH AND
18 GAME PROTECTION FUND – CAPITAL PROJECTS AND
19 CONTINGENCIES.

20 Funds remaining in the state fish and game
 21 protection fund during a fiscal year which are not
 22 specifically appropriated by the general assembly are
 23 appropriated and may be used for capital projects and
 24 contingencies under the jurisdiction of the fish and
 25 wildlife division arising during the fiscal year. A
 26 contingency shall not include any purpose or project
 27 which was presented to the general assembly by way of
 28 a bill or a proposed bill and which failed to be
 29 enacted into law. For the purpose of this section, a
 30 necessity of additional operating funds may be
 31 construed as a contingency. Before any of the funds
 32 authorized to be expended by this section are
 33 allocated for contingencies, it shall be determined by
 34 the executive council that a contingency exists and
 35 that the contingency was not existent while the
 36 general assembly was in session and that the proposed
 37 allocation shall be for the best interests of the
 38 state. If a contingency arises or could reasonably be
 39 foreseen during the time the general assembly is in
 40 session, expenditures for the contingency must be
 41 authorized by the general assembly." "

Amendment H—3878 was adopted.

Hammond of Story offered the following amendment H—3883, to the committee amendment H—3813, filed by her and Chapman of Linn from the floor and moved its adoption:

H—3883

1 Amend the Committee amendment, H—3813, to Senate
 2 File 529, as amended, passed, and reprinted by the
 3 Senate, as follows:
 4 1. Page 1, by striking line 4 and inserting the
 5 following: "line 1 and inserting the following:
 6 "2. For the Iowa substance abuse clearinghouse in
 7 Cedar Rapids for staff, materials, and operating
 8 expenses:
 9 \$ 32,000"
 10 _____. Page 3, by striking line 7 and inserting the
 11 following: "clearinghouse." "

Amendment H—3883 was adopted.

Blanshan of Greene offered the following amendment H—3885, to the committee amendment H—3813, filed by him and Jay of Appanoose from the floor and moved its adoption:

H—3885

1 Amend the amendment, H—3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 2, line 32, by inserting after the word
5 "shall" the following: "strive to".

Amendment H—3885 was adopted.

Petersen of Muscatine offered the following amendment H—3884, to the committee amendment H—3813, filed by him and Svoboda of Tama from the floor and moved its adoption:

H—3884

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 18, the
5 following:
6 "_____. Page 21, line 32, by striking the figure
7 "6,439,972" and inserting the following:
8 "6,645,972"."
9 2. Page 3, by striking lines 19 through 29, and
10 inserting the following:
11 "_____. Page 22, by striking lines 30 through 35."

A non-record roll call was requested.

The ayes were 49, nays 32.

Amendment H—3884 was adopted, placing out of order amendment H—3860, previously deferred, found on page 1573 of the House Journal.

The House resumed consideration of amendment H—3862B, to the committee amendment H—3813, previously deferred and found on page 1573 of the House Journal.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—3862B.

Black of Jasper offered the following amendment H—3879, to the committee amendment H—3813, filed by him from the floor and moved its adoption:

H—3879

- 1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 39 and 40.
5 2. Page 3, by striking lines 43 through 49.
6 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 57.

Amendment H—3879 lost.

Teaford of Black Hawk offered the following amendment H—3880, to the committee amendment H—3813, filed from the floor by Teaford, Carpenter and Spenner and moved its adoption:

H—3880

1 Amend the amendment, H—3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 5, by inserting after line 49 the
5 following:

6 "_____. Page 42, by striking lines 11 through 26."

7 2. Page 6, line 1, by striking the figure
8 "269,261" and inserting the following: "351,806".

9 3. Page 6, line 3, by striking the figure "6.00"
10 and inserting the following: "10.00".

11 4. Page 6, by inserting after line 3 the
12 following:

13 "_____. Page 43, by striking lines 15 through 19
14 and inserting the following:

15 "a. The criminal and juvenile justice planning
16 advisory council and the juvenile justice advisory
17 council shall coordinate their efforts in carrying out
18 their respective duties relative to juvenile justice.

19 b. Of the funds appropriated in this subsection,
20 no less than \$36,300 shall be spent for expenses
21 relating to the administration of federal funds for
22 juvenile assistance. It is the intent of the general
23 assembly that the department of human rights employ
24 sufficient staff to meet the federal funding match
25 requirements established by the federal office for
26 juvenile justice delinquency prevention. The
27 governor's advisory council on juvenile justice shall
28 determine the staffing level necessary to carry out
29 federal and state mandates for juvenile justice." "

30 5. Page 6, line 4, by striking the words "after
31 line 19" and inserting the following: "before line
32 20".

A non-record roll call was requested.

The ayes were 46, nays 10.

Amendment H—3880 was adopted.

Speaker Arnould in the chair at 9:19 p.m.

Svoboda of Tama offered the following amendment H—3892, to the committee amendment H—3813, filed by her from the floor and moved its adoption:

H-3892

- 1 Amend the amendment, H-3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 3, by striking the figure
- 5 "861,528" and inserting the following: "1,061,528".
- 6 2. Page 6, by striking lines 23 and 24.

Amendment H-3892 lost.

Svoboda of Tama offered the following amendment H-3903, to the committee amendment H-3813, filed from the floor by Svoboda, Garman and Mertz and moved its adoption:

H-3903

- 1 Amend the amendment, H-3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by striking line 22 and inserting the
- 5 following:
- 6 "_____. Page 45, line 26, by striking the word and
- 7 figure " , 1991 Session,".
- 8 2. By renumbering as necessary.

Roll call was requested by Grubbs of Scott and Johnson of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H-3903, to the committee amendment H-3813, be adopted?" (S.F. 529)

The ayes were, 46:

Adams	Banks	Bartz	Beaman
Bennett	Bisignano	Branstad	Corbett
Daggett	De Groot	Dickinson	Eddie
Fogarty	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	McKean	McNeal
Mertz	Millage	Muhlbauer	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Spear	Svoboda	Tyrrell	Van Maanen
Weidman	Wissing		

The nays were, 53:

Baker	Beatty	Bernau	Black
Blanshan	Brand	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Diemer	Doderer	Dvorsky	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond

Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Kistler	Knapp	Maulsby	McKinney
Metcalf	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spenner	Teaford	Wise
Mr. Speaker			
Arnould			

Absent or not voting, 1:

Brammer

Amendment H—3903 lost.

Wissing of Scott offered the following amendment H—3904, to the committee amendment H—3813, filed by him from the floor and moved its adoption:

H—3904

- 1 Amend the amendment, H—3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, by striking lines 10 through 20, and
- 5 inserting the following:
- 6 "_____. Page 68, by striking lines 22 through 32,
- 7 and inserting the following: "appeals, including the
- 8 amount of restitution collected for attorney fees as
- 9 follows:
- 10 a. By county.
- 11 b. By case type in the following categories:
- 12 (1) Juvenile cases involving delinquency actions,
- 13 child in need of assistance actions, or termination of
- 14 parental rights actions.
- 15 (2) Adult cases involving misdemeanor or felony
- 16 prosecutions." "
- 17 2. By renumbering as necessary.

Amendment H—3904 was adopted.

On motion by Jochum of Dubuque, the committee amendment H—3813, as amended, was adopted.

Schrader of Marion offered the following amendment H—3831 filed by him from the floor and moved its adoption:

H—3831

- 1 Amend Senate File 529, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 22, line 4, by striking the figure and
4 words "10 percent shall" and inserting the following:
5 "Up to 10 percent may".
6 2. Page 22, line 5, by striking the figure "50"
7 and inserting the following: "75".

Amendment H—3831 was adopted.

Maulsby of Calhoun offered the following amendment H—3869
filed by him from the floor and moved its adoption:

H—3869

- 1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 28, by inserting after line 7, the
4 following:
5 "8. As a condition, limitation, and qualification
6 of the appropriations under this section, the
7 department shall satisfy all financial obligations
8 incurred by the department relating to the Twin Lakes
9 project. The appropriations shall not be made until
10 the department certifies to the department of
11 management that the obligations have been satisfied."
12 2. Page 40, by inserting before line 35, the
13 following:
14 "Sec. _____. Section 208, subsection 8, of this Act,
15 being deemed of immediate importance, takes effect
16 upon enactment."
17 3. By renumbering as necessary.

Amendment H—3869 lost.

Svoboda of Tama offered the following amendment H—3902 filed
by her from the floor and moved its adoption:

H—3902

- 1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 34, line 5, by inserting after the figure
4 "107.17" the following: "The fees charged per fish
5 shall not be less than the average price per fish per
6 species charged by private hatcheries stocking private
7 waters in this state."

Amendment H—3902 lost.

Millage of Scott offered the following amendment H—3870 filed
by Svoboda of Tama and him from the floor and moved its adoption:

H-3870

1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 67, line 31, through page 68,
4 line 3, and inserting the following:

5 "	.....\$	4,315,042
6 "	.....FTEs	93.30".

A non-record roll call was requested.

The ayes were 48, nays 42.

Amendment H-3870 was adopted.

Shoning of Woodbury offered amendment H-3845 filed from the floor by Shoning, Corbett, Beaman, Branstad and Harbor and requested division as follows:

H-3845

1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:

H-3845A

3 1. Page 79, line 20, by striking the figure
4 "142,340" and inserting the following: "182,340".

H-3845B

5 2. Page 79, line 21, by striking the figure
6 "4.16" and inserting the following: "6.16".

With the adoption of the committee amendment H-3813, as amended, amendment H-3845A was out of order.

On motion by Shoning of Woodbury, amendment H-3845B was adopted.

Eddie of Buena Vista offered the following amendment H-3858 filed by him and Mertz of Kossuth from the floor and moved its adoption:

H-3858

1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 90, by inserting after line 22 the
4 following:

5 "Sec. _____. Section 307.45, unnumbered paragraph 4,
6 Code 1991, is amended by striking the unnumbered
7 paragraph and inserting in lieu thereof the following:

- 8 However, an assessment in excess of sixty thousand
 9 dollars in effect on or after December 1, 1990, is not
 10 valid unless it is provided for or contained within a
 11 capital appropriation by the general assembly."
 12 2. By renumbering as necessary.

Amendment H—3858 was adopted.

With the adoption of the committee amendment H—3813, as amended, amendment H—3757 filed by Shearer of Louisa on April 19, 1991 was out of order.

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

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

The ayes were, 63:

Adams	Baker	Beaman	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Chapman	Cohon	Connors	Daggett
Doderer	Dvorsky	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	Knapp
Koenigs	Lundby	McKean	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	Mr. Speaker	
		Arnould	

The nays were, 36:

Banks	Bartz	Bennett	Carpenter
Corbett	De Groot	Dickinson	Diemer
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Harbor	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Maulsby	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Spenner	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.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 529 and 532.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 298, a bill for an act relating to the conduct of games and raffles by qualified organizations.

Also: That the Senate has on April 24, 1991, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 24, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 571, a bill for an act relating to the advertisement and sale of wood products and making certain consumer fraud penalties applicable.

Also: That the Senate has on April 24, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 575, a bill for an act relating to the collection and use of patient information by the health data commission, and providing penalties.

Also: That the Senate has on April 24, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 583, a bill for an act relating to eligibility of school districts for the reorganization incentives and providing an effective date.

Also: That the Senate has on April 25, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 24, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 689, a bill for an act relating to the establishment of joint water utilities and their tax status.

Also: That the Senate has on April 24, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 24, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 24, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 24, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 24, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 340, a bill for an act relating to 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 April 24, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 346, a bill for an act relating to payments made pursuant to public contracts.

Also: That the Senate has on April 24, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 24, 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 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.

Also: That the Senate has on April 24, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 539, a bill for an act relating to the Iowa pharmacy practice Act and assessing fees.

JOHN F. DWYER, Secretary

MOTIONS TO RECONSIDER (Senate File 465)

I move to reconsider the vote by which Senate File 465 passed the House on April 25, 1991.

PAVICH of Pottawattamie

(Senate File 465)

I move to reconsider the vote by which Senate File 465 passed the House on April 25, 1991.

BURKE of Marshall

EXPLANATIONS OF VOTE

On Thursday, April 25, 1991, I inadvertently voted "nay" on amendment H—3903 to Senate File 529. I intended to vote "aye."

KNAPP of Dubuque

On Thursday, April 25, 1991, I inadvertently voted "aye" on Senate File 529, and had intended to vote "nay."

BROWN of Lucas

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 25th day of April, 1991: House Files 275, 386, 392, 419, 485 and 617.

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:

One hundred ten government students from Johnston Community Schools, Johnston, accompanied by David Pitz and Pat Westcott. By Haverland of Polk.

Forty eighth grade students from West Central Junior High School, Maynard, accompanied by Ron Reusche. By Hurley of Fayette.

Twenty-nine Swing Choir students from Bettendorf Middle School, Bettendorf, accompanied by Pat Kaiser. By Millage of Scott.

Four Student Council members from Lyons Middle School, Clinton, accompanied by Joyce Ollie. By Ollie and Johnson of Clinton.

Thirty-five sixth grade students from Hospers Elementary School, Hospers Center, accompanied by Mrs. Bohr. By Plasier of Sioux.

SUBCOMMITTEE ASSIGNMENTS

Senate File 350

Ways and Means: Knapp, Chair; Doderer and Petersen of Muscatine.

Senate File 536

Ways and Means: Svoboda, Chair; Burke and Daggett.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 261), raising the city transit property tax levy limit.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 1991.

Committee Bill (Formerly House File 582), 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** April 24, 1991.

Committee Bill (Formerly House File 654), relating to the establishment of an agricultural chemical response and reimbursement program, imposing and appropriating fees, and providing for a repeal.

Fiscal Note is not required.

Recommended Amend and Do Pass April 24, 1991.

Committee Bill (Formerly House Study Bill 322), relating to residential development within certain urban renewal areas and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass April 24, 1991.

AMENDMENTS FILED

H-3812	S.F.	362	Grubbs of Scott
H-3815	H.F.	109	Senate Amendment
H-3816	H.F.	237	Senate Amendment
H-3817	H.F.	325	Senate Amendment
H-3818	H.F.	596	Senate Amendment
H-3819	H.F.	612	Senate Amendment
H-3820	H.F.	644	Senate Amendment
H-3824	S.F.	356	Senate Amendment
H-3825	S.F.	471	Senate Amendment
H-3826	S.F.	276	Senate Amendment
H-3827	S.F.	210	Senate Amendment
H-3828	S.F.	182	Senate Amendment
H-3832	H.F.	479	Millage of Scott
			Connors of Polk
			Bartz of Worth
H-3833	H.F.	698	Svoboda of Tama
H-3840	H.F.	479	Grubbs of Scott
H-3841	H.F.	479	McNeal of Hardin
H-3847	S.F.	273	Renaud of Polk
H-3849	H.F.	479	Bartz of Worth
H-3861	H.F.	479	Diemer of Black Hawk
			Hanson of Black Hawk
H-3863	S.F.	318	Halvorson of Clayton
			Bisignano of Polk
H-3865	H.F.	479	Ollie of Clinton
			Iverson of Wright
H-3867	H.F.	479	Hanson of Black Hawk
			Ollie of Clinton
			Diemer of Black Hawk
H-3868	H.F.	479	Ollie of Clinton
			Hanson of Black Hawk
			Diemer of Black Hawk
H-3871	H.F.	479	Rafferty of Scott

H-3873	H.F.	479	Jochum of Dubuque
H-3881	H.F.	479	Jochum of Dubuque
H-3882	H.F.	575	Senate Amendment
H-3886	H.F.	380	Senate Amendment
H-3887	H.F.	583	Senate Amendment
H-3888	H.F.	651	Senate Amendment
H-3889	H.F.	691	Senate Amendment
H-3890	S.F.	502	Senate Amendment
H-3891	H.F.	479	Rafferty of Scott
H-3893	H.F.	479	Hatch of Polk
			Baker of Polk
			Shoultz of Black Hawk
			Teaford of Black Hawk
H-3894	H.F.	479	Poncy of Wapello
			Wise of Lee
			Fogarty of Palo Alto
			Mertz of Kossuth
			Bartz of Worth
H-3895	H.F.	479	Peterson of Carroll
H-3896	H.F.	479	Hammond of Story
H-3897	H.F.	479	Doderer of Johnson
			Hester of Pottawattamie
H-3898	H.F.	479	Hammond of Story
			Jochum of Dubuque
H-3899	H.F.	479	Harbor of Mills
			Wise of Lee
H-3900	H.F.	479	Mertz of Kossuth
			Krebsbach of Mitchell
H-3901	H.F.	479	Diemer of Black Hawk
			Hanson of Black Hawk
H-3905	H.F.	479	Harbor of Mills
H-3906	H.F.	479	Peterson of Carroll
			Hammond of Story
H-3907	H.F.	479	Peterson of Carroll
H-3908	H.F.	479	Wise of Lee
			Harbor of Mills
H-3909	H.F.	479	Bartz of Worth
H-3910	H.F.	479	Ollie of Clinton
			Iverson of Wright
H-3911	H.F.	479	Ollie of Clinton
			Hanson of Black Hawk
H-3912	H.F.	479	Maulsby of Calhoun

H—3913	H.F.	479	Teaford of Black Hawk Carpenter of Polk Spenner of Henry
H—3914	H.F.	479	Hatch of Polk Baker of Polk Shoultz of Black Hawk Teaford of Black Hawk

On motion by McKinney of Dallas, the House adjourned at 10:12 p.m., until 9:00 a.m., Friday, April 26, 1991.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day — Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 26, 1991

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

Prayer was offered by the Honorable Joe Kremer, state representative from Buchanan County.

The Journal of Thursday, April 25, 1991 was approved.

SENATE MESSAGE CONSIDERED

Senate File 539, by committee on ways and means, a bill for an act relating to the Iowa pharmacy practice Act and assessing fees.

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

SENATE AMENDMENTS CONSIDERED

Cohoon of Des Moines called up for consideration **House File 612**, a bill for an act relating to the publication of notice for a public hearing on a county budget, amended by the Senate, and moved that the House concur in the following Senate amendment H—3819:

H—3819

- 1 Amend House File 612, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 1, by striking the word and
- 4 figure "subsection 3" and inserting the following:
- 5 "subsections 3 and 6".
- 6 2. Page 1, by inserting after line 13 the
- 7 following:
- 8 "6. The board shall appropriate, by resolution,
- 9 the amounts deemed necessary for each of the different
- 10 county officers and departments during the ensuing
- 11 fiscal year. Increases or decreases in these
- 12 appropriations do not require a budget amendment, but
- 13 may be provided by resolution at a regular meeting of
- 14 the board, as long as each class of proposed
- 15 expenditures contained in the budget summary published
- 16 under subsection 3 of this section is not increased.
- 17 However, decreases in appropriations for a county
- 18 officer or department of more than ten percent or five
- 19 thousand dollars, whichever is greater, shall not be
- 20 effective unless the board sets a time and place for a
- 21 public hearing on the proposed decrease and publishes

- 22 notice of the hearing not less than ten nor more than
 23 twenty days prior to the hearing in one or more
 24 newspapers which meet the requirements of section
 25 618.14 the county newspapers selected under chapter
 26 349."

The motion prevailed and the House concurred in the Senate amendment H—3819.

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

On the question "Shall the bill pass?" (H.F. 612)

The ayes were, 99:

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
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Rerken	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:

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 **House File 612** be immediately messaged to the Senate.

Halvorson of Webster called up for consideration **House File 644**, a bill for an act relating to communication by permanent nonprofit organizations with their dues-paying members under the campaign finance disclosure law, amended by the Senate, and moved that the House concur in the following Senate amendment H—3820:

H—3820

- 1 Amend House File 644 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by striking the word
- 4 "political" and inserting the following: "election".

The motion prevailed and the House concurred in the Senate amendment H—3820.

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

On the question "Shall the bill pass?" (H.F. 644)

The ayes were, 91:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Chapman
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. R.	Harbor	Hatch	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
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner

Svoboda
Wise

Teaford
Wissing

Tyrrell
Mr. Speaker
Arnould

Weidman

The nays were, 8:

Carpenter
Maulsby

Diemer
Renken

Doderer
Royer

Hanson, D. E.
Van Maanen

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.

Unfinished Business Calendar

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

Halvorson of Clayton offered the following amendment H—3863 filed by him and Bisignano of Polk and moved its adoption:

H—3863

- 1 Amend Senate File 318, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, by inserting after line 1 the
- 4 following:
- 5 "Sec. _____. Section 601L.3, Code 1991, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 14. Develop a plan to provide
- 8 telephone yellow pages information without charge to
- 9 persons declared to be blind under the standards in
- 10 section 422.12, subsection 1, paragraph "e". The
- 11 department may apply for federal funds to support the
- 12 service. The program shall be limited in scope by the
- 13 availability of funds."
- 14 2. By renumbering as necessary.

Amendment H—3863 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. 318)

The ayes were, 99:

Adams
Beaman

Baker
Beatty

Banks
Bennett

Bartz
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
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhausser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renáud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spencer	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

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.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 318 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Fogarty of Palo Alto called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3889:

H—3889

1 Amend House File 691, as passed by the House, as
2 follows:

3 1. Page 2, line 18, by striking the words "one
4 hundred" and inserting the following: "one hundred
5 ninety-five".

6 2. Page 3, line 4, by striking the words "one
7 hundred" and inserting the following: "one hundred
8 ninety-five".

The motion prevailed and the House concurred in the Senate amendment H—3889.

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

On the question "Shall the bill pass?" (H.F. 691)

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	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, none.

Absent or not voting, 2:

Brammer

Groninga

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

Haverland of Polk called up for consideration **House File 575**, a bill for an act relating to the collection and use of patient information by the health data commission, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—3882:

H—3882

- 1 Amend House File 575, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 145.3, subsection 4, paragraph
- 6 d, Code 1991, is amended to read as follows:
- 7 d. Additional or alternative information related
- 8 to the intent and purpose of this chapter as outlined
- 9 in section 145.1 be submitted to the commission,
- 10 except that in no event shall hospitals with fewer
- 11 than one hundred licensed acute care beds be required
- 12 to install computerized severity of illness systems
- 13 before July 1, 1991 1993."
- 14 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3882.

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

On the question "Shall the bill pass?" (H.F. 575)

The ayes were, 72:

Adams	Baker	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Burke	Carpenter
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Grubbs	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor

Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Maulsby
McKinney	Mertz	Metcalfe	Millage
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Wisé	Wissing	Mr. Speaker
			Arnould

The nays were, 21:

Banks	Bartz	Beaman	Corbett
Daggett	De Groot	Eddie	Garman
Gipp	Hahn	Hurley	Krebsbach
Kremer	McKean	McNeal	Petersen, D. F.
Renken	Royer	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 7:

Brammer	Brown	Chapman	Groninga
Hanson, D. E.	Neuhauser	Plasier	

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

Osterberg of Linn called up for consideration **House File 325**, a bill for an act relating to the establishment of a well contractor certification program, establishing fees, and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H—3817:

H—3817

- 1 Amend House File 325, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 2, by inserting after the word
- 4 "contractor" the following: "appointed by the
- 5 governor and subject to confirmation by the senate".
- 6 2. Page 3, line 3, by inserting after the word
- 7 "contractor" the following: "appointed by the
- 8 governor and subject to confirmation by the senate".
- 9 3. Page 3, line 4, by striking the word
- 10 "representative" and inserting the following:
- 11 "citizen member".
- 12 4. Page 3, line 5, by inserting after the word
- 13 "successor" the following: ", appointed by the
- 14 governor and subject to confirmation by the senate".

- 15 5. Page 3, line 6, by inserting after the word
 16 "One" the following: "citizen".
 17 6. Page 3, line 7, by inserting after the word
 18 "successor" the following: ", appointed by the
 19 governor and subject to confirmation by the senate".
 20 7. Page 3, by striking lines 8 through 35, and
 21 inserting the following:
 22 "(5) The director of the Iowa department of public
 23 health or the director's designee.
 24 (6) The state geologist or the state geologist's
 25 designee.
 26 (7) The director of the state hygienic laboratory
 27 or the director's designee.
 28 b. Citizen members of the council shall serve two-
 29 year terms beginning and ending as provided in section
 30 69.19. A citizen member of the council shall not
 31 serve more than two consecutive terms. The council
 32 shall be gender balanced, to the extent possible,
 33 pursuant to section 69.16A.
 34 c. The well contractors' council shall be
 35 dissolved six months after completion of all of the
 36 following:
 37 (1) Publication of the consumer information
 38 pamphlet.
 39 (2) Adoption of rules by the commission.
 40 (3) Administration of the second certification
 41 examination."

The motion prevailed and the House concurred in the Senate amendment H—3817.

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

On the question "Shall the bill pass?" (H.F. 325)

The ayes were, 75:

Adams	Baker	Banks	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cohon	Connors	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Gill	Gipp	Groninga	Gruhn
Hahn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hibbard	Holveck	Hurley	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	McKean	McKinney

Metcalf	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
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 23:

Bartz	Beamman	Beatty	Branstad
Corbett	Daggett	De Groot	Garman
Grubbs	Halvorson, R. A.	Harbor	Hester
Iverson	Maulsby	McNeal	Mertz
Millage	Miller	Renken	Royer
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 2:

Brammer	Fogarty
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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 9:57 a.m., until the fall of the gavel.

The House resumed session at 12:08 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 eighty-four members present, sixteen absent.

SENATE AMENDMENT CONSIDERED

Jochum of Dubuque called up for consideration **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, amended by the Senate amendment H—3734 as follows:

H-3734

1 Amend House File 479, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "DIVISION I

6 DEPARTMENT OF HUMAN SERVICES

7 Section 101. AID TO FAMILIES WITH DEPENDENT
8 CHILDREN. There is appropriated from the general fund
9 of the state to the department of human services for
10 the fiscal year beginning July 1, 1991, and ending
11 June 30, 1992, the following amount, or so much
12 thereof as is necessary, to be used for the purpose
13 designated:

14 For aid to families with dependent children:

15\$ 41,589,415

16 1. The department may fund the cash bonus program
17 from unspent funds under the appropriation in this
18 section and shall continue to evaluate the program.

19 2. As a condition, limitation, and qualification
20 of the funds appropriated in this section, the
21 department shall continue to contract for services in
22 developing and monitoring a demonstration waiver
23 program to facilitate providing assistance in self-
24 employment investment to aid to dependent children
25 families. The demonstration waiver program shall be
26 provided for the fiscal period beginning July 1, 1991,
27 and ending June 30, 1993, or for as long as federal
28 approval of the program continues. Of the funds
29 appropriated in this section, up to \$99,592 shall be
30 used to provide technical assistance for aid to
31 dependent children families seeking self-employment.
32 The technical assistance may be provided through the
33 department or through a contract with the division of
34 job training of the Iowa department of economic
35 development and through a contract with the
36 corporation for enterprise development.

37 3. As a condition, limitation, and qualification
38 of the funds appropriated in this section, the
39 department shall apply the self-employment investment
40 demonstration waiver project statewide during the
41 fiscal period delineated in the federal waiver
42 submitted to operate the waiver project statewide,
43 provided training is available to a recipient through
44 a recognized self-employment training program.
45 However, if the application for the federal waiver is
46 denied and funding is available, the department may
47 determine the counties in which it is feasible to
48 operate the project and shall provide the project in
49 those counties. The department may adopt emergency
50 rules to implement the provisions of this subsection.

Page 2

1 4. As a condition, limitation, and qualification
 2 of the funds appropriated in this section, the
 3 department shall continue the special needs program
 4 under the aid to families with dependent children
 5 program.

6 5. As a condition, limitation, and qualification
 7 of the funds appropriated in this section, the
 8 department may use unspent funds under the
 9 appropriation in this section to continue development
 10 of the "X-PERT" eligibility determination system.

11 6. As a condition, limitation, and qualification
 12 of the funds appropriated in this section, \$42,620
 13 shall be used to expand the AFDC electronic benefits
 14 transfer (EBT) program beyond the pilot program county
 15 and to implement EBT for the food stamp program.

16 Sec. 102. EMERGENCY ASSISTANCE. There is
 17 appropriated from the general fund of the state to the
 18 department of human services for the fiscal year
 19 beginning July 1, 1991, and ending June 30, 1992, the
 20 following amount, or so much thereof as is necessary,
 21 to be used for the purpose designated:

22 For emergency assistance to families with dependent
 23 children under Title IV-A of the federal Social
 24 Security Act to match federal funding for homeless
 25 prevention programs:

26\$ 500,000

27 The emergency assistance provided for in this
 28 section shall be available beginning November 1, 1991,
 29 and shall be provided only if all other publicly
 30 funded resources have been exhausted. The emergency
 31 assistance includes, but is not limited to, assisting
 32 people who face eviction, potential eviction, or
 33 foreclosure, utility shutoff or fuel shortage, loss of
 34 heating energy supply or equipment, homelessness,
 35 utility or rental deposits, or other specified crisis
 36 which threatens family or living arrangements. The
 37 emergency assistance shall be available to migrant
 38 families who would otherwise meet eligibility
 39 criteria. The department shall notify each emergency
 40 assistance recipient that the recipient may report to
 41 the department any pressure or intimidation of the
 42 recipient resulting from the recipient's eligibility
 43 for emergency assistance. The department shall report
 44 quarterly to the legislative fiscal committee
 45 concerning the reports received by the department
 46 regarding pressure or intimidation of recipients of
 47 emergency assistance. The department may adopt
 48 emergency rules to implement the beginning date and
 49 notice provisions of this section.

50 Sec. 103. MEDICAL ASSISTANCE. There is

Page 3

1 appropriated from the general fund of the state to the
2 department of human services for the fiscal year
3 beginning July 1, 1991, and ending June 30, 1992, the
4 following amount, or so much thereof as is necessary,
5 to be used for the purpose designated:

6 For medical assistance, including reimbursement for
7 abortion services, which shall be available under the
8 medical assistance program only for those abortions
9 which are medically necessary:

10\$227,029,182

11 1. Medically necessary abortions are those
12 performed under any of the following conditions:

13 a. The attending physician certifies that
14 continuing the pregnancy would endanger the life of
15 the pregnant woman.

16 b. The attending physician certifies that the
17 fetus is physically deformed, mentally deficient, or
18 afflicted with a congenital illness.

19 c. The pregnancy is the result of a rape which is
20 reported within 45 days of the incident to a law
21 enforcement agency or public or private health agency
22 which may include a family physician.

23 d. The pregnancy is the result of incest which is
24 reported within 150 days of the incident to a law
25 enforcement agency or public or private health agency
26 which may include a family physician.

27 e. Any spontaneous abortion, commonly known as a
28 miscarriage, if not all of the products of conception
29 are expelled.

30 2. Of the funds appropriated in this section,
31 \$100,000 is allocated until January 31, 1992, for
32 contingency assistance for the federal nutrition
33 program for women, infants, and children and shall be
34 transferred to the Iowa department of public health as
35 necessary in order to fully utilize funding available
36 for the program. The allocated funds shall be
37 transferred as necessary to restore a reduction in
38 federal funding for the federal fiscal year ending
39 September 30, 1991, required to adjust for federal
40 financial assistance provided during the federal
41 fiscal year ending September 30, 1990, in excess of
42 the federal funding allocation to the state for this
43 program or to finance any state match expenditure in
44 excess of the federal funding allocation for this
45 program during the federal fiscal year ending
46 September 30, 1991. Any moneys allocated in this
47 subsection which are unexpended or unobligated on
48 January 31, 1992, shall be available during the
49 remainder of the fiscal year to the department of
50 human services for the purposes of this section.

Page 4

1 3. Notwithstanding section 8.39, the department
2 may transfer funds appropriated in this section to a
3 separate account established in the department's case
4 management unit for expenditures required to provide
5 case management services pursuant to the appropriation
6 in this Act for enhanced mental health, mental
7 retardation, and developmental disabilities services,
8 pending final settlement of the expenditures. Funds
9 received by the case management unit in settlement of
10 the expenditures shall be used to replace the
11 transferred funds and are available for the purposes
12 for which the funds were appropriated in this section.

13 4. As a condition, limitation, and qualification
14 of the funds appropriated in this section, the
15 department shall analyze the cost to benefits ratio
16 associated with utilizing the medical review system
17 offered by Value Health Sciences, Inc., and if the
18 ratio is found to be favorable, shall implement that
19 system or a system with a comparable cost to benefit
20 ratio under the medical assistance program.

21 5. If a medical assistant recipient is receiving
22 care which is reimbursed under a federally approved
23 home and community-based services waiver but would
24 otherwise be approved for care in an intermediate care
25 facility for the mentally retarded, the recipient's
26 county of legal settlement shall reimburse the
27 department on a monthly basis for the portion of the
28 recipient's cost of care which is not paid from
29 federal funds.

30 6. As a condition, limitation, and qualification
31 of the funds appropriated in this section, the
32 department shall adopt rules pursuant to chapter 17A
33 that establish criteria for intermediate care
34 facilities for the mentally retarded, providing for
35 family-scale size, location, and appropriate inclusion
36 in the community. In determining whether a
37 certificate of need for an intermediate care facility
38 for the mentally retarded shall be issued under
39 chapter 135, the health facilities council and the
40 Iowa department of public health shall consider
41 whether the proposed facility is in compliance with
42 the rules adopted pursuant to this subsection.

43 7. As a condition, limitation, and qualification
44 of the funds appropriated in this section, the
45 department shall develop methods to reduce recipient
46 usage of ambulance services for reasons other than
47 medical necessity, including notification of
48 recipients who have received ambulance services that
49 were not considered to be a medical necessity and
50 ambulance services that have provided such services.

Page 5

1 The department may adopt emergency rules to implement
2 the provisions of this subsection.

3 8. Of the funds appropriated in this section, up
4 to \$70,929,582 shall be used for medical assistance
5 reimbursement of nursing facilities.

6 9. As a condition, limitation, and qualification
7 of the funds appropriated in this section,
8 notwithstanding the adoption of an administrative rule
9 limiting coverage of organ transplants under the
10 medical assistance program, the department shall
11 continue to provide medical assistance coverage for
12 organ transplants of the pancreas and the liver until
13 the department establishes criteria for the coverage
14 of these transplants. The criteria shall include but
15 are not limited to health status and anticipated
16 outcomes, including expected quality of life. The
17 department may adopt emergency rules to implement the
18 provisions of this subsection.

19 10. As a condition, limitation, and qualification
20 of the funds appropriated in this section, if Senate
21 File 342 is enacted by the Seventy-fourth General
22 Assembly, 1991 Session, \$28,000 of the funds
23 appropriated in this section shall be provided to the
24 prevention of disabilities policy board or council for
25 fulfillment of the federal matching funds requirement
26 for use of the Iowa governor's planning council for
27 developmental disabilities funds, for the purpose of
28 section 225D.7.

29 11. It is the intent of the general assembly that
30 the following programs under the medical assistance
31 program shall be expanded which it is estimated will
32 result in the indicated medical assistance expenditure
33 savings: Iowa foundation for medical care utilization
34 review, \$1,400,000; Unisys utilization review,
35 \$105,000; and the "lock-in" program involving
36 recipients with a history of seeking services from
37 more than one provider, \$66,000. The department may
38 adopt emergency rules to implement the provisions of
39 this subsection.

40 12. As a condition, limitation, and qualification
41 of the funds appropriated in this section, effective
42 July 1, 1991, optional medical assistance coverage of
43 dental services shall no longer include dentures and
44 crowns. The department may adopt emergency rules to
45 implement the provisions of this subsection.

46 13. As a condition, limitation, and qualification
47 of the funds appropriated in this section, if Senate
48 File 343, or another provision providing for group
49 health plan cost-sharing under the medical assistance
50 program is enacted by the Seventy-fourth General

Page 6

1 Assembly, 1991 Session, the department may adopt
2 emergency rules to implement the cost-sharing in
3 accordance with federal requirements.

4 14. As a condition, limitation, and qualification
5 of the funds appropriated in this section,
6 notwithstanding any time limitation established in
7 1991 Iowa Acts, House File 173, section 105, the
8 copayment provisions established in that section shall
9 be continued indefinitely.

10 Sec. 104. MEDICAL CONTRACTS. There is
11 appropriated from the general fund of the state to the
12 department of human services for the fiscal year
13 beginning July 1, 1991, and ending June 30, 1992, the
14 following amount, or so much thereof as is necessary,
15 to be used for the purpose designated:

16 For medical contracts:

17\$ 4,000,000

18 As a condition, limitation, and qualification of
19 the funds appropriated in this section, the department
20 shall continue to contract for drug utilization review
21 under the medical assistance program.

22 Sec. 105. HIV-AIDS INSURANCE CONTINUATION
23 ASSISTANCE PILOT PROGRAM. There is appropriated from
24 the general fund of the state to the department of
25 human services for the fiscal year beginning July 1,
26 1991, and ending June 30, 1992, the following amount,
27 or so much thereof as is necessary, to be used for the
28 purpose designated:

29 For HIV-AIDS insurance continuation assistance
30 pilot program:

31\$ 60,000

32 1. The department shall establish an HIV and AIDS
33 insurance continuation assistance pilot program to be
34 administered by the medical services division to
35 provide insurance continuation assistance to persons
36 with AIDS or HIV-related illnesses who are unable to
37 maintain health insurance premium payments due to
38 illness. The pilot program shall operate for a 2-year
39 period beginning July 1, 1991, and ending June 30,
40 1993. The funds shall be made available in a manner
41 that provides the assistance to a recipient from the
42 time of enrollment until the end of the fiscal year as
43 needed by the recipient.

44 2. The department shall publicize the program for
45 enrollment of potential participants through provision
46 of information through the Iowa department of public
47 health, the regional AIDS coalitions funded by the
48 Iowa department of public health, physicians,
49 hospitals, social workers, and social service
50 providers and gay and AIDS-related groups identified

Page 7

- 1 by the coalitions.
- 2 3. The program shall provide all of the following:
- 3 a. That an applicant is eligible for participation
- 4 in the program if all of the following conditions are
- 5 met:
- 6 (1) The applicant is a resident of the state.
- 7 (2) The applicant suffers from AIDS or an HIV-
- 8 related illness.
- 9 (3) The applicant has an income of no more than
- 10 300 percent of the federal poverty level as defined by
- 11 the most recently revised poverty income guidelines
- 12 published by the United States department of health
- 13 and human services, and cash assets of no more than
- 14 \$10,000.
- 15 (4) The applicant is enrolled in an individual or
- 16 group private health insurance plan.
- 17 (5) The applicant is unable, due to AIDS or the
- 18 HIV-related illness, to continue employment in order
- 19 to pay the costs of insurance premiums.
- 20 (6) Enrollment in the program is the most cost-
- 21 effective, available means of providing the applicant
- 22 with health insurance coverage.
- 23 b. That an applicant is required to provide the
- 24 following to verify eligibility for participation in
- 25 the program:
- 26 (1) Documentation of income and assets, as
- 27 required by rule of the department.
- 28 (2) Documentation through submission of a
- 29 statement by the applicant's physician that the
- 30 applicant suffers from AIDS or an HIV-related illness
- 31 and that the applicant is, or will within a period of
- 32 6 months be, unable to continue employment.
- 33 c. An expedited eligibility determination process
- 34 to ensure that an eligible applicant is not denied
- 35 coverage under the applicant's existing policy due to
- 36 nonpayment of premiums during the determination
- 37 process period. This may include but is not limited
- 38 to accepting preapplications from any HIV-infected
- 39 person or the making of payments based on preliminary
- 40 determinations.
- 41 d. A requirement that following enrollment in the
- 42 program of a person with group-based coverage, the
- 43 person must apply for medical assistance, if the
- 44 department determines that the person is likely to be
- 45 eligible for payment of premiums under medical
- 46 assistance program pursuant to the federal Omnibus
- 47 Budget Reconciliation Act of 1990, section 4402, Pub.
- 48 L. No. 101-508.
- 49 e. A requirement that, if the state elects to pay
- 50 premiums for individual-based coverage under, and if

Page 8

1 the department determines that the person would be
 2 eligible for payment of premiums under medical
 3 assistance program under the provisions of the federal
 4 Omnibus Budget Reconciliation Act of 1990, section
 5 4402, Pub. L. No. 101-508, following enrollment in the
 6 program of a person with such coverage, the person
 7 must apply for medical assistance.

8 f. That all information relating to an applicant
 9 is confidential information and the provisions of
 10 chapter 141 are applicable to the information.

11 4. The department shall provide a preliminary
 12 report to the general assembly by January 1, 1992, and
 13 a final report to the general assembly by January 1,
 14 1993, regarding the cost-effectiveness of the pilot
 15 program, the impact of the requirements of federal law
 16 on the pilot program, and the current and projected
 17 costs to the state for payment of medical assistance
 18 for the health care costs of persons with AIDS or HIV-
 19 related illnesses.

20 5. For the purposes of this section, "AIDS" and
 21 "HIV" mean "AIDS" and "HIV" as defined in section
 22 141.21.

23 6. For the purposes of this subsection, "health
 24 insurance plan" includes nonprofit health service
 25 cooperation contracts regulated under chapter 514 and
 26 health maintenance organization evidences of coverage
 27 regulated under chapter 514B.

28 Sec. 106. STATE SUPPLEMENTARY ASSISTANCE. There
 29 is appropriated from the general fund of the state to
 30 the department of human services for the fiscal year
 31 beginning July 1, 1991, and ending June 30, 1992, the
 32 following amount, or so much thereof as is necessary,
 33 to be used for the purpose designated:

34 For state supplementary assistance:
 35\$ 18,605,530

36 The department shall increase the personal needs
 37 allowance for residents of residential care facilities
 38 by the same percentage and at the same time as federal
 39 supplemental security and federal social security
 40 benefits are increased due to a recognized increase in
 41 the cost of living. The department may adopt
 42 emergency rules to implement the provisions of this
 43 paragraph.

44 Sec. 107. AID TO INDIANS. There is appropriated
 45 from the general fund of the state to the department
 46 of human services for the fiscal year beginning July
 47 1, 1991, and ending June 30, 1992, the following
 48 amount, or so much thereof as is necessary, to be used
 49 for the purpose designated:

50 For aid to Indians under section 252.43:

Page 9

1\$ 38,000
2 The tribal council shall not use more than 5
3 percent of the funds for administration purposes. The
4 department may adopt emergency rules to implement the
5 provisions of this paragraph.
6 Sec. 108. CHILD DAY CARE ASSISTANCE. There is
7 appropriated from the general fund of the state to the
8 department of human services for the fiscal year
9 beginning July 1, 1991, and ending June 30, 1992, the
10 following amount, or so much thereof as is necessary,
11 to be used for the purposes designated:
12 For protective child day care assistance and state
13 child care assistance:
14\$ 7,282,830
15 1. It is the intent of the general assembly that
16 \$3,191,278 of the funds appropriated in this section
17 be used for protective child day care assistance.
18 2. It is the intent of the general assembly that
19 \$3,832,621 of the funds appropriated in this section
20 be used for state child care assistance.
21 3. a. The funds allocated in this section for
22 protective and state child care assistance shall be
23 allocated to the department of human services
24 districts and each district shall distribute the
25 allocation to the counties within the district. If a
26 district determines that a specified portion of the
27 funds provided to a county is sufficient to meet the
28 county's current demand and projected growth, the
29 district may transfer the excess amount of funds to
30 another county. If the district determines that a
31 specified portion of the funds provided to the
32 district is sufficient to meet the district's current
33 demand and projected growth for the remainder of the
34 fiscal year, the excess amount may be transferred for
35 use in another district.
36 b. For state child care assistance, eligibility
37 shall be limited to children whose family income is
38 equal to or less than 150 percent of the federal
39 office of management and budget poverty guidelines.
40 However, on or after October 1, 1991, the department
41 may increase the income eligibility limit to be equal
42 to or less than 75 percent of the Iowa median family
43 income. Every effort shall be made to provide
44 assistance for the entire fiscal year to families
45 remaining eligible before providing assistance to
46 eligible families who have not received assistance
47 previously. For the entire fiscal year, the
48 department shall develop a priority ranking of
49 requirements for families who receive assistance, with
50 special priority given to foster care families within

Page 10

1 the income guidelines. The requirements may include
2 but are not limited to all of the following:

3 (1) Families with an income equal to or less than
4 150 percent of the federal office of management and
5 budget poverty guidelines.

6 (2) Single parent families who are at risk of
7 becoming eligible for the aid to families with
8 dependent children programs.

9 (3) Families who have exhausted eligibility for
10 transitional child care assistance.

11 (4) Adolescent parents attending school.

12 (5) Families who have children with special needs.

13 (6) Families who are providing foster care if both
14 foster parents are employed and child day care is
15 consistent with the case plan.

16 (7) Families with an income greater than 150
17 percent of the federal office of management and budget
18 poverty guidelines but no more than 75 percent of the
19 Iowa median family income.

20 c. The department may adopt emergency rules
21 necessary to qualify to receive funding from the
22 federal child care development block grant and the
23 federal at-risk child care program. If required as a
24 condition of receiving these funds, the rules may
25 provide for eligibility, health and safety
26 requirements, parental access to children,
27 reimbursement rates, types of service provided,
28 licensing standards, complaint registration
29 procedures, or other rules necessary to establish a
30 simplified or consolidated child day care policy.

31 d. Nothing in this section shall be construed or
32 is intended as, or shall imply, a grant of entitlement
33 for services to persons who are eligible for
34 assistance due to an income level consistent with the
35 requirements of this section. Any state obligation to
36 provide services pursuant to this section is limited
37 to the extent of the funds appropriated under this
38 section.

39 4. Of the funds appropriated in this section,
40 \$258,931 is allocated for the fiscal year beginning
41 July 1, 1991, for the statewide program for child day
42 care resource and referral services under section
43 237A.26.

44 5. The department may use any of the funds
45 appropriated in this section as a match to obtain
46 federal grants for use in expanding child day care
47 assistance and related programs.

48 Sec. 109. TRANSITIONAL CHILD CARE ASSISTANCE.

49 There is appropriated from the general fund of the
50 state to the department of human services for the

Page 11

1 fiscal year beginning July 1, 1991, and ending June
2 30, 1992, the following amount, or so much thereof as
3 is necessary, to be used for the purpose designated:

4 For transitional child care assistance:

5\$ 323,311

6 Notwithstanding section 239.21, the department of
7 human services shall provide the transitional child
8 care program in accordance with the federal Family
9 Support Act of 1988, Pub. L. No. 100-485, § 302, and
10 applicable federal regulations. Reimbursement for
11 services shall be limited to registered or licensed
12 child day care providers and programs providing care,
13 supervision, or guidance of a child which is not
14 included under the definition of "child day care"
15 pursuant to section 237A.1, subsection 7.

16 Sec. 110. JOBS PROGRAM. There is appropriated
17 from the general fund of the state to the department
18 of human services for the fiscal year beginning July
19 1, 1991, and ending June 30, 1992, the following
20 amount, or so much thereof as is necessary, to be used
21 for the purposes designated:

22 For the JOBS program:

23\$ 4,647,305

24 1. Of the funds appropriated in this section,
25 \$3,960,305 is allocated for the JOBS program. If in
26 accordance with federal requirements, effective
27 September 1, 1991, reimbursement under the JOBS
28 program for child day care services shall be limited
29 to registered or licensed child day care providers and
30 programs providing care, supervision, or guidance of a
31 child which is not included under the definition of
32 "child day care" pursuant to section 237A.1,
33 subsection 7. However, this requirement shall not
34 apply to persons specified by rule as an aid to
35 families with dependent children relative or as
36 otherwise eligible for reimbursement because a
37 licensed or registered child day care provider or
38 program is not available.

39 2. Of the funds appropriated in this section,
40 \$480,000 is allocated to the family development and
41 self-sufficiency grant program as provided under
42 section 217.12. This funding shall be used to extend
43 current grantee funding from December 31, 1991, to
44 June 30, 1992.

45 a. No more than 5 percent of the funds
46 appropriated in this section shall be used for
47 administration of the program and this percentage
48 shall be determined for the entire fiscal year rather
49 than on a 6-month basis. Federal financial
50 participation received by the department for the

Page 12

1 family development and self-sufficiency grant program
 2 shall be used for the grant program or the JOBS
 3 program.

4 b. Based upon the annual evaluation report
 5 concerning each grantee funded by this appropriation,
 6 the family development and self-sufficiency council
 7 may use funds allocated to renew grants. Grant
 8 renewals shall be awarded on or before January 1,
 9 1992, for a 6-month extension to June 30, 1992.

10 3. Of the funds allocated in this section,
 11 \$132,000 is allocated for the food stamp employment
 12 and training program.

13 4. It is the intent of the general assembly that
 14 the department of human services apply to the
 15 corporation for enterprise development for Iowa's
 16 participation in the study phase of a "state human
 17 investment policy" demonstration project. Of the
 18 funds appropriated in this section, up to \$75,000
 19 shall be used for costs associated with Iowa's
 20 participation in the project. The department shall
 21 make efforts to obtain additional private and federal
 22 funding for the project, and shall submit quarterly
 23 reports on the status of the project to the
 24 legislative fiscal bureau.

25 Sec. 111. CHILD SUPPORT RECOVERY. There is
 26 appropriated from the general fund of the state to the
 27 department of human services for the fiscal year
 28 beginning July 1, 1991, and ending June 30, 1992, the
 29 following amount, or so much thereof as is necessary,
 30 to be used for the purposes designated:

31 For child support recovery, including salaries,
 32 support, maintenance, miscellaneous purposes, and for
 33 not more than the following full-time equivalent
 34 positions:

35	\$	3,134,277
36	FTEs	253.50

37 1. The director of human services, within the
 38 limitations of the funds appropriated in this section,
 39 or funds transferred from the aid to families with
 40 dependent children program for this purpose, may
 41 establish new positions and add additional employees
 42 to the child support recovery unit when the director
 43 determines that both the current and additional
 44 employees together can reasonably be expected to
 45 recover for the aid to families with dependent
 46 children program and the nonpublic assistance support
 47 recovery program more than twice the amount of money
 48 required to pay the salaries and support for both the
 49 current and additional employees or the new positions
 50 are necessary for compliance with federal requirements

Page 13

1 and the anticipated increased recovery amount exceeds
2 the cost of salaries and support for the new
3 positions. In the event the director adds additional
4 employees, the department shall demonstrate the cost-
5 effectiveness of the current and additional employees
6 by reporting to the joint human services
7 appropriations subcommittee the ratio of the total
8 amount of administrative costs for child support
9 recoveries to the total amount of the child support
10 recovered.

11 2. Notwithstanding any other provision in law,
12 nonpublic assistance application and user fees
13 received by the child support recovery program are
14 appropriated and shall be used for the purposes of the
15 program. The department may adopt emergency rules as
16 necessary to implement the provisions of this
17 subsection. The director of human services may exceed
18 the full-time equivalent position limit authorized in
19 this section if fees collected relating to the new
20 positions are sufficient to pay the salaries and
21 support for the positions. The director shall report
22 any new positions added pursuant to this section to
23 the chairpersons and ranking members of the joint
24 human services appropriations subcommittee and the
25 legislative fiscal bureau. The department may adopt
26 emergency rules as necessary to implement the
27 provisions of this subsection.

28 3. The director of human services, in consultation
29 with the department of management and the legislative
30 fiscal committee, is authorized to receive and deposit
31 state child support incentive earnings in the manner
32 specified under applicable federal requirements.

33 4. The director of human services may establish
34 new positions and add additional state employees to
35 the child support recovery unit if the director
36 determines the employees are necessary to replace
37 county-funded positions eliminated due to termination,
38 reduction, or nonrenewal of a chapter 28E contract.
39 However, the director must also determine that the
40 resulting increase in the state share of child support
41 recovery incentives exceeds the cost of the positions,
42 the positions are necessary to ensure continued
43 federal funding of the program, or the new positions
44 can reasonably be expected to recover more than twice
45 the amount of money to pay the salaries and support
46 for the new positions.

47 5. As a condition, limitation, and qualification
48 of the funds appropriated in this section, the child
49 support recovery unit may establish a pilot project
50 involving employers and access to employer records.

Page 14

1 The duration of the pilot project shall be limited to
 2 the period beginning July 1, 1991, and ending June 30,
 3 1992. In implementing the project, the unit may enter
 4 into a written agreement with a participating employer
 5 in which the employer provides the unit with access to
 6 information concerning the employer's new and current
 7 employees. The access may be provided either by
 8 manual or automated means. The unit shall not use or
 9 make the information available for any other purpose
 10 other than the establishment of or enforcement of a
 11 support obligation. Notwithstanding any other
 12 provision in law, an employer who enters into a
 13 written agreement for the purposes of the pilot
 14 project shall be held harmless from any violation of
 15 legal requirements for confidentiality or release of
 16 records which is in accordance with the agreement. An
 17 evaluation of the pilot project, including
 18 recommendations for its continuation, revision,
 19 cancellation, or expansion shall be submitted to the
 20 chairpersons and ranking members of the joint human
 21 services appropriations subcommittee and the
 22 legislative fiscal bureau.

23 Sec. 112. JUVENILE INSTITUTIONS. There is
 24 appropriated from the general fund of the state to the
 25 department of human services for the fiscal year
 26 beginning July 1, 1991, and ending June 30, 1992, the
 27 following amounts, or so much thereof as is necessary,
 28 to be used for the purposes designated:

29 For the operation of the state training school and
 30 the Iowa juvenile home, including salaries, support,
 31 maintenance, miscellaneous purposes, and for not more
 32 than the following full-time equivalent positions:

33 For the state juvenile institutions:

34	\$	12,774,025
35	FTEs	357.50

36 1. The following amounts of the funds appropriated
 37 and FTEs authorized in this section are allocated for
 38 the Iowa juvenile home at Toledo:

39	\$	4,703,508
40	FTEs	128.50

41 2. The following amounts of the funds appropriated
 42 and FTEs authorized in this section are allocated for
 43 the state training school at Eldora:

44	\$	8,070,517
45	FTEs	229.00

46 3. It is the intent of the general assembly that
 47 during the fiscal year beginning July 1, 1991, the
 48 population levels at the state juvenile institutions
 49 shall not exceed the population guidelines established
 50 under 1990 Iowa Acts, chapter 1239, section 21. It is

Page 15

1 also the intent of the general assembly that the state
2 juvenile institutions apply for an adolescent
3 pregnancy prevention grant for the fiscal year
4 beginning July 1, 1991.

5 4. Within the funds appropriated in this section,
6 the department may reallocate funds as necessary to
7 best fulfill the needs of the institutions provided
8 for in this appropriation.

9 5. The department shall report to the legislative
10 fiscal bureau, on or before the 20th day of each
11 month, the department's current expenditures for the
12 institutions receiving allocations under this
13 appropriation. The report shall include a comparison
14 of actual to budgeted expenditures for each
15 institution.

16 Sec. 113. FOSTER CARE. There is appropriated from
17 the general fund of the state to the department of
18 human services for the fiscal year beginning July 1,
19 1991, and ending June 30, 1992, the following amount,
20 or so much thereof as is necessary, to be used for the
21 purpose designated:

22 For foster care:

23\$ 53,674,434

24 1. As a condition, limitation, and qualification
25 of the funds appropriated in this section, the
26 department shall use moneys appropriated in this
27 section to establish 30 or more enhanced service group
28 care facility beds during the fiscal year beginning
29 July 1, 1991. The department may use moneys
30 appropriated in this section to provide enhanced
31 funding of services to family foster homes to avert
32 placement of children in group care facilities and may
33 continue to provide enhanced funding of services to
34 group care facilities to avert placement of children
35 in more expensive, less appropriate out-of-state
36 facilities or in a state juvenile institution. The
37 department shall give priority to serving children
38 whose placement at the state training school or the
39 Iowa juvenile home would cause the state juvenile
40 institution to exceed the population guidelines
41 established under 1990 Iowa Acts, chapter 1239,
42 section 21.

43 2. The department may transfer a portion of the
44 funds appropriated in this section to provide
45 subsidized adoption services or to purchase adoption
46 services, if funds allocated in this section for
47 adoption services are insufficient.

48 3. The department and state court administrator
49 shall work together in implementing an agreement which
50 enables the state to receive funding for eligible

Page 16

1 cases under the federal Social Security Act, Title IV-
2 E.

3 4. Not more than 25 percent of the children placed
4 in foster care funded under the federal Social
5 Security Act, Title IV-E, shall be placed in foster
6 care for a period of more than 24 months.

7 5. Of the funds appropriated in this section,
8 \$92,000 is allocated for the foster home insurance
9 fund. Notwithstanding section 237.13, the department
10 may use funds appropriated in this section to purchase
11 liability insurance for licensed foster parents in
12 lieu of providing payment for claims filed against the
13 foster home insurance fund, if comparable coverage can
14 be obtained through private insurance.
15 Notwithstanding section 8.33, funds remaining in the
16 foster home insurance fund on June 30, 1992, shall not
17 revert to the general fund but shall remain available
18 for expenditure in the fiscal year beginning July 1,
19 1992, for the purposes designated.

20 6. As a condition, limitation, and qualification
21 of the funds appropriated in this section, the
22 department shall review the need to provide additional
23 day treatment alternatives within the child welfare
24 system and the potential to provide additional
25 services by including day treatment provided by
26 psychiatric medical institutions for children as a
27 service reimbursed under medical assistance. The
28 department shall identify the effect of providing day
29 treatment services reimbursement under medical
30 assistance upon state expenditures for residential
31 treatment and other foster care services. The
32 department may use funds appropriated in this Act for
33 medical assistance to pay the nonfederal share of
34 costs for services reimbursed under medical assistance
35 which are provided in a psychiatric medical
36 institution for children.

37 7. The department may use \$30,000 of the funds
38 appropriated in this section to contract for a study
39 of the effectiveness of needs-based and therapeutic
40 family foster care and enhanced residential care.

41 8. As a condition, limitation, and qualification
42 of the funds appropriated in this section, the
43 department shall develop a therapeutic foster care
44 program in at least 1 district in the state. The
45 program's foster care worker support staff shall serve
46 not more than 7 foster families and shall provide
47 respite and special support services to foster parents
48 to enable them to serve in an active treatment
49 capacity with the children under their care. Of the
50 funds appropriated in this section, up to \$200,000

Page 17

1 shall be used for therapeutic foster care
2 reimbursement and \$284,667 for 8.00 FTEs under the
3 appropriation in this Act for field operations.

4 9. Funds appropriated in this section may be used
5 to recruit foster parents and to provide preservice
6 and in-service training for foster parents.

7 10. Of the funds appropriated in this section, up
8 to \$140,000 may be used to develop and maintain the
9 state's implementation of the national adoption and,
10 foster care information system pursuant to the
11 requirements of Pub. L. No. 99-509.

12 11. As a condition, limitation, and qualification
13 of the funds appropriated in this section, the
14 department shall continue a family foster care
15 advisory committee to examine department practices and
16 policies to improve the recruitment and retention of
17 foster parents, provide training and professional
18 guidance where appropriate, and seek the involvement
19 of family foster care providers in designing,
20 developing, and participating in the creation of
21 therapeutic foster family homes. The department shall
22 review initiatives of other states in recruiting
23 foster parents from appropriate families who are
24 recipients of public assistance. In consultation with
25 the advisory committee, the department shall seek
26 federal waivers and make program modifications as
27 necessary to develop a similar program for Iowa upon
28 receiving federal approval to do so.

29 12. As a condition, limitation, and qualification
30 of the funds appropriated in this section, the
31 department shall establish specialized family foster
32 care homes and provide specialized support and respite
33 services to qualifying foster care families who accept
34 infants with chemical addictions from intrauterine
35 transmission who would otherwise remain in a hospital.

36 13. As a condition, limitation, and qualification
37 of the funds appropriated in this section, the
38 department shall continue the demonstration program to
39 decategorize child welfare services in the 4 counties
40 in which the program has commenced. The department
41 may approve additional applications from a county or
42 consortium of counties to initiate a demonstration
43 program providing the department, the boards of
44 supervisors in the counties, and the affected judicial
45 districts agree to implement the program. The
46 schedule for implementing the demonstration program in
47 additional counties shall provide that the program be
48 implemented on or after January 1, 1992. The
49 department shall establish for the demonstration
50 project counties a child welfare fund composed of all

Page 18

1 or part of the amount that would otherwise be expected
2 to be used for residents of the counties for foster
3 care, family-centered services, subsidized adoption,
4 child day care, local purchase of services, state
5 juvenile institution care, mental health institute
6 care, state hospital-school care, juvenile detention,
7 department-direct services, and court-ordered
8 evaluation and treatment of juvenile services and
9 notwithstanding any other provision of law, the fund
10 shall be considered encumbered. Notwithstanding other
11 service funding provisions in law, the department
12 shall establish the fund by transferring funds from
13 the budgets affected, except for the funds
14 appropriated for the state mental health institutes,
15 the state hospital-schools, the state training school,
16 and the Iowa juvenile home which shall remain on
17 account for the county at these institutions. The
18 child welfare fund may be used to support services and
19 payment rates not allowable within historical program
20 or service categories. A limited amount of the fund
21 may be used to support services and reimbursement
22 rates not allowable within historical program or
23 service categories and administrative rule. In
24 addition, a limited amount of the child welfare fund
25 may be used for the family assistance fund to provide
26 resources for a family to remain together or to be
27 unified. It is the intent of the general assembly
28 that the demonstration program be designed to operate
29 in a county for a 3-year period. The 3-year time
30 period for a decategorization project in Dubuque,
31 Polk, Pottawattamie, or Scott county shall be
32 considered to begin on January 1 in the first year
33 following the year in which the county's
34 decategorization project was approved by the
35 department.

36 14. As a condition, limitation, and qualification
37 of the funds appropriated in this section, effective
38 July 1, 1991, foster care shall not be provided to
39 persons who are 18.5 years of age or older. The
40 department may adopt emergency rules to implement the
41 provisions of this subsection.

42 Sec. 114. CHILD PROTECTIVE SYSTEM IMPROVEMENTS.

43 There is appropriated from the general fund of the
44 state to the department of human services for the
45 fiscal year beginning July 1, 1991, and ending June
46 30, 1992, the following amount, or so much thereof as
47 is necessary, to be used for the purposes designated:

48 For improvements in the state system for child
49 protection:

50\$ 587,500

Page 19

1 The funding appropriated in this section shall be
2 used as determined by the department for any of the
3 following purposes:

4 1. For general administration of the department to
5 improve staff training efforts.

6 2. For oversight of termination of parental rights
7 and permanency planning efforts on a statewide basis
8 on the condition that regular reports regarding the
9 statewide program efforts shall be provided to the
10 legislative fiscal bureau.

11 3. For use by the department in general
12 administration to promote innovative treatment
13 programs, write grants to obtain federal and private
14 funding, and promote public and private efforts to
15 treat and prevent child abuse.

16 4. For personnel, assigned by the attorney
17 general, to provide additional services relating to
18 termination of parental rights and child in need of
19 assistance cases.

20 5. For funding of the state multidisciplinary team
21 to assist with difficult cases within the child abuse
22 and foster care system and with respect to child
23 protective investigation and initial case planning and
24 to develop and coordinate local multidisciplinary
25 teams.

26 6. For use by the department in conducting
27 outcome-oriented evaluations of child protection,
28 prevention, and treatment programs.

29 7. For specialized foster care permanency planning
30 field operations staff.

31 Sec. 115. HOME-BASED SERVICES. There is
32 appropriated from the general fund of the state to the
33 department of human services for the fiscal year
34 beginning July 1, 1991, and ending June 30, 1992, the
35 following amount, or so much thereof as is necessary,
36 to be used for the purpose designated:

37 For home-based services on the condition that
38 family planning services are funded, provided that if
39 the department amends the allocation to a program
40 funded under this section, then the department shall
41 promptly notify the legislative fiscal bureau of the
42 change:

43\$ 19,680,002

44 1. Of the funds appropriated in this section,
45 \$30,000 shall be used by the department to contract
46 with universities to provide ongoing research and
47 evaluation assistance to programs and initiatives of
48 the department involving family-centered services and
49 foster care. The contracts shall make maximum use of
50 any matching resources available from the universities

Page 20

1 with which the department contracts.

2 2. Of the funds appropriated in this section,

3 \$5,086,204 shall be used for family preservation and

4 reunification services and training. A limited amount

5 of the funds may be used for the family assistance

6 fund to provide other resources required for a family

7 participating in a project to stay together or to be

8 reunified. The payment system for the project shall

9 not be based upon units of time, but may be based upon

10 the cost to serve a family, including adjustments

11 according to the provider's performance and the

12 outcome of the services provided to each family. The

13 department shall use the statewide family preservation

14 and decategorization committee to assist in selecting

15 additional projects.

16 Sec. 116. COMMUNITY-BASED PROGRAMS. There is

17 appropriated from the general fund of the state to the

18 department of human services for the fiscal year

19 beginning July 1, 1991, and ending June 30, 1992, the

20 following amount, or so much thereof as is necessary,

21 to be used for the purpose designated:

22 For community-based programs:

23\$ 2,000,328

24 1. As a condition, limitation, and qualification

25 of the funds appropriated in this section, up to

26 \$19,095 shall be used by the department as the

27 financial aid from the state under section 232.142,

28 subsection 3, for the cost of the establishment,

29 improvement, operation, and maintenance of approved

30 county or multicounty juvenile homes. Notwithstanding

31 section 232.142, subsection 3, the amount provided in

32 this subsection shall be the maximum amount of

33 financial aid the state is obligated to provide

34 pursuant to that provision.

35 Sec. 117. BLOCK GRANT SUPPLEMENTATION. There is

36 appropriated from the general fund of the state to the

37 department of human services for the fiscal year

38 beginning July 1, 1991, and ending June 30, 1992, the

39 following amount, or so much thereof as is necessary,

40 to be used for the purpose designated:

41 For supplementation of federal social services

42 block grant funds and for allocation to counties for

43 the purchase of local services:

44\$ 4,935,958

45 The funds appropriated in this section shall be

46 allocated to counties pursuant to the rules of the

47 department in effect on January 1, 1985. The

48 department shall increase the income guidelines for

49 income eligible persons receiving services funded with

50 federal social services block grant funds for the

Page 21

1 fiscal year beginning July 1, 1991, by the same
2 percentage and at the same time as federal social
3 security benefits are increased due to a recognized
4 increase in the cost of living. The department may
5 adopt emergency rules to implement the provisions of
6 this subsection relating to an increase in the cost of
7 living.

8 Sec. 118. COURT-ORDERED SERVICES PROVIDED TO
9 JUVENILES. There is appropriated from the general
10 fund of the state to the department of human services
11 for the fiscal year beginning July 1, 1991, and ending
12 June 30, 1992, the following amount, or so much
13 thereof as is necessary, to be used for the purpose
14 designated:

15 Payment of the expenses of court-ordered services
16 provided to juveniles which are a charge upon the
17 state pursuant to section 232.141, subsection 4:
18\$ 4,013,271

19 1. It is the intent of the general assembly that
20 the funds appropriated in this section shall be used
21 in a manner that allows provision of court-ordered
22 services to juveniles for the entire specified fiscal
23 period without the need for supplemental funding. The
24 court shall consider the overall cost-effectiveness of
25 services ordered by the court for juveniles under
26 chapter 232.

27 2. As a condition, limitation, and qualification
28 of the funds appropriated in this section, and
29 notwithstanding any other provision of law, \$6,150,000
30 of the funds appropriated in this Act for home-based
31 services shall be used in providing court-ordered
32 family-centered, family preservation and family
33 reunification services designed to achieve the goals
34 contained in a juvenile's foster care case permanency
35 plan. The department shall develop policies and
36 procedures to ensure that priority for these services
37 is given to juveniles who are at-risk of being
38 adjudicated as a delinquent, being found to be a child
39 in need of assistance, or being involuntarily
40 committed under chapter 125 or 229.

41 3. As a condition, limitation, and qualification
42 of the funds appropriated in this section, and
43 notwithstanding section 232.141 or any other provision
44 of law, the funds appropriated in this section shall
45 be allocated to the department of human services'
46 districts as provided in this subsection. The
47 allocations to the districts shall be made according
48 to a formula developed pursuant to recommendations of
49 a committee consisting of a representative of the
50 director of human services, a representative of the

Page 22

1 state court administrator, a representative of the
2 Iowa state association of counties, and a
3 representative of service providers selected by the
4 director of human services. The director of human
5 services shall make the final decision on the
6 allocations on or before June 15, 1991.

7 4. Each department of human services' district
8 shall establish a planning group for the court-ordered
9 services for juveniles provided in that district. A
10 district planning group shall be appointed by the
11 district administrator and shall include local
12 representatives of the department of human services,
13 youth advocates, public defenders where appropriate,
14 the judicial department, county officials or staff,
15 and service providers. A district planning group
16 shall meet at least quarterly and shall perform all of
17 the following activities:

18 a. Establish service priorities for spending the
19 court-ordered services funds allocated to the
20 district.

21 b. Develop procedures to evaluate and improve the
22 quality and effectiveness of the services being
23 provided.

24 c. Make recommendations concerning changes in the
25 child welfare system that are needed to ensure that
26 children and families receive the services necessary
27 to meet their unique needs. Each district planning
28 group shall submit an annual report to the department
29 of human services. The department shall compile these
30 reports and submit the reports to the chairpersons and
31 ranking members of the joint human services
32 appropriations subcommittee and the legislative fiscal
33 bureau.

34 5. On or before June 15, 1991, the department of
35 human services shall develop policies and procedures
36 to ensure that the funds appropriated in this section
37 are spent only after all reasonable efforts have been
38 made to utilize other funding sources and community-
39 based services. The policies and procedures shall be
40 designed to achieve the following objectives relating
41 to services provided under chapter 232:

42 a. Maximize the utilization of funds which may be
43 available from the medical assistance program
44 including usage of the early preventive, screening,
45 diagnosis, and treatment (EPSDT) program.

46 b. Recover payments from any third-party insurance
47 coverage which is liable for coverage of the services,
48 including health insurance coverage.

49 6. The department of human services, in
50 consultation with district administrators, shall

Page 23

1 compile a report describing spending in the districts
 2 for court-ordered services for juveniles, including
 3 the utilization of the medical assistance program.
 4 The reports shall be submitted on or before the
 5 twentieth day of each month to the chairpersons and
 6 ranking members of the joint human services
 7 appropriations subcommittee and the legislative fiscal
 8 bureau.

9 7. Notwithstanding chapter 232 or any other
 10 provision of law, a district or juvenile court in a
 11 department of human services district shall not order
 12 any service which is a charge upon the state pursuant
 13 to section 232.141 if there are insufficient funds
 14 available in the district allocation to pay for the
 15 service. The district administrator shall work with
 16 the district planning group to encourage use of the
 17 funds appropriated in this section such that there are
 18 sufficient funds during the entire year.

19 8. Notwithstanding any provision of law, a
 20 district or juvenile court shall not order a county to
 21 pay for any service provided to a juvenile pursuant to
 22 an order entered under chapter 232 which is a charge
 23 upon the state under section 232.141.

24 9. As a condition, limitation, and qualification
 25 of the funds appropriated in this section, and
 26 notwithstanding any provision of law to the contrary,
 27 \$50,000 of the funds appropriated in this section may
 28 be used by the department for the administration of
 29 the programs and services provided pursuant to orders
 30 entered under chapter 232, as a supplement to funds
 31 provided in other appropriations. The department
 32 shall cooperate with the legislative fiscal bureau in
 33 developing a management information system for
 34 spending for services ordered under chapter 232.

35 10. The department may adopt emergency rules to
 36 implement the provisions of this section.

37 Sec. 119. IOWA VETERANS HOME. There is
 38 appropriated from the general fund of the state to the
 39 department of human services for the fiscal year
 40 beginning July 1, 1991, and ending June 30, 1992, the
 41 following amount, or so much thereof as is necessary,
 42 to be used for the purposes designated:

43 For operation of the Iowa veterans home, including
 44 salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:

47	\$	29,522,461
48	FTEs	821.80

49 The department may use the gifts accepted by the
 50 director of human services pursuant to section 218.96

Page 24

1 and other resources available to the department for
 2 use at the Iowa veterans home for purposes identified
 3 by the department.

4 Sec. 120. MENTAL HEALTH INSTITUTES. There is
 5 appropriated from the general fund of the state to the
 6 department of human services for the fiscal year
 7 beginning July 1, 1991, and ending June 30, 1992, the
 8 following amounts, or so much thereof as is necessary,
 9 to be used for the purposes designated:

10 For the state mental health institutes for
 11 salaries, support, maintenance, miscellaneous
 12 purposes, and for not more than the following full-
 13 time equivalent positions:

14	\$	47,520,990
15	FTEs	1,226.28

16 1. The following amounts of the funds appropriated
 17 and full-time equivalent positions authorized in this
 18 section are allocated for the state mental health
 19 institute at Cherokee:

20	\$	14,928,541
21	FTEs	389.75

22 2. The following amounts of the funds appropriated
 23 and full-time equivalent positions authorized in this
 24 section are allocated for the state mental health
 25 institute at Clarinda:

26	\$	7,638,209
27	FTEs	189.16

28 3. The following amounts of the funds appropriated
 29 and full-time equivalent positions authorized in this
 30 section are allocated for the state mental health
 31 institute at Independence:

32	\$	15,706,123
33	FTEs	436.27

34 4. The following amounts of the funds appropriated
 35 and full-time equivalent positions authorized in this
 36 section are allocated for the state mental health
 37 institute at Mount Pleasant:

38	\$	9,248,117
39	FTEs	211.50

40 5. Within the funds appropriated in this section,
 41 the department may reallocate funds as necessary to
 42 best fulfill the needs of the institutions provided
 43 for in this appropriation.

44 6. The department shall report to the legislative
 45 fiscal bureau, on or before the 20th day of each
 46 month, the department's current expenditures for the
 47 institutions receiving allocations under this
 48 appropriation. The report shall include a comparison
 49 of actual to budgeted expenditures for each
 50 institution.

Page 25

1 Sec. 121. HOSPITAL-SCHOOLS. There is appropriated
2 from the general fund of the state to the department
3 of human services for the fiscal year beginning July
4 1, 1991, and ending June 30, 1992, the following
5 amounts, or so much thereof as is necessary, to be
6 used for the purposes designated:

7 For the state hospital-schools, for salaries,
8 support, maintenance, miscellaneous purposes, and for
9 not more than the following full-time equivalent
10 positions:
11 \$ 71,197,941
12 FTEs 2,088.85

13 1. The following amounts of the funds appropriated
14 and full-time equivalent positions authorized in this
15 section are allocated for the state hospital-school at
16 Glenwood:
17 \$ 39,142,956
18 FTEs 1,157.00

19 2. The following amounts of the funds appropriated
20 and full-time equivalent positions authorized in this
21 section are allocated for the state hospital-school at
22 Woodward:
23 \$ 32,054,985
24 FTEs 931.85

25 3. Within the funds appropriated in this section,
26 the department may reallocate funds as necessary to
27 best fulfill the needs of the institutions provided
28 for in this appropriation.

29 4. The department shall report to the legislative
30 fiscal bureau, on or before the 20th day of each
31 month, the department's current expenditures for the
32 institutions receiving allocations under this
33 appropriation. The report shall include a comparison
34 of actual to budgeted expenditures for each
35 institution.

36 Sec. 122. MENTAL HEALTH AND MENTAL RETARDATION
37 SERVICES FUND. There is appropriated from the general
38 fund of the state to the state community mental health
39 and mental retardation services fund established in
40 section 225C.7 for the fiscal year beginning July 1,
41 1991, and ending June 30, 1992, the following amount,
42 or so much thereof as is necessary:

43 \$ 2,000,000

44 Notwithstanding 1990 Iowa Acts, chapter 1250,
45 section 18, \$1,200,000 of the funds appropriated to
46 the special mental health services fund established in
47 that section shall be transferred to the state
48 community mental health and mental retardation
49 services fund established in section 225C.7 and shall
50 be used in addition to the funds appropriated in this

Page 26

1 section for the purposes designated. The amount
 2 transferred pursuant to this section and section 123
 3 of this Act shall not be subject to the formula
 4 provided in 1990 Iowa Acts, chapter 1250, section 18,
 5 subsection 4.

6 Sec. 123. ENHANCED SERVICES — COUNTY PAYMENT.

7 Notwithstanding 1990 Iowa Acts, chapter 1250, section
 8 18, \$2,360,000 of the funds appropriated to the
 9 special mental health services fund established in
 10 that section, or so much thereof as is necessary,
 11 shall be transferred to supplement the appropriation
 12 in section 127 of this Act for the state candidate
 13 services fund for the purpose of providing funds to
 14 counties pursuant to section 127, subsection 5. The
 15 amount transferred pursuant to this section and
 16 section 122 of this Act shall not be subject to the
 17 formula provided in 1990 Iowa Acts, chapter 1250,
 18 section 18, subsection 4.

19 Sec. 124. MENTAL HEALTH — MENTAL RETARDATION —
 20 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
 21 appropriated from the general fund of the state to the
 22 department of human services for the fiscal year
 23 beginning July 1, 1991, and ending June 30, 1992, the
 24 following amount, or so much thereof as is necessary,
 25 to be used for the purpose designated:

26 For mental health, mental retardation, and
 27 developmental disabilities special services:

28\$ 425,000

29 1. The department and the Iowa finance authority
 30 shall develop methods to implement the financing for
 31 existing community-based facilities and to implement
 32 financing for small community-based facilities,
 33 including those facilities which may be developed
 34 under a federally approved home and community-based
 35 waiver for services provided under the medical
 36 assistance program. The department shall develop
 37 criteria for these facilities which may include
 38 provisions to restrict placements to current state
 39 hospital-school clients or to avert the placement of
 40 persons in a state hospital-school. The department
 41 shall assure that clients are referred to these
 42 facilities upon their development.

43 2. Of the funds appropriated in this section,
 44 \$284,750 is allocated to provide supplemental per
 45 diems to community-based residential care facilities
 46 and community living arrangements. The per diem is
 47 restricted to clients placed from the state hospital-
 48 schools and persons averted from placement in a state
 49 hospital-school who meet the appropriate level of
 50 functioning for this type of care.

Page 27

1 3. Of the funds appropriated in this section,
2 \$140,250 is allocated to provide funds for
3 construction and start-up costs to develop community,
4 living arrangements to provide for persons who are
5 mentally ill and homeless. These funds may be used to
6 match federal Stewart B. McKinney Homeless Assistance
7 Act grant funds.

8 4. As a condition, limitation, and qualification
9 of the funds appropriated in this section, the
10 department shall adopt rules pursuant to chapter 17A
11 providing for reimbursement under state supplementary
12 assistance to pay for supervised apartment living and
13 cooperative housing arrangements for persons with
14 disabilities. The rules shall take effect July 1,
15 1992.

16 Sec. 125. FAMILY SUPPORT SUBSIDY PROGRAM. There
17 is appropriated from the general fund of the state to
18 the department of human services for the fiscal year
19 beginning July 1, 1991, and ending June 30, 1992, the
20 following amount, or so much thereof as is necessary,
21 to be used for the purpose designated:

22 For the family support subsidy program:
23\$ 621,860

24 Sec. 126. SPECIAL NEEDS GRANTS. There is
25 appropriated from the general fund of the state to the
26 department of human services for the fiscal year
27 beginning July 1, 1991, and ending June 30, 1992, the
28 following amount, or so much thereof as is necessary,
29 to be used for the purpose designated:

30 To provide special needs grants to families with a
31 family member at home who has a developmental
32 disability or to a person with a developmental
33 disability:
34\$ 55,000

35 Grants must be used by a family to defray special
36 costs of caring for the family member to prevent out-
37 of-home placement of the family member or to provide
38 for independent living costs. A grant may provide up
39 to \$5,000 per person for costs associated with an
40 assistive animal. The grants may be administered by a
41 private nonprofit agency which serves people statewide
42 provided that no administrative costs are received by
43 the agency. Regular reports regarding coordination of
44 the special needs grants with the family support
45 subsidy program shall be provided to the legislative
46 fiscal bureau.

47 Sec. 127. ENHANCED MENTAL HEALTH — MENTAL
48 RETARDATION — DEVELOPMENTAL DISABILITIES SERVICES.
49 There is appropriated from the general fund of the
50 state to the department of human services for the

Page 28

1 fiscal year beginning July 1, 1991, and ending June
2 30, 1992, the following amount, or so much thereof as
3 is necessary, to be used for the purpose designated:

4 For the state candidate services fund:
5\$ 2,630,000

6 1. The enhanced mental health, mental retardation,
7 and developmental disabilities services plan oversight
8 committee is continued, as established under 1988 Iowa
9 Acts, chapter 1276, section 14, subsection 1, for the
10 fiscal year which begins July 1, 1991, and ends June
11 30, 1992. The oversight committee shall issue a final
12 decision regarding any issue of disagreement between a
13 county and the department relating to expenditures for
14 candidate services or the county's maintenance of
15 effort.

16 2. For purposes of this section, "candidate
17 services" means day treatment, partial
18 hospitalization, and case management.

19 3. a. The county of legal settlement shall be
20 billed for 50 percent of the nonfederal share of the
21 cost of case management provided to adults, day
22 treatment, and partial hospitalization provided under
23 the medical assistance program for persons with mental
24 retardation, a developmental disability, or chronic
25 mental illness.

26 b. If the department has contracted with a county
27 or a consortium of counties to be the provider of case
28 management services, the department is responsible for
29 any costs included within the unit rate for case
30 management services which are disallowed for
31 reimbursement pursuant to Title XIX of the federal
32 Social Security Act by the federal health care
33 financing administration. The department shall use
34 funds appropriated under this section to credit a
35 county for the county's share of any amounts overpaid
36 due to the disallowed costs. If certain costs are
37 disallowed due to requirements or preferences of a
38 particular county in the provision of case management
39 services the county shall not receive credit for the
40 amount of the costs.

41 c. Case management services provided to children
42 shall only be reimbursed under the medical assistance
43 program if the services are provided in a county
44 approved by the department to implement the program to
45 decategorize child welfare services. In addition, the
46 county's decategorization plan must demonstrate that
47 the amount necessary for payment of the nonfederal
48 share of the cost for the services is available within
49 funds allocated for the purpose of decategorization.
50 The department may adopt emergency rules to implement

Page 29

1 the provisions of this paragraph.

2 4. A county is responsible to continue to expend
3 at least the agreed upon amount expended for services
4 in the fiscal year which ended June 30, 1987, for the
5 fiscal year beginning July 1, 1991, for services to
6 persons with mental retardation, a developmental
7 disability, or chronic mental illness.

8 Notwithstanding section 8.33, if a county does not
9 expend the agreed upon amount in the fiscal year, the
10 balance not expended shall not revert to the general
11 fund of the county, but shall be carried over to the
12 next fiscal year to be expended for the provision of
13 services to persons with mental retardation, a
14 developmental disability, or mental illness including,
15 but not limited to, the chronically mentally ill, and
16 shall be used as additional funds. The additional
17 funds shall be used, to the greatest extent possible,
18 to meet unmet needs of persons with mental
19 retardation, a developmental disability, or mental
20 illness. This subsection does not relieve the county
21 from any other funding obligations required by law,
22 including but not limited to the obligations in
23 section 222.60.

24 5. The department, in conjunction with the
25 oversight committee, and with the agreement of each
26 county, shall establish the actual amount expended for
27 each candidate service for persons with mental
28 retardation, a developmental disability, or chronic
29 mental illness in the fiscal year which ended June 30,
30 1987, and this amount shall be deemed each county's
31 base year expenditure for the candidate service. A
32 disagreement between the department and a county as to
33 the actual amount expended shall be decided by the
34 oversight committee.

35 The department, in conjunction with the oversight
36 committee, and with the agreement of each county,
37 shall determine the expenditures in the fiscal year
38 beginning July 1, 1990, by each county for the
39 candidate services, including the amount the county
40 contributes under subsection 3. If the expenditures
41 in the fiscal year beginning July 1, 1990, exceed the
42 base year expenditures for candidate services, then
43 the county shall receive from the funds appropriated
44 under this section the least amount of the following:

45 a. The difference between the total expenditures
46 for the candidate services in the fiscal year
47 beginning July 1, 1990, and the base year
48 expenditures.

49 b. The amount expended by the county under
50 subsection 3.

Page 30

c. The amount by which total expenditures for persons with mental retardation, a developmental disability, or chronic mental illness for the fiscal year beginning July 1, 1990, less any carryover amount from the fiscal year which began July 1, 1989, exceed the maintenance of effort expenditures under subsection 4.

6. Notwithstanding section 225C.20, case management services shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A county or consortium of counties may contract to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The county or consortium of counties may subcontract for the provision of case management services if the subcontract meets the same standards. A mental health, mental retardation, and developmental disabilities coordinating board may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the coordinating board shall provide written notification of a proposed change to the department on or before August 15 and written notification of an approved change on or before October 15 in the fiscal year which precedes the fiscal year in which the change will take effect.

7. This section does not relieve the county from any other funding obligations required by law, including but not limited to the obligations in section 222.60.

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

9. For the purposes of this section only, persons with organic mental disorders shall not be considered chronically mentally ill.

10. Where the department contracts with a county or consortium of counties to provide case management services, the state shall appear and defend the department's employees and agents acting in an official capacity on the department's behalf and the state shall indemnify the employees and agents for acts within the scope of their employment. The state's duties to defend and indemnify shall not apply

Page 31

- 1 if the conduct upon which any claim is based
- 2 constitutes a willful and wanton act or omission or
- 3 malfeasance in office.

4 Sec. 128. FIELD OPERATIONS. There is appropriated
5 from the general fund of the state to the department
6 of human services for the fiscal year beginning July
7 1, 1991, and ending June 30, 1992, the following
8 amount, or so much thereof as is necessary, to be used
9 for the purposes designated:

10 For field operations, including salaries, support,
11 maintenance, miscellaneous purposes, and for not more
12 than the following full-time equivalent positions:

13	\$	43,864,127
14	FTEs	2,310.50

15 1. Staff who are designated as "Title XIX case
16 management staff" are considered to be in addition to
17 the limit for full-time equivalent positions and the
18 funds appropriated for field operations. As a
19 condition, limitation, and qualification of the funds
20 appropriated in this section, the department shall
21 report quarterly to the chairpersons and ranking
22 members of the legislative fiscal committee of the
23 legislative council, the members of the joint human
24 services appropriations subcommittee, and the
25 legislative fiscal bureau regarding the total number
26 of Title XIX case management staff positions filled,
27 including the number of positions which were filled by
28 persons who were already employed by the department in
29 another capacity.

30 2. As a condition, limitation, and qualification
31 of the funds appropriated in this section, upon the
32 request of a county, the department shall work with
33 the county to develop a funding plan for persons with
34 mental retardation, a developmental disability, or
35 chronic mental illness who are not eligible to receive
36 case management provided under the medical assistance
37 program and are receiving service management. With an
38 agreed upon funding plan, the department is authorized
39 to combine state funds that would otherwise be
40 expended on service management with county funds to
41 upgrade services provided to the persons from service
42 management to case management. Staff required to
43 implement this subsection are not subject to the
44 limitations on full-time equivalent positions and
45 funds appropriated for field operations.

46 3. As a condition, limitation, and qualification
47 of the funds appropriated in this section, if the
48 field operations staffing level meets the funded full-
49 time equivalent position limit authorized in this
50 section and a district identifies a critical position

Page 32

1 vacancy or a position with a caseweight factor greater
2 than 120 percent of the budgeted caseweight factor for
3 the position, the director of human services may
4 exceed the full-time equivalent position limit
5 authorized under this section in the amount necessary
6 to fill the critical position vacancy or to reduce the
7 caseweight factor to the budgeted level. For purposes
8 of this subsection, "critical position vacancy"
9 includes a clerical position in an office limited to a
10 single clerical staff position. The budgeted
11 caseweight factor for the fiscal year beginning July
12 1, 1991, and ending June 30, 1992, is 196 for income
13 maintenance workers and 191 for service workers. If
14 the department is able to increase federal financial
15 participation relating to field operations, the moneys
16 shall be used to reduce budgeted caseweight factor
17 funded by the appropriation in this section for income
18 maintenance and service workers. In addition, if the
19 field operations staffing level meets the funded full-
20 time equivalent position limit authorized in this
21 section and there is a critical position vacancy in
22 the state or the statewide average caseweight factor
23 for a particular type of position exceeds 105 percent
24 of the budgeted caseweight factor for that type of
25 position, the director of human services may exceed
26 the full-time equivalent position limit authorized in
27 this section in an amount necessary to fill the
28 critical position vacancy or to reduce the caseweight
29 factor to the budgeted level. The department shall
30 report monthly to the chairpersons and ranking members
31 of the joint human services appropriations
32 subcommittee and to the legislative fiscal bureau
33 regarding caseweight factor computations in each
34 district, the statewide average caseweight factor, the
35 existence of a critical position vacancy in any
36 district, and action taken by the department to
37 address any critical position vacancy problem or
38 excess caseweight factor.

39 4. Notwithstanding the full-time equivalent
40 position limit authorized in this section, a county
41 implementing a decategorization project, consistent
42 with the county's decategorization plan, may modify
43 the staffing level in the county's human services
44 office and the modification shall not affect other
45 county or district human services staffing levels and
46 shall not be considered to be subject to the full-time
47 equivalent position limit in this section.

48 5. As a condition, limitation, and qualification
49 of the funds appropriated in this section, the
50 department shall review the current field operations

Page 33

1 service delivery system structure. Within the funds
 2 budgeted and full-time equivalent positions authorized
 3 under this appropriation, the department shall make
 4 changes necessary to improve the system's
 5 administrative efficiency and effectiveness and to
 6 streamline these functions. Emphasis shall be placed
 7 upon increasing the program support, training, and
 8 supervision of staff who work directly with clients.

9 Sec. 129. GENERAL ADMINISTRATION. There is
 10 appropriated from the general fund of the state to the
 11 department of human services for the fiscal year
 12 beginning July 1, 1991, and ending June 30, 1992, the
 13 following amount, or so much thereof as is necessary,
 14 to be used for the purposes designated:

15 For general administration, including salaries,
 16 support, maintenance, miscellaneous purposes, and for
 17 not more than the following full-time equivalent
 18 positions:

19	\$	9,056,673
20	FTEs	352.95

21 1. Full-time equivalent positions which are funded
 22 entirely with federal, public, or private grants are
 23 exempt from the limits on the number of full-time
 24 equivalent positions provided in this section, but are
 25 approved only for the period of time for which the
 26 federal funds or grants are available for the
 27 position.

28 2. As a condition, limitation, and qualification
 29 of the funds appropriated in this section, if a state
 30 institution administered by the department is to be
 31 closed or reduced in size, prior to the closing or
 32 reduction the department shall initiate and coordinate
 33 efforts in cooperation with the Iowa department of
 34 economic development to develop new jobs in the area
 35 in which the state institution is located.

36 3. As a condition, limitation, and qualification
 37 of the funds appropriated in this section, the
 38 department shall seek federal approval of home and
 39 community-based waivers for services provided under
 40 medical assistance to persons with mental retardation,
 41 mental illness, or developmental disabilities and
 42 effective February 1, 1992, contingent upon federal
 43 approval of the waivers, the department shall take all
 44 measures necessary to implement the waivers,
 45 including, but not limited to, filling not more than
 46 12 employee positions to perform duties as necessary
 47 to implement the waivers. The department shall fill
 48 the positions in a manner which results in the
 49 positions being equivalent to 4.00 FTEs for the fiscal
 50 year, however, the positions shall be annualized for

Page 34

1 the purposes of establishing the number of full-time
 2 equivalent positions in this appropriation for the
 3 fiscal year.

4 4. As a condition, limitation, and qualification
 5 of the funds appropriated in this section, \$30,000
 6 shall be transferred to the governor's planning
 7 council for developmental disabilities for use in
 8 contracting to continue operating a computerized
 9 information and referral project for Iowans with
 10 developmental disabilities and their families.

11 5. As a condition, limitation, and qualification
 12 of the funds appropriated in this section, 1.00 FTE
 13 shall be assigned to expand the AFDC electronic
 14 benefits transfer program (EBT) beyond the pilot
 15 program county and to implement EBT for the food stamp
 16 program.

17 Sec. 130. VOLUNTEERS. There is appropriated from
 18 the general fund of the state to the department of
 19 human services for the fiscal year beginning July 1,
 20 1991, and ending June 30, 1992, the following amount,
 21 or so much thereof as is necessary, to be used for the
 22 purpose designated:

23 For development and coordination of volunteer
 24 services:

25\$ 93,283

26 Sec. 131. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 27 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
 28 UNDER THE DEPARTMENT OF HUMAN SERVICES.

29 1. a. For the fiscal year beginning July 1, 1991,
 30 the following providers shall not have their medical
 31 assistance reimbursement rates increased over the
 32 rates in effect on June 30, 1991: providers of
 33 waived services under the home and community-based
 34 programs, optometrists for service fees only,
 35 opticians for service fees only, podiatrists,
 36 dentists, chiropractors, physical therapists, birthing
 37 centers, ambulance services, independent laboratories,
 38 area education agencies, clinics, audiologists,
 39 rehabilitation agencies, community mental health
 40 centers, family planning clinics, psychologists,
 41 hearing aid dealers, orthopedic shoe dealers,
 42 ambulatory surgery centers, and genetic counseling
 43 clinics. Reimbursement for optometric products shall
 44 not be increased. The department of human services
 45 may utilize flexibility in allocating the increase for
 46 durable medical products and supplies so that
 47 equipment and supplies which have greater wholesale
 48 cost increases may be reimbursed at a higher rate and
 49 those which have a lower or no wholesale cost increase
 50 may be reimbursed at a lower rate or have no increase.

Page 35

1 Reimbursement rates for physicians and certified
2 registered nurse anesthetists shall not be increased.
3 Reimbursement rates for maternal health centers and
4 pediatric services shall not be increased.

5 b. For the fiscal year beginning July 1, 1991, the
6 following shall have their medical assistance
7 reimbursement rates established at the rates in effect
8 on February 28, 1991: psychiatric medical
9 institutions for children, early preventive screening,
10 diagnosis, and treatment providers, providers of
11 obstetric services when provided by physicians or
12 certified midwives, and durable medical products and
13 supplies.

14 c. The department shall provide a differential per
15 diem reimbursement rate to a psychiatric medical
16 institution for children for short-term treatment or
17 diagnosis services provided within a segregated unit
18 of the institution. The differential per diem
19 reimbursement rate shall not exceed 120 percent of the
20 per diem rate authorized in this section for
21 psychiatric medical institutions for children.

22 d. The dispensing fee for pharmacists shall remain
23 at the rate in effect on June 30, 1991. The
24 department shall adjust the average wholesale price of
25 drug product costs in accordance with federal
26 regulations. Dispensing fees for pharmacists shall be
27 further adjusted to reflect the adjustment to the
28 average wholesale price of drug product costs. Total
29 adjustments to reimbursements for prescription drugs
30 shall remain within funds appropriated.

31 e. Effective July 1, 1991, reimbursement rates to
32 hospitals shall not be increased over the rates in
33 effect on June 30, 1991.

34 f. Reimbursement rates for rural health clinics
35 shall be increased in accordance with increases under
36 the federal medicare program.

37 g. Home health agencies certified for the medical
38 assistance program, hospice services, and acute care
39 mental hospitals shall be reimbursed for their current
40 federal medicare audited costs.

41 h. Effective July 1, 1991, the basis for
42 establishing the maximum medical assistance
43 reimbursement rate for nursing facilities shall be the
44 70th percentile of facility costs as calculated from
45 the June 30, 1991, unaudited compilation of cost and
46 statistical data. However, to the extent funds are
47 available under the allocation for reimbursement of
48 nursing facilities within the appropriation for
49 medical assistance in this Act, the basis shall be
50 increased to not more than the 74th percentile of

Page 36

1 facility costs as calculated from the same data.

2 i. Effective July 1, 1991, the amount provided
3 under the medical assistance program to nursing
4 facilities during the fiscal year ending June 30,
5 1991, in addition to the approved per diem rate,
6 pursuant to 1990 Iowa Acts, chapter 1270, section 31,
7 subsection 1, paragraph "e", subparagraph (1), shall
8 no longer be provided.

9 2. For the fiscal year beginning July 1, 1991, the
10 maximum cost reimbursement rate for residential care
11 facilities reimbursed by the department shall be
12 \$20.01 per day. The flat reimbursement rate for
13 facilities electing not to file semiannual cost
14 reports shall be \$14.31 per day. For the fiscal year
15 beginning July 1, 1991, the maximum reimbursement rate
16 for providers reimbursed under the in-home health-
17 related care program shall be increased by 2 percent
18 over the rates in effect on June 30, 1991.

19 3. For services provided by social services
20 providers reimbursed by the department in the fiscal
21 year beginning July 1, 1991, rates shall be increased
22 by 2 percent over the unreduced rates in effect on
23 June 30, 1991. However, any increase provided under
24 this subsection shall not cause the provider's
25 reimbursement rate to exceed the provider's actual and
26 allowable cost plus 7 percent.

27 4. Notwithstanding the provisions of subsection 3,
28 the department may implement revisions of the
29 methodology for purchasing group foster care services
30 to establish rates for group foster care services
31 based on the study of these issues funded by the
32 general assembly in the fiscal year which began July
33 1, 1989, provided the overall budget amount for the
34 expenditures is not exceeded and the revisions of the
35 methodology are agreed to by the affected service
36 providers.

37 5. In determining reimbursement rates for
38 facilities reimbursed under this division, including
39 but not limited to foster care providers, residential
40 care facilities, nursing facilities, and community
41 living arrangements, the department shall not include
42 private moneys contributed to the facility in its
43 determination.

44 6. The department may adopt emergency rates to
45 implement the provisions of this section except for
46 subsection 5 for which the department shall adopt
47 nonemergency rules pursuant to chapter 17A.

48 Sec. 132. ASSISTANCE TO GAMBLERS. The department
49 shall use funds deposited in the gamblers assistance
50 fund established in section 99E.10 only for programs

Page 37

1 to assist gamblers. Any unspent funds shall remain in
2 the fund and shall not be transferred or reverted to
3 the general fund of the state. The department shall
4 use gambler's assistance fund moneys for 3 FTEs to
5 support the assistance to gamblers programs.

6 The Iowa lottery board and the state racing and
7 gaming commission shall cooperate with the gamblers
8 assistance program to incorporate information
9 regarding the gamblers assistance program and its
10 toll-free telephone number in printed materials
11 distributed. The commission may require licensees to
12 have the information available in a conspicuous place
13 as a condition of licensure.

14 Sec. 133. REQUIREMENTS RELATING TO PERSONS WITH

15 DISABILITIES. Subject to the limitations of the
16 appropriations in this Act for the state mental health
17 institutes and for the state hospital-schools, the
18 department of human services shall modify staffing
19 structures at the state hospital-schools and the state
20 mental health institutes consistent with accreditation
21 and certification requirements and the findings of the
22 study on staffing commissioned by the general assembly
23 in order to improve the level of direct staffing,
24 reduce or simplify the levels of organizational
25 authority where appropriate, and reduce the use of
26 overtime. If, after review of the study
27 recommendations, the department of human services
28 decides to establish the position of "human resource
29 specialist" at the state hospital-schools, the
30 positions shall be established within the department
31 of personnel and the department of human services may
32 transfer to the department of personnel the associated
33 full-time equivalent positions and moneys equal to the
34 salary costs for the positions. The maintenance of
35 sufficient direct care staff to assure worker and
36 patient safety is of highest priority. The department
37 shall work with all levels of affected employees in
38 carrying out this staff restructuring. The department
39 shall work to assure that vacant positions in direct
40 care are filled promptly and expeditiously.

41 Sec. 134. FULL-TIME EQUIVALENT LIMIT NOTIFICATION.

42 The Iowa veterans home, the state mental health
43 institutes, and the state hospital-schools may exceed
44 the number of full-time equivalent positions
45 authorized in this Act if the additional positions are
46 specifically related to licensing, certification, or
47 accreditation standards or citations. The department
48 shall notify the co-chairpersons and ranking members
49 of the joint human services appropriations
50 subcommittee and the legislative fiscal bureau if the

Page 38

1 specified number is exceeded. The notification shall
2 include an estimate of the number of full-time
3 equivalent positions added and the fiscal effect of
4 the addition.

5 Sec. 135. COMPUTERIZATION — ASSESSMENT OF
6 FINANCIAL IMPACT. In order to assess the financial
7 impact of computerizing functions within the
8 department of human services, the department of
9 general services, information services division, shall
10 monitor the utilization of the central processing unit
11 resources maintained by the division, and shall
12 provide quarterly reports to the legislative fiscal
13 committee of the legislative council and the
14 legislative fiscal bureau. The quarterly reports
15 shall contain an analysis of the central processing
16 unit resources utilized by the department of human
17 services by each computerized application within the
18 department. The reports shall also contain
19 information on computerized applications which are
20 under development, and shall project the central
21 processing unit utilization which will occur in 6, 12,
22 18, and 24 months. The reports shall be designed to
23 enable the legislative fiscal committee and the
24 legislative fiscal bureau to assess the fiscal impact
25 of various computerized applications, with emphasis
26 upon the need for the division to purchase additional
27 computer hardware.

28 Sec. 136. EMERGENCY RULES. If specifically
29 authorized by a provision of this division, the
30 department of human services may adopt administrative
31 rules under section 17A.4, subsection 2, and section
32 17A.5, subsection 2, paragraph "b", to implement the
33 provisions and the rules shall become effective
34 immediately upon filing, unless a later effective date
35 is specified in the rules. In addition, the
36 department may adopt administrative rules in
37 accordance with the provisions of this section as
38 necessary to comply with federal requirements or to
39 adjust to a change in the level of federal funding
40 which affect refugee programs during the fiscal period
41 beginning July 1, 1990, and ending June 30, 1992. Any
42 rules adopted in accordance with the provisions of
43 this section shall also be published as notice of
44 intended action as provided in section 17A.4.

45 Sec. 137. EFFECTIVE DATE. Section 103, subsection
46 9, and section 136 of this Act, being deemed of
47 immediate importance, take effect upon enactment.

DIVISION II

DEPARTMENT OF EDUCATION

48
49 Sec. 201. There is appropriated from the general
50

Page 39

1 fund of the state to the department of education for
 2 the fiscal year beginning July 1, 1991, and ending
 3 June 30, 1992, the following amounts, or so much
 4 thereof as may be necessary, to be used for the
 5 purposes designated:

6 1. GENERAL ADMINISTRATION

7 For salaries, support, maintenance, miscellaneous
 8 purposes, and for not more than the following full-
 9 time equivalent positions:

10	\$	5,720,000
11	FTEs	137.25

12 2. CORRECTIONS EDUCATION PROGRAM

13 For educational programs at state penal
 14 institutions:

15	\$	2,120,000
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16 As a condition, limitation, and qualification of
 17 the appropriation in this subsection, the utilization
 18 of educational technology in the prison education
 19 system shall be expanded and a tracking system shall
 20 be developed and implemented to provide information
 21 regarding the effects of recidivism and employment
 22 success.

23 Persons employed to provide instructional services
 24 under this paragraph who were previously employed
 25 through the department of corrections to provide
 26 instructional services to inmates under programs under
 27 the jurisdiction of the department of corrections
 28 shall be given credit for all unused sick leave that
 29 the persons accrued while employed through the
 30 department of corrections.

31 3. BOARD OF EDUCATIONAL EXAMINERS

32 For salaries, support, maintenance, miscellaneous
 33 purposes and for not more than the following full-time
 34 equivalent positions:

35	\$	128,000
36	FTEs	2.00

37 4. SCHOOL FOOD SERVICE

38 For use as state matching funds for federal
 39 programs which shall be disbursed according to federal
 40 regulations, including salaries, support, maintenance,
 41 miscellaneous purposes, and for not more than the
 42 following full-time equivalent positions:

43	\$	2,980,000
44	FTEs	14.00

45 5. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

46 To provide funds for costs of providing textbooks
 47 to each resident pupil who attends a nonpublic school
 48 as authorized by section 301.1. The funding is
 49 limited to \$20 per pupil and shall not exceed the
 50 comparable services offered to resident public school

Page 40

1	pupils:		
2		\$	600,000
3	6. VOCATIONAL EDUCATION ADMINISTRATION		
4	For salaries, support, maintenance, miscellaneous		
5	purposes, and for not more than the following full-		
6	time equivalent positions:		
7		\$	893,000
8		FTEs	39.60
9	7. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION		
10	To assist a vocational agriculture youth		
11	organization sponsored by the schools to support the		
12	foundation established by that vocational agriculture		
13	youth organization:		
14		\$	39,000
15	8. VOCATIONAL REHABILITATION DIVISION		
16	a. For salaries, support, maintenance,		
17	miscellaneous purposes, and for not more than the		
18	following full-time equivalent positions:		
19		\$	3,680,000
20		FTEs	319.50
21	b. For matching funds for programs to enable		
22	severely physically or mentally disabled persons to		
23	function more independently, including salaries and		
24	support, and for not more than the following full-time		
25	equivalent positions:		
26		\$	21,303
27		FTEs	1.50
28	9. COMMUNITY COLLEGES		
29	Notwithstanding chapter 286A, for general state		
30	financial aid to merged areas as defined in section		
31	280A.2, for vocational education programs in		
32	accordance with chapters 258 and 280A, to purchase		
33	instructional equipment for vocational and technical		
34	courses of instruction in community colleges, and for		
35	salary increases:		
36		\$	88,100,576
37	The funds appropriated in this subsection shall be		
38	allocated as follows:		
39	a. Merged Area I	\$	4,102,609
40	b. Merged Area II	\$	4,977,600
41	c. Merged Area III	\$	4,815,675
42	d. Merged Area IV	\$	2,261,745
43	e. Merged Area V	\$	4,773,379
44	f. Merged Area VI	\$	4,496,944
45	g. Merged Area VII	\$	6,170,827
46	h. Merged Area IX	\$	7,752,617
47	i. Merged Area X	\$	11,990,368
48	j. Merged Area XI	\$	12,882,530
49	k. Merged Area XII	\$	5,084,076
50	l. Merged Area XIII	\$	5,235,629

Page 41

1	m. Merged Area XIV	\$	2,314,451
2	n. Merged Area XV	\$	7,180,989
3	o. Merged Area XVI	\$	4,061,137

4 Sec. 202. There is appropriated from the general
 5 fund of the state to the department of education for
 6 the fiscal year beginning July 1, 1992, and ending
 7 June 30, 1993, the following amounts, or so much
 8 thereof as is necessary, to be used for the purposes
 9 designated:

10	1. Notwithstanding chapter 286A for state		
11	financial aid to merged areas to be accrued as income		
12	and used for expenditures incurred by the community		
13	colleges during the fiscal year beginning July 1,		
14	1991, and ending June 30, 1992:		
15	.....	\$	17,133,590

16 The funds appropriated in this section shall be
 17 allocated as follows:

18	a. Merged Area I	\$	797,866
19	b. Merged Area II	\$	968,032
20	c. Merged Area III	\$	936,541
21	d. Merged Area IV	\$	439,859
22	e. Merged Area V	\$	928,315
23	f. Merged Area VI	\$	874,555
24	g. Merged Area VII	\$	1,200,088
25	h. Merged Area IX	\$	1,507,711
26	i. Merged Area X	\$	2,331,857
27	j. Merged Area XI	\$	2,505,363
28	k. Merged Area XII	\$	988,739
29	l. Merged Area XIII	\$	1,018,213
30	m. Merged Area XIV	\$	450,109
31	n. Merged Area XV	\$	1,396,542
32	o. Merged Area XVI	\$	789,800

33 2. Funds appropriated by this section shall be
 34 allocated pursuant to this section and paid on or
 35 about August 15, 1992.

36 Sec. 203. Moneys allocated to community colleges
 37 under section 201, subsection 9 of this division, for
 38 expenditures incurred during the fiscal year beginning
 39 July 1, 1991, and ending June 30, 1992, shall be paid
 40 by the department of revenue and finance in
 41 installments due on or about November 15, February 15,
 42 and May 15 of that fiscal year. The installments
 43 shall be as nearly equal as possible as determined by
 44 the department of management, taking into
 45 consideration the relative budget and cash position of
 46 the state resources. The payments received by
 47 community colleges on or about August 15 under section
 48 202 of this division are accounts receivable for the
 49 previous fiscal year.

50 Sec. 204. Notwithstanding the appropriation

Page 42

1 provided in section 294A.25, subsection 1, there is
 2 appropriated from the general fund of the state to the
 3 department of education for the fiscal year beginning
 4 July 1, 1991, and ending June 30, 1992, the following
 5 amount, or so much thereof as may be necessary, to be
 6 used for the purpose designated and for not more than
 7 the following full-time equivalent position:

8 For the educational excellence program:

9	\$	90,745,875
10	FTEs	1.00

11 As a condition, limitation, and qualification of
 12 the funds appropriated in this section, and
 13 notwithstanding the allocation specified for phase III
 14 under section 294A.25, subsection 6, from the moneys
 15 appropriated under this section and available for
 16 expenditure for phase III, the department shall,
 17 subject to the review of the chairpersons and ranking
 18 members of the education committees of the general
 19 assembly, expend \$250,000 to provide demonstration
 20 projects in comprehensive school transformation in no
 21 more than ten public school districts. The objective
 22 of the projects shall be to demonstrate how public
 23 schools can be transformed from corporate to collegial
 24 learning environments for teachers, students, and
 25 administrators for the purpose of maximizing student
 26 learning and to diffuse information about the process
 27 of transformation to neighboring schools. The
 28 projects shall also demonstrate how phase III funds
 29 can be used to promote school transformation by
 30 providing focus to phase III efforts in such areas as
 31 technology, individualization of instruction, and
 32 decentralization of decision-making. However, funds
 33 allocated to districts under this section shall not be
 34 used to supplant funds available to a district under
 35 phase III. Districts participating in a project may
 36 use phase III funds to supplement the purposes and
 37 activities of the project in the manner provided under
 38 section 294A.14. Districts participating in a project
 39 may also pool funds to provide conferences and to
 40 contract with consultants and facilitators to provide
 41 services to support the goals of the project.
 42 Projects shall use the school building as the basic
 43 administrative and clinical unit for demonstration.
 44 The department may expend up to \$10,000 for purposes
 45 of developing guidelines and administering the
 46 selection, approval, and evaluation process for
 47 proposed projects. In developing a selection process
 48 for demonstration projects, the department of
 49 education shall establish an eleven-member selection
 50 committee, which shall include, but is not limited to,

Page 43

1 licensed practitioners and ex officio nonvoting
 2 members of the general assembly. A majority of the
 3 members of the committee shall consist of licensed
 4 teachers and principals. The committee shall select
 5 projects which give promise of accomplishing
 6 comprehensive school transformation at the building
 7 level during the time that the project is in place.
 8 Each project shall contain an evaluation component,
 9 which provides for self-evaluation by participating
 10 districts and evaluation by the department of
 11 education. The selection committee shall establish
 12 criteria for ascertaining a particular district's
 13 readiness for comprehensive change and give preference
 14 in the project selection process to districts which
 15 meet the readiness criteria. Each participating
 16 district shall, at the conclusion of a project, submit
 17 a copy of the district's self-evaluation in a report
 18 to the department of education. The department shall
 19 compile the reports, along with the department's
 20 evaluations of each of the projects, and submit the
 21 results in a report to the general assembly by March
 22 1, 1994.

23 Sec. 205. There is appropriated from the general
 24 fund of the state to the department of education for
 25 the fiscal year beginning July 1, 1992, and ending
 26 June 30, 1993, the following amounts, or so much
 27 thereof as is necessary, to be used for the purposes
 28 designated:

29 For expenditures incurred by school districts
 30 during the previous fiscal year for vocational
 31 education aid to secondary schools:

32\$ 3,666,360

33 Funds appropriated by this section shall be used
 34 for expenditures made by school districts to meet the
 35 standards set in sections 256.11, 258.4, and 280A.23
 36 as a result of the enactment of 1989 Iowa Acts,
 37 chapter 278. Funds shall be used as reimbursement for
 38 vocational education expenditures made by secondary
 39 schools in the manner provided by the department of
 40 education for implementation of the standards set in
 41 1989 Iowa Acts, chapter 278. The department shall
 42 inform school districts by July 1, 1991, of the
 43 criteria for reimbursement with funds appropriated
 44 under this section.

45 COLLEGE STUDENT AID COMMISSION

46 Sec. 206. There is appropriated from the general
 47 fund of the state to the college student aid
 48 commission for the fiscal year beginning July 1, 1991,
 49 and ending June 30, 1992, the following amounts, or so
 50 much thereof as may be necessary, to be used for the

Page 44

1 purposes designated:

2 1. GENERAL ADMINISTRATION

3 For salaries, support, maintenance, miscellaneous
4 purposes, and for not more than the following full-
5 time equivalent positions:

6\$ 346,000
7FTEs 8.05

8 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
9 SCIENCES

10 a. For grants to juniors and seniors and for
11 forgivable loans to freshmen and sophomores, who are
12 Iowa students attending the university of osteopathic
13 medicine and health sciences, under the grant program
14 pursuant to section 261.18 and the forgivable loan
15 program pursuant to section 261.19A:

16\$ 400,000

17 b. For the university of osteopathic medicine and
18 health sciences for the admission and education of
19 Iowa students in each of the 4 years of classes at the
20 university of osteopathic medicine and health sciences
21 pursuant to section 261.19:

22\$ 407,000

23 3. STUDENT AID PROGRAMS

24 For payments to students for student aid programs:

25\$ 1,976,000

26 As a condition, limitation, and qualification of
27 the funds appropriated in this subsection, \$1,474,062
28 shall be expended for an Iowa grant program, with
29 funds to be allocated to institutions pursuant to
30 section 261.93A.

31 4. NATIONAL GUARD LOAN REPAYMENT

32 For payments to students for the national guard
33 loan repayment program in section 261.49:

34\$ 237,000

35 Sec. 207. There is appropriated from the loan
36 reserve account to the college student aid commission
37 for the fiscal year beginning July 1, 1991, and ending
38 June 30, 1992, the following amount, or so much
39 thereof as may be necessary, to be used for the
40 purposes designated:

41 For operating costs of the Stafford loan program
42 including salaries, support, maintenance,
43 miscellaneous purposes, and for not more than the
44 following full-time equivalent positions:

45\$ 3,671,016
46FTEs 36.52

47 STATE BOARD OF REGENTS

48 Sec. 208. There is appropriated from the general
49 fund of the state to the state board of regents for
50 the fiscal year beginning July 1, 1991, and ending

Page 45

1 June 30, 1992, the following amounts, or so much
 2 thereof as may be necessary, to be used for the
 3 purposes designated:

4 1. OFFICE OF STATE BOARD OF REGENTS

5 a. For salaries, support, maintenance,
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:

8\$ 1,131,000
 9FTEs 19.08

10 As a condition, limitation, and qualification of
 11 the moneys appropriated in this paragraph, the state
 12 board of regents shall not use reimbursements from the
 13 institutions under the control of the state board of
 14 regents for funding the office of the state board of
 15 regents.

16 As a condition, limitation, and qualification of
 17 the funds appropriated in this paragraph, the state
 18 board of regents shall permit KUNI to broadcast from
 19 the greater Des Moines area if KUNI acquires a
 20 transmitter or translator at no cost to the university
 21 of northern Iowa or the state for the basis of
 22 simulcasting KUNI's programming, receives an assigned
 23 frequency, and obtains necessary federal communication
 24 commission (FCC) licensing.

25 b. For allocation by the state board of regents to
 26 the state university of Iowa, the Iowa state
 27 university of science and technology, and the
 28 university of northern Iowa to reimburse the
 29 institutions for deficiencies in their operating funds
 30 resulting from the pledging of tuitions, student fees
 31 and charges, and institutional income to finance the
 32 cost of providing academic and administrative
 33 buildings and facilities and utility services at the
 34 institutions:

35\$ 19,381,162

36 c. For funds to be allocated to the southwest Iowa
 37 graduate studies center located in Council Bluffs:

38\$ 37,000

39 d. For funds to be allocated to the siouxland
 40 interstate metropolitan planning council for the
 41 tristate graduate center under section 262.9,
 42 subsection 21:

43\$ 71,000

44 e. For funds to be allocated to the quad-cities
 45 graduate studies center:

46\$ 145,000

47 2. STATE UNIVERSITY OF IOWA

48 a. General university, including lakeside
 49 laboratory

50 For salaries, support, maintenance, equipment,

Page 46

1 miscellaneous purposes, and for not more than the
 2 following full-time equivalent positions:

3	\$ 168,455,000
4	FTEs 4,287.37

5 To the extent the appropriation made in this
 6 paragraph is a reduction in the total amount budgeted
 7 for the fiscal year beginning July 1, 1991, and ending
 8 June 30, 1992, and the state university of Iowa
 9 determines the amount is insufficient to fund all of
 10 the university's budgetary units, consideration shall
 11 be given to adjustments reducing budgetary units in
 12 the following order of priority:

- 13 (1) University administrative moneys.
- 14 (2) Equipment and maintenance.
- 15 (3) Short-term furloughs of administrative
- 16 personnel.
- 17 (4) Short-term furloughs of other personnel.
- 18 (5) Other operating budget expenditures.
- 19 (6) Force reduction.

20 As a condition, limitation, and qualification of
 21 the funds appropriated in this paragraph, if the state
 22 university of Iowa receives total funds in excess of
 23 the amount projected to be received by the university
 24 from federal support, interest, tuition fees,
 25 reimbursement for indirect costs, sales and service,
 26 and income sources other than state appropriations,
 27 the university shall report the amount received, which
 28 is in excess of the amount projected, to the
 29 department of management and the legislative fiscal
 30 bureau by August 1, 1991.

31 As a condition, limitation, and qualification of
 32 moneys appropriated in this paragraph, from moneys
 33 available to the state university of Iowa, \$50,000
 34 shall be awarded to faculty members and teaching
 35 assistants who have been recognized for exceptional
 36 teaching. An exceptional teaching recognition award
 37 is for a one-year period and is in addition to the
 38 faculty member's or teaching assistant's salary. Not
 39 later than December 15, 1991, the state board of
 40 regents shall report the names of recipients of
 41 teaching excellence awards, and the amounts of the
 42 awards granted, to the joint education appropriations
 43 subcommittee and to the legislative fiscal bureau.

44 It is the intent of the general assembly to provide
 45 sufficient funding necessary to ensure the university
 46 of Iowa receives federal matching funds for the
 47 university of Iowa driving simulation center if funds
 48 from federal and private sources are available for
 49 expenditure by the center.

50 b. Child care

Page 47

1	For salaries for child care center directors:		
2		\$	60,000
3	c. University hospitals		
4	For salaries, support, maintenance, equipment,		
5	miscellaneous purposes, and for not more than the		
6	following full-time equivalent positions for medical		
7	and surgical treatment of indigent patients as		
8	provided in chapter 255:		
9		\$	27,425,000
10		FTEs	5,319.83
11	d. Psychiatric hospital		
12	For salaries, support, maintenance, equipment,		
13	miscellaneous purposes, and for not more than the		
14	following full-time equivalent positions and for the		
15	care, treatment, and maintenance of committed and		
16	voluntary public patients:		
17		\$	6,538,000
18		FTEs	284.57
19	e. Hospital-school		
20	For salaries, support, maintenance, miscellaneous		
21	purposes, and for not more than the following full-		
22	time equivalent positions:		
23		\$	5,161,000
24		FTEs	184.44
25	f. Oakdale campus		
26	For salaries, support, maintenance, miscellaneous		
27	purposes, and for not more than the following full-		
28	time equivalent positions:		
29		\$	2,747,000
30		FTEs	67.55
31	g. State hygienic laboratory		
32	For salaries, support, maintenance, miscellaneous		
33	purposes, and for not more than the following full-		
34	time equivalent positions:		
35		\$	2,861,000
36		FTEs	106.25
37	h. Family practice program		
38	For allocation by the dean of the college of		
39	medicine, with approval of the advisory board, to		
40	qualified participants, to carry out chapter 148D for		
41	the family practice program, including salaries and		
42	support, and for not more than the following full-time		
43	equivalent positions:		
44		\$	1,718,000
45		FTEs	177.27
46	i. Child health care services		
47	For specialized child health care services,		
48	including childhood cancer diagnostic and treatment		
49	network programs; rural comprehensive care for		
50	hemophilia patients; and Iowa high-risk infant follow-		

Page 48

1 up program, including salaries and support, and for
 2 not more than the following full-time equivalent
 3 positions:
 4\$ 407,000
 5FTEs 12.51
 6 j. Agricultural health and safety programs
 7 For agricultural health and safety programs:
 8\$ 236,000
 9 k. For the statewide tumor registry and for not
 10 more than the following full-time positions:
 11\$ 180,000
 12FTEs 5.05
 13 l. As a condition, limitation, and qualification
 14 of the appropriation made in paragraph "c", the total
 15 quota allocated to the counties for indigent patients
 16 for the fiscal year commencing July 1, 1991, shall not
 17 be lower than the total quota allocated to the
 18 counties for the fiscal year commencing July 1, 1990.
 19 The total quota shall be allocated among the counties
 20 on the basis of the 1990 census pursuant to section
 21 255.16.
 22 m. As a condition, limitation, and qualification
 23 of the appropriation made in paragraph "c", funds
 24 appropriated in that paragraph shall not be used to
 25 perform abortions except medically necessary
 26 abortions, and shall not be used to operate the early
 27 termination of pregnancy clinic except for the
 28 performance of medically necessary abortions. For the
 29 purpose of this paragraph, an abortion is the
 30 purposeful interruption of pregnancy with the
 31 intention other than to produce a live-born infant or
 32 to remove a dead fetus, and a medically necessary
 33 abortion is one performed under one of the following
 34 conditions:
 35 (1) The attending physician certifies that
 36 continuing the pregnancy would endanger the life of
 37 the pregnant woman.
 38 (2) The attending physician certifies that the
 39 fetus is physically deformed, mentally deficient, or
 40 afflicted with a congenital illness.
 41 (3) The pregnancy is the result of a rape which is
 42 reported within 45 days of the incident to a law
 43 enforcement agency or public or private health agency
 44 which may include a family physician.
 45 (4) The pregnancy is the result of incest which is
 46 reported within 150 days of the incident to a law
 47 enforcement agency or public or private health agency
 48 which may include a family physician.
 49 (5) The abortion is a spontaneous abortion,
 50 commonly known as a miscarriage, wherein not all of

Page 49

1 the products of conception are expelled.

2 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

3 a. General university

4 For salaries, support, maintenance, equipment,
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:

7	\$ 137,109,000
8	FTEs 3,737.83

9 To the extent the appropriation made in this
10 paragraph is a reduction in the total amount budgeted
11 for the fiscal year beginning July 1, 1991, and ending
12 June 30, 1992, and the Iowa state university of
13 science and technology determines the amount is
14 insufficient to fund all of the university's budgetary
15 units, consideration shall be given to adjustments
16 reducing budgetary units in the following order of
17 priority:

18 (1) University administrative moneys.

19 (2) Equipment and deferred maintenance.

20 (3) Short-term furloughs of administrative
21 personnel.

22 (4) Short-term furloughs of other personnel.

23 (5) Other operating budget expenditures.

24 (6) Force reduction.

25 As a condition, limitation, and qualification of
26 the funds appropriated under this paragraph, if the
27 Iowa state university of science and technology
28 receives total funds in excess of the amount projected
29 to be received by the university from federal support,
30 interest, tuition fees, reimbursement for indirect
31 costs, sales and service, and income sources other
32 than state appropriations, the university shall report
33 the amount received, which is in excess of the amount
34 projected, to the department of management and the
35 legislative fiscal bureau by August 1, 1991.

36 As a condition, limitation, and qualification of
37 moneys appropriated in this paragraph, from moneys
38 available to Iowa state university of science and
39 technology, \$50,000 shall be awarded to faculty
40 members and teaching assistants who have been
41 recognized for exceptional teaching. An exceptional
42 teaching recognition award is for a one-year period
43 and is in addition to the faculty member or teaching
44 assistant's salary. Not later than December 1, 1991,
45 the state board of regents shall report the names of
46 recipients of teaching excellence awards, and the
47 amounts of the awards granted, to the joint education
48 appropriations subcommittee and to the legislative
49 fiscal bureau.

50 b. Child care

Page 50

1	For subsidized evening child care:		
2	.....	\$	60,000
3	.....	FTEs	2.00
4	c. Agricultural experiment station		
5	For salaries, support, maintenance, miscellaneous		
6	purposes, and for not more than the following full-		
7	time equivalent positions:		
8	.....	\$	17,067,000
9	.....	FTEs	546.92
10	d. Comprehensive agricultural research		
11	For conducting the comprehensive agricultural		
12	research program:		
13	.....	\$	3,787,000
14	e. Cooperative extension service in agriculture		
15	and home economics		
16	For salaries, support, maintenance, miscellaneous		
17	purposes, and for not more than the following full-		
18	time equivalent positions:		
19	.....	\$	15,991,000
20	.....	FTEs	475.94
21	f. Fire service education		
22	For salaries and support and for not more than the		
23	following full-time equivalent positions:		
24	.....	\$	394,000
25	.....	FTEs	11.00
26	g. Leopold center		
27	For agricultural research grants at Iowa state		
28	university under section 266.39B:		
29	.....	\$	568,000
30	4. UNIVERSITY OF NORTHERN IOWA		
31	a. For salaries, support, maintenance, equipment,		
32	miscellaneous purposes, and for not more than the		
33	following full-time equivalent positions:		
34	.....	\$	55,387,000
35	.....	FTEs	1,411.68
36	To the extent the appropriation made in this		
37	paragraph is a reduction in the total amount budgeted		
38	for the fiscal year beginning July 1, 1991, and ending		
39	June 30, 1992, and the university of northern Iowa		
40	determines the amount is insufficient to fund all of		
41	the university's budgetary units, consideration shall		
42	be given to adjustments reducing budgetary units in		
43	the following order of priority:		
44	(1) University administrative moneys.		
45	(2) Equipment and deferred maintenance.		
46	(3) Short-term furloughs of administrative		
47	personnel.		
48	(4) Short-term furloughs of other personnel.		
49	(5) Other operating budget expenditures.		
50	(6) Force reduction.		

Page 51

1 As a condition, limitation, and qualification of
 2 the funds appropriated under this paragraph, if the
 3 university of northern Iowa receives total funds in
 4 excess of the amount projected to be received by the
 5 university from federal support, interest, tuition
 6 fees, reimbursement for indirect costs, sales and
 7 service, and income sources other than state
 8 appropriations, the university shall report the amount
 9 received, which is in excess of the amount projected,
 10 to the department of management and the legislative
 11 fiscal bureau by August 1, 1991.

12 As a condition, limitation, and qualification of
 13 the funds appropriated in paragraph "a", from moneys
 14 available for salaries at the university of northern
 15 Iowa, the university shall expend \$25,000 for teaching
 16 excellence awards to teaching faculty members and
 17 teaching assistants. Teaching excellence awards shall
 18 be granted to faculty members and teaching assistants
 19 for excellence in the quality of classroom
 20 instruction. Awards may either be built into a
 21 faculty member's or teaching assistant's base salary
 22 or given as a one-time award and shall not be in
 23 conflict with a collective bargaining agreement
 24 between an employee organization and the university.
 25 Not later than December 1, 1991, the state board of
 26 regents shall report the names of the recipients of
 27 teaching excellence awards, and the amounts of the
 28 awards granted to the joint education appropriations
 29 subcommittee of the general assembly, and to the
 30 legislative fiscal bureau.

31 b. Child care

32 For staff positions and building structure
 33 modifications to meet state child care facility
 34 standards:

35	\$	60,000
36	FTEs	1.50

37 5. STATE SCHOOL FOR THE DEAF

38 For salaries, support, maintenance, miscellaneous
 39 purposes, and for not more than the following full-
 40 time equivalent positions:

41	\$	5,743,000
42	FTEs	131.53

43 6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

44 For salaries, support, maintenance, miscellaneous
 45 purposes, and for not more than the following full-
 46 time equivalent positions:

47	\$	3,196,000
48	FTEs	92.45

49 Sec. 209. Reallocations of sums received under
 50 section 208, subsections 2, 3, 4, 5, and 6, of this

Page 52

1 division, including sums received for salaries, shall
 2 be reported on a quarterly basis to the co-
 3 chairpersons and ranking members of both the
 4 legislative fiscal committee and the joint education
 5 appropriations subcommittee.

6 DEPARTMENT OF CULTURAL AFFAIRS

7 Sec. 210. There is appropriated from the general
 8 fund of the state to the department of cultural
 9 affairs for the fiscal year beginning July 1, 1991,
 10 and ending June 30, 1992, the following amounts, or so
 11 much thereof as is necessary, to be used for the
 12 purposes designated:

13 1. ARTS DIVISION

14 For salaries, support, maintenance, miscellaneous
 15 purposes, including funds to match federal grants, and
 16 for not more than the following full-time equivalent
 17 positions:

18	\$	1,167,000
19	FTEs	13.00

20 2. HISTORICAL DIVISION

21 For salaries, support, maintenance, miscellaneous
 22 purposes, and for not more than the following full-
 23 time equivalent positions:

24	\$	2,643,000
25	FTEs	76.00

26 3. TERRACE HILL COMMISSION

27 For salaries, support, maintenance, miscellaneous
 28 purposes, for the operation of Terrace Hill and for
 29 not more than the following full-time equivalent
 30 positions:

31	\$	200,000
32	FTEs	5.75

33 4. LIBRARY DIVISION

34 For salaries, support, maintenance, miscellaneous
 35 purposes, and for not more than the following full-
 36 time equivalent positions:

37	\$	2,179,000
38	FTEs	42.00

39 5. REGIONAL LIBRARY SYSTEM

40 For state aid:

41	\$	1,607,000
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42 6. ADMINISTRATION DIVISION

43 For salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-
 45 time equivalent positions:

46	\$	427,000
47	FTEs	10.00

48 7. COMMUNITY CULTURAL GRANTS

49 For planning and programming for the community
 50 cultural grants program established under section

Page 53

1 303.89:
 2 \$ 784,000

3 From the amount appropriated in this subsection,
 4 moneys may be used for commemorative art memorializing
 5 veterans of the Persian Gulf War or other recent wars
 6 or police actions, under guidelines defined in section
 7 303.3.

8 8. TOWN SQUARE PROJECT

9 For the Iowa town square project:
 10 \$ 66,000

11 9. PUBLIC BROADCASTING DIVISION

12 For salaries, support, maintenance, capital
 13 expenditures, miscellaneous purposes, and for not more
 14 than the following full-time equivalent positions:
 15 \$ 6,365,000
 16 FTEs 103.00

17 Sec. 211. The legislative council is requested to
 18 consider the recommendations of the higher education
 19 task force and other methods designed to focus the
 20 attention of the general assembly on higher education,
 21 to receive and discuss the strategic plans developed
 22 by the higher education strategic planning council,
 23 and to develop policies and address issues related to
 24 higher education.

25 Sec. 212. Notwithstanding section 8.33, funds
 26 appropriated in 1990 Iowa Acts, chapter 1272, section
 27 14, subsection 1, paragraph "b", remaining
 28 unencumbered or unobligated on June 30, 1991, shall
 29 not revert to the general fund of the state but shall
 30 be available for expenditure for the purposes listed
 31 in section 208, subsection 1, paragraph "b", of this
 32 division during the fiscal year beginning July 1,
 33 1991, and ending June 30, 1992.

34 Sec. 213. Notwithstanding sections 258.16 and
 35 282.7 effective July 1, 1992, community colleges,
 36 local education agencies, and area education agencies
 37 may establish by mutual agreement area vocational
 38 consortia to assume and exercise the duties and
 39 responsibilities established for regional vocational
 40 education planning boards under those sections.

41 Sec. 214. Section 261.25, subsections 1, 2, and 3,
 42 Code 1991, as amended by 1991 Iowa Acts, House File
 43 173, section 908, are amended to read as follows:

44 1. There is appropriated from the general fund of
 45 the state to the commission for each fiscal year the
 46 sum of thirty-two million six four hundred eight
 47 eighty thousand seven hundred ninety-five dollars for
 48 tuition grants.

49 2. There is appropriated from the general fund of
 50 the state to the commission for each fiscal year the

Page 54

1 sum of eight hundred thirteen thousand eight hundred
2 forty dollars for scholarships.

3 3. There is appropriated from the general fund of
4 the state to the commission for each fiscal year the
5 sum of one million three hundred fifteen thousand six
6 hundred forty-seven dollars for vocational-technical
7 tuition grants.

8 Sec. 215. Section 261.38, subsection 5, Code 1991,
9 is amended to read as follows:

10 5. The treasurer of state shall invest any funds,
11 including those in the loan reserve account, and the
12 interest income earned shall be credited back to the
13 loan reserve account. The treasurer may invest up to
14 forty percent of the funds in the loan reserve account
15 in tax-exempt investments issued by an agency of the
16 state of Iowa. If any of the tax-exempt investments
17 are for purposes of financing the construction or
18 improvement of state facilities, the executive
19 council, established under chapter 19, shall review
20 and approve the proposed construction or improvement
21 prior to the investment of loan reserve account funds
22 in the tax-exempt investments.

23 Sec. 216. Section 261.85, unnumbered paragraph 1,
24 Code 1991, as amended by 1991 Iowa Acts, House File
25 173, section 909, is amended to read as follows:

26 There is appropriated from the general fund of the
27 state to the commission for each fiscal year the sum
28 of three million eighty-five thousand six hundred
29 eighty-four dollars for the work-study program.

30 Sec. 217. Notwithstanding the allocation of phase
31 III moneys under sections 294A.14 and 294A.25, for the
32 fiscal year beginning July 1, 1991, prior to the
33 allocation to school districts and area education
34 agencies, \$125,000 of the moneys allocated for phase
35 III shall be retained by the department of education
36 to continue to contract with the regional educational
37 laboratory for this state to establish and monitor an
38 independent evaluation of the operation of phase III
39 of the educational excellence program. The results of
40 the evaluation shall be reported to the department of
41 education and to the general assembly by January 1,
42 1992.

43 Sec. 218. In the event that the anticipated
44 unexpended and unencumbered ending balance of the
45 general fund of the state for the fiscal year ending
46 June 30, 1992, as certified by the director of the
47 department of management, exceeds the ending balance
48 projected on the effective date of this division,
49 \$600,000, or so much thereof as may be available or
50 necessary, shall be used for purposes of awarding

Page 55

1 funds to community colleges for approved program or
2 administrative sharing agreements under section
3 280A.46.

4 Sec. 219. Notwithstanding sections 302.1 and
5 302.1A, for the fiscal year beginning July 1, 1991,
6 and ending June 30, 1992, the portion of the interest
7 earned on the permanent school fund that is not
8 transferred to the credit of the first in the nation
9 in education foundation and not transferred to the
10 credit of the national center for gifted and talented
11 education shall be credited as a payment by the
12 historical division of the department of cultural
13 affairs of the principal and interest due on moneys
14 loaned to the historical division under section
15 303.18.

16 Sec. 220. Section 11.6, subsection 1, unnumbered
17 paragraph 1, Code 1991, is amended to read as follows:

18 The financial condition and transactions of all
19 cities and city offices, counties, county hospitals
20 organized under chapters 347 and 347A, memorial
21 hospitals organized under chapter 37, entities
22 organized under chapter 28E having gross receipts in
23 excess of one hundred thousand dollars in a fiscal
24 year, merged areas, area education agencies, and all
25 school offices in school districts, shall be examined
26 at least once each year, except that cities having a
27 population of seven hundred or more but less than two
28 thousand shall be examined at least once every four
29 years, and cities having a population of less than
30 seven hundred may be examined as otherwise provided in
31 this section. The examination shall cover the fiscal
32 year next preceding the year in which the audit is
33 conducted. The examination of school offices shall
34 include an audit of activity all school funds, the
35 certified annual financial report, and the certified
36 enrollment as provided in section 257.11.

37 Examinations of community colleges shall include an
38 audit of eligible and noneligible contact hours as
39 defined in section 286A.2. Eligible and noneligible
40 contact hours and the certified enrollment shall be
41 certified to the department of management.

42 Sec. 221. Section 73.17, Code 1991, is amended by
43 adding the following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. A community college or
45 area education agency shall, on a quarterly basis, and
46 a school district shall, on an annual basis, review
47 the community college's, area education agency's, or
48 school district's anticipated purchasing requirements.
49 A community college, area education agency, or school
50 district shall notify the department of education,

Page 56

1 which shall report to the department of economic
2 development, of their anticipated purchases and
3 recommended procurements with unit quantities and
4 total costs for procurement contracts designated to
5 satisfy the targeted small business procurement goal
6 not later than August 15 of each fiscal year and
7 quarterly thereafter, except that school districts
8 shall report annually.

9 Sec. 222. Section 73.18, Code 1991, is amended to
10 read as follows:

11 73.18 NOTICE OF SOLICITATION FOR BIDS —
12 IDENTIFICATION OF TARGETED SMALL BUSINESSES.

13 The director of each agency or department releasing
14 a solicitation for bids or request for proposal under
15 the targeted small business procurement goal program
16 shall notify the director of the department of
17 economic development prior to or upon release of the
18 solicitation. A community college, area education
19 agency, or school district shall notify the department
20 of education which shall notify the department of
21 economic development prior to or upon release of the
22 release of the solicitation. The director of the
23 department of economic development shall notify the
24 soliciting agency or department, or community college,
25 area education agency, or school district, of any
26 targeted small businesses which have been certified
27 pursuant to section 10A.104, subsection 8, and which
28 may be qualified to bid.

29 Sec. 223. Section 73.19, Code 1991, is amended to
30 read as follows:

31 73.19 NEGOTIATED PRICE OR BID CONTRACT.

32 In awarding a contract under the targeted small
33 business procurement goal program, a director of an
34 agency or department, or community college, area
35 education agency, or school district, having
36 purchasing authority may use either a negotiated price
37 or bid contract procedure. A director of an agency or
38 department, or community college, area education
39 agency, or school district, using a negotiated
40 contract shall consider any targeted small business
41 engaged in that business. The director of the
42 department of economic development or the director of
43 the department of management may assist in the
44 negotiation of a contract price under this section.
45 Surety bonds guaranteed by the United States small
46 business administration are acceptable security for a
47 construction award under this section.

48 Sec. 224. Section 255.1, Code 1991, is amended by
49 adding the following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. The county general

Page 57

1 relief director shall ascertain from the local office
2 of human services if an applicant for the indigent
3 patient program would qualify for medical assistance
4 or the medically needy program under chapter 249A
5 without the spend-down provision required pursuant to
6 section 249A.3, subsection 2, paragraph "g". If the
7 applicant qualifies, the patient shall be certified
8 for medical assistance and shall not be counted under
9 chapter 255.

10 Sec. 225. Section 255.26, unnumbered paragraph 3,
11 Code 1991, is amended to read as follows:

12 The state auditor shall certify the total cost of
13 commitment, ~~transportation~~ and caring for each
14 indigent patient under the terms of this statute to
15 the county auditor of such patient's legal residence,
16 and such certificate shall be preserved by the county
17 auditor and shall be a debt due from the patient or
18 the persons legally responsible for the patient's
19 care, maintenance or support; and whenever in the
20 judgment of the board of supervisors the same or any
21 part thereof shall be collectible, the said board may
22 in its own name collect the same and is hereby
23 authorized to institute suits for such purpose; and
24 after deducting the county's share of such cost shall
25 cause the balance to be paid into the state treasury
26 to reimburse the university hospital fund.

27 Transportation shall be provided at no charge to a
28 patient who is certified for medical assistance under
29 chapter 249A, and shall be reimbursed from the
30 university hospital fund.

31 Sec. 226. Section 257.37, subsection 2, as enacted
32 by 1991 Iowa Acts, Senate File 141, section 2, is
33 amended by striking the subsection and inserting in
34 lieu thereof the following:

35 2. Twenty-eight percent of the budget of an area
36 for media services shall be expended for media
37 resource material which shall only be used for the
38 purchase or replacement of material required in
39 section 273.6, subsection 1. Funds shall be paid to
40 area education agencies as provided in section 257.35.

41 Sec. 227. Section 261.19, unnumbered paragraph 2,
42 Code 1991, is amended to read as follows:

43 The college student aid commission shall determine
44 a subvention amount per resident student by dividing
45 the funds appropriated for this section by a number
46 equal to the total of twenty-two percent of the total
47 students enrolled. If fewer than twenty-two percent
48 of the total number of students enrolled are Iowa
49 residents, the college student aid commission shall
50 deduct from the funds appropriated subvention amount

Page 58

1 for total Iowa students enrolled an amount equal to
2 the product of two times the product of the subvention
3 amount per resident student multiplied by the number
4 of students required to equal twenty-two percent of
5 the total students enrolled.

6 Sec. 228. Section 261.50, subsection 3, Code 1991,
7 is amended to read as follows:

8 3. Agrees to practice in an eligible community of
9 fewer than five thousand population for a minimum
10 period of four consecutive years or is practicing in a
11 federally approved community health center or health
12 manpower shortage area.

13 Sec. 229. NEW SECTION. 261.93A APPROPRIATION —
14 PERCENTAGES.

15 Of the funds appropriated to the college student
16 aid commission to be allocated for the Iowa grant
17 program for each fiscal year, thirty-seven and six-
18 tenths percent shall be reserved for students
19 attending regents' institutions, twenty-five and nine-
20 tenths percent shall be reserved for students
21 attending community colleges, and thirty-six and five-
22 tenths percent shall be reserved for students
23 attending private colleges and universities. Funds
24 appropriated for the Iowa grant program shall be used
25 to supplement, not supplant, funds appropriated for
26 other existing programs at the eligible institutions.

27 Sec. 230. Section 262.9, Code 1991, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 27. Develop and adopt a policy
30 that shall govern any future asset sale of the Iowa
31 state university of science and technology's
32 television station, WOI-TV. The policy shall provide
33 for the sale of the station only if anticipated
34 revenues from the sale exceed the benefits of
35 continued operation and the cost for the university to
36 purchase or acquire comparable services to those that
37 are being provided to the university by the station at
38 the time of any sale. The policy shall further
39 provide that the revenues received from the sale shall
40 be placed in an endowment to be held and managed by
41 the university. The proceeds from the endowment shall
42 be used only for the specifically stated missions of
43 the university.

44 a. "Station" shall be defined to include the li-
45 cense, any share of a transmission facility, any
46 programming contracts, any booked sales revenues, and
47 the network affiliation agreement.

48 b. "Comparable services" shall be defined to
49 include, but not be limited to, use of modern
50 communications equipment by faculty, staff, and

Page 59

1 students; access to trained communications
2 specialists; availability to internships by and
3 employment opportunities for students; and provision
4 for antenna location, transmission line placement, and
5 transmitter space for the university's radio stations.
6 Sec. 231. NEW SECTION. 262.9A PROHIBITION ON
7 CONTROLLED SUBSTANCES.

8 The state board of regents shall adopt a policy
9 that prohibits unlawful possession, use, or
10 distribution of controlled substances by students and
11 employees on property owned or leased by an
12 institution or in conjunction with activities
13 sponsored by an institution governed by the board.
14 Each institution shall provide information about the
15 policy to all students and employees. The policy
16 shall include a clear statement of sanctions for
17 violation of the policy and information about
18 available drug or alcohol counseling and
19 rehabilitation programs. In carrying out this policy,
20 the institutions shall provide substance abuse
21 prevention programs for students and employees.

22 Sec. 232. NEW SECTION. 263A.14 INDIGENT PATIENT
23 PROGRAM REPORT.

24 Funds shall not be allocated to the university
25 hospital fund until the superintendent of the
26 university of Iowa hospitals and clinics has filed
27 with the department of revenue and finance and the
28 legislative fiscal bureau a quarterly report
29 containing the account required in section 255.24.
30 The report shall include information required in
31 section 255.24 for patients by the type of service
32 provided.

33 Sec. 233. NEW SECTION. 268.5 IOWA ACADEMY OF
34 SCIENCE APPROPRIATION LIMITATIONS.

35 The university shall use no more than twenty
36 percent of the funds allocated to the university for
37 the Iowa academy of science for administrative
38 purposes for the Iowa academy of science or for
39 publication of the Iowa academy of science journal.
40 The university shall expend the remainder of the
41 moneys appropriated for research projects and studies
42 awarded by the Iowa academy of science. The Iowa
43 academy of science shall permit all grant recipients
44 to publish the results of the recipients' research
45 projects and studies in the Iowa academy of science
46 journal at no cost to the grant recipient.

47 Sec. 234. Section 279.51, subsection 1, paragraph
48 f, Code 1991, is amended by adding the following new
49 unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. In succeeding fiscal

Page 60

1 years, notwithstanding section 256A.3, subsection 6,
2 of the amount appropriated for a fiscal year, less the
3 amount allocated under paragraph "a", three and
4 thirty-three hundredths percent may be used for
5 administrative costs. However, if the amount
6 appropriated for the fiscal year, less the amount
7 allocated under paragraph "a", times three and thirty-
8 three hundredths percent is greater than the amount
9 received for use for administrative costs during the
10 fiscal year beginning July 1, 1990, then the amount to
11 be used for administrative costs shall be reduced to
12 equal the amount received during the fiscal year
13 beginning July 1, 1990.

14 Sec. 235. Section 280A.34, Code 1991, is amended
15 to read as follows:

16 280A.34 CERTAIN USES OF FUNDS PROHIBITED.

17 Funds obtained pursuant to section 280A.17;
18 subsections 3, 4, and 5 of section 280A.18; section
19 280A.19; and section 280A.22 shall not be used for the
20 construction or maintenance of athletic buildings or
21 grounds but may be used for a project under section
22 280A.56.

23 Sec. 236. NEW SECTION. 280A.40 PROHIBITION ON
24 CONTROLLED SUBSTANCES.

25 Each merged area school shall adopt a policy that
26 prohibits unlawful possession, use, or distribution of
27 controlled substances by students and employees on
28 property owned or leased by the merged area school or
29 in conjunction with activities sponsored by a merged
30 area school. Each merged area school shall provide
31 information about the policy to all students and
32 employees. The policy shall include a clear statement
33 of sanctions for violation of the policy and
34 information about available drug or alcohol counseling
35 and rehabilitation programs. In carrying out this
36 policy, the merged area school shall provide substance
37 abuse prevention programs for students and employees.

38 Sec. 237. Section 280A.56, subsection 3, Code
39 1991, is amended to read as follows:

40 3. "Project" means the acquisition by purchase,
41 lease in accordance with section 280A.38, or
42 construction of buildings for use as student residence
43 halls and dormitories, including dining and other
44 incidental facilities therefor, and additions to such
45 buildings, the reconstruction, completion, equipment,
46 improvement, repair or remodeling of residence halls,
47 dormitories, or additions or incidental facilities,
48 and the acquisition of property of every kind and
49 description, whether real, personal, or mixed, by
50 gift, purchase, lease, condemnation, or otherwise and

Page 61

1 the improvement of the property.

2 Sec. 238. Section 280A.56, Code 1991, is amended

3 by adding the following new subsection:

4 NEW SUBSECTION. 4. "Bonds or notes" means revenue
5 bonds or revenue notes which are payable solely from
6 net rents, profits, and other income derived from the
7 operation of residence halls, dormitories, incidental
8 facilities, and additions.

9 Sec. 239. Section 280A.58, unnumbered paragraph 1,
10 Code 1991, is amended to read as follows:

11 To pay all or any part of the cost of carrying out
12 any project at any institution the board is authorized
13 to borrow money and to issue and sell negotiable bonds
14 or notes and to refund and refinance bonds or notes
15 issued for any project or for refunding purposes at a
16 lower rate, the same rate, or a higher rate or rates
17 of interest and from time to time as often as the
18 board shall find it to be advisable and necessary so
19 to do. Bonds or notes issued to refund other bonds or
20 notes issued by the board for residence hall or
21 dormitory purposes at any institution, including
22 dining or other facilities and additions, or issued
23 for refunding purposes, may either be sold in the
24 manner specified for the selling of certificates under
25 section 280B.6 and the proceeds applied to the payment
26 of the obligations being refunded, or the refunding
27 bonds or notes may be exchanged for and in payment and
28 discharge of the obligations being refunded. A
29 finding by the board in the resolution authorizing the
30 issuance of the refunding bonds or notes, that the
31 bonds or notes being refunded were issued for a
32 purpose specified in this division and constitute
33 binding obligations of the board, shall be conclusive
34 and may be relied upon by any holder of any refunding
35 bond or note issued under the provisions of this
36 division. The refunding bonds or notes may be sold or
37 exchanged in installments at different times or an
38 entire issue or series may be sold or exchanged at one
39 time. Any issue or series of refunding bonds or notes
40 may be exchanged in part or sold in parts in
41 installments at different times or at one time. The
42 refunding bonds or notes may be sold or exchanged at
43 any time on, before, or after the maturity of any of
44 the outstanding notes, bonds or other obligations to
45 be refinanced thereby and may be issued for the
46 purpose of refunding a like or greater principal
47 amount of bonds or notes, except that the principal
48 amount of the refunding bonds or notes may exceed the
49 principal amount of the bonds or notes to be refunded
50 to the extent necessary to pay any premium due on the

Page 62

1 call of the bonds or notes to be refunded or, to fund
2 interest in arrears or about to become due, or to
3 allow for sufficient funding of the escrow account on
4 the bonds to be refunded.

5 Sec. 240. Section 280A.59, Code 1991, is amended
6 to read as follows:

7 280A.59 RATES AND TERMS OF BONDS OR NOTES.

8 The bonds or notes may bear a date or dates, may
9 bear interest at such rate or rates, payable
10 semiannually, may mature at such time or times, may be
11 in such form, carry such registration privileges, may
12 be payable at such place or places, may be subject to
13 such terms of redemption prior to maturity with or
14 without premium, if so stated on the face of the
15 bonds, and may contain any terms and covenants as may
16 be provided by the resolution of the board authorizing
17 the issuance of the bonds or notes. In addition to
18 the estimated cost of construction, the cost of the
19 project shall be deemed to include interest upon the
20 bonds or notes during construction and for six months
21 after the estimated completion date, the compensation
22 of a fiscal agent or adviser, any underwriter
23 discount, and engineering, administrative and legal
24 expenses. The bonds or notes shall be executed by the
25 president of the board of trustees and attested by the
26 secretary and the coupons attached to the bonds or
27 notes shall be executed with the original or facsimile
28 signatures of said president and secretary. Any bonds
29 or notes bearing the signatures of officers in office
30 on the date of the signing shall be valid and binding
31 for all purposes, notwithstanding that before delivery
32 of the bonds or notes any or all persons whose
33 signatures appear on the bonds or notes shall have
34 ceased to be officers. Each bond or note shall state
35 upon its face the name of the institution on behalf of
36 which it is issued, that it is payable solely and only
37 from the net rents, profits and income derived from
38 the operation of residence halls or dormitories,
39 including dining and other incidental facilities, at
40 the institution named, and that it does not constitute
41 a charge against the state of Iowa within the meaning
42 or application of any constitutional or statutory
43 limitation or provision. The issuance of bonds or
44 notes shall be recorded in the office of the treasurer
45 of the institution on behalf of which the bonds or
46 notes are issued, and a certificate by such treasurer
47 to this effect shall be printed on the back of each
48 such bond or note.

49 Sec. 241. Section 280A.60, Code 1991, is amended
50 to read as follows:

Page 63

1 280A.60 REFUNDING ISSUANCE RESOLUTION.

2 Upon the determination by the board to undertake
3 and carry out any project or to refund outstanding
4 bonds or notes, the board shall adopt a resolution
5 generally describing the contemplated project and
6 setting forth the estimated cost, or describing the
7 obligations to be refunded, fixing the amount of bonds
8 or notes to be issued, the maturity or maturities, the
9 interest rate or rates and all details of the project.
10 The resolution shall contain any covenants as may be
11 determined by the board as to the issuance of
12 additional bonds or notes that may be issued payable
13 from the net rents, profits and income of the
14 residence halls or dormitories, the amendment or
15 modification of the resolution authorizing the
16 issuance of any bonds or notes, the manner, terms and
17 conditions and the amount or percentage of assenting
18 bonds or notes necessary to effectuate the amendment
19 or modification, and any other covenants as may be
20 deemed necessary or desirable. In the discretion of
21 the board any bonds or notes issued under the terms of
22 this division may be secured by a trust indenture by
23 and between the board and a corporate trustee, which
24 may be any trust company or bank having the powers of
25 a trust company within or without the boundaries of
26 the state of Iowa; but no such trust indenture shall
27 convey or mortgage the buildings or facilities or any
28 part of the buildings or facilities. The provisions
29 of this division and of any resolution or other
30 proceedings authorizing the issuance of bonds or notes
31 and providing for the establishment and maintenance of
32 adequate rates, fees or rentals and the application of
33 the proceeds thereof shall constitute a contract with
34 the holders of the bonds or notes.

35 Sec. 242. Section 286A.11, Code 1991, is amended
36 by adding the following new subsection:

37 NEW SUBSECTION. 5. Thirty-eight thousand dollars
38 if the northwest Iowa technical college has filed a
39 request with the department of education for the
40 lease, purchase, or lease-purchase of equipment for
41 the heavy equipment program.

42 Sec. 243. Section 286A.14A, unnumbered paragraph
43 1, Code 1991, is amended to read as follows:

44 The department of education shall provide for the
45 establishment of a community college excellence 2000
46 account in the office of the treasurer of state for
47 deposit of moneys appropriated to the account for
48 purposes of funding quality instructional centers and
49 program and administrative sharing agreements under
50 sections 280A.45 and 280A.46. There is appropriated

Page 64

1 from the general fund of the state to the department
2 of education, for the fiscal year beginning July 1,
3 1991, one million two hundred thousand dollars. There
4 is appropriated from the general fund of the state to
5 the department of education for the fiscal year
6 beginning July 1, 1992, an amount equal to two and
7 five-tenths percent of the total state general aid
8 generated for all community colleges during the budget
9 year under this chapter for deposit in the community
10 college excellence 2000 account. In the next
11 succeeding two fiscal years, the percent multiplier
12 shall be increased in equal increments until the
13 multiplier reaches seven and one-half percent of the
14 total state general aid generated for all community
15 colleges during the budget year.

16 Sec. 244. Section 294A.14, unnumbered paragraph 6,
17 Code 1991, is amended to read as follows:

18 For school districts, a performance-based pay plan
19 may provide for additional salary for individual
20 teachers, for teachers assigned to a specific
21 discipline, or for all teachers assigned to an
22 attendance center. For area education agencies, a
23 performance-based pay plan may provide for additional
24 salary for individual teachers, for additional salary
25 for all teachers assigned to a specific discipline
26 within an area education agency, or for additional
27 salary for individual teachers assigned to a
28 multidisciplinary team within an area education
29 agency. If the plan provides additional salary for
30 all teachers assigned to an attendance center,
31 specific discipline, or multidisciplinary team, the
32 receipt of additional salary by those teachers shall
33 be determined on the basis of whether that attendance
34 center, specific discipline, or multidisciplinary team
35 meets specific objectives adopted for that attendance
36 center, specific discipline, or multidisciplinary
37 team. For school districts, the objectives may
38 include, but are not limited to, decreasing the
39 dropout rate, increasing the attendance rate, or
40 accelerating the achievement growth of students
41 enrolled in that attendance center through use of
42 learning techniques which may include, but are not
43 limited to, reading instruction using phonics
44 techniques.

45 Sec. 245. Section 303.3, subsection 3, Code 1991,
46 is amended by striking the subsection and inserting in
47 lieu thereof the following:

48 3. Notwithstanding section 8.33, moneys committed
49 to grantees under contract that remain unexpended on
50 June 30 of any fiscal year shall not revert but shall

Page 65

- 1 be available for expenditure for purposes of the
 2 contract until August 30 of the succeeding fiscal
 3 year.
 4 Sec. 246. Section 286A.19, Code 1991, is repealed.
 5 Sec. 247. Sections 205 and 212 of this division,
 6 being deemed of immediate importance, take effect upon
 7 enactment.

DIVISION III

ECONOMIC DEVELOPMENT APPROPRIATIONS

- 10 Sec. 301. There is appropriated from the general
 11 fund of the state to the department of economic
 12 development for the fiscal year beginning July 1,
 13 1991, and ending June 30, 1992, the following amounts,
 14 or so much thereof as is necessary, to be used for the
 15 purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

- 18 For salaries, support, maintenance, miscellaneous
 19 purposes, and for not more than the following full-
 20 time equivalent positions:

21	\$	878,350
22	FTEs	22.00

b. Rural resource coordination

- 24 For salaries, support, maintenance, miscellaneous
 25 purposes, and for not more than the following full-
 26 time equivalent positions for rural resource
 27 coordination and the rural enterprise fund:

28	\$	600,000
29	FTEs	2.50

- 30 As a condition, limitation, and qualification of
 31 the appropriation under this subsection, \$425,000
 32 shall be allocated to the rural enterprise fund.

c. Primary research and computer center

- 34 For salaries, support, maintenance, miscellaneous
 35 purposes, and for not more than the following full-
 36 time equivalent positions:

37	\$	350,000
38	FTEs	6.50

d. Film office

- 40 For salaries, support, maintenance, miscellaneous
 41 purposes, and for not more than the following full-
 42 time equivalent positions:

43	\$	200,000
44	FTEs	2.00

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

- 47 For salaries, support, maintenance, miscellaneous
 48 purposes, and for not more than the following full-
 49 time equivalent positions:

50	\$	885,000
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Page 66

1	FTEs	18.00
2	As a condition, limitation, and qualification of		
3	the appropriation made in this subsection, the		
4	appropriation shall not be used for advertising		
5	placement contracts for out-of-state national		
6	marketing programs.		
7	As a condition, limitation, and qualification of		
8	the appropriation made by this paragraph, the		
9	department shall establish a marketing initiative to		
10	assist Iowa companies producing recycling or		
11	reclamation equipment or services to expand into		
12	national markets.		
13	b. Marketing advertising		
14	For contracting exclusively for marketing and		
15	promotion programs and services and advertising		
16	contracts for business expansion and development		
17	programs, for electronic media, print media, and		
18	printed materials:		
19	.....	\$	2,425,000
20	c. Small business programs		
21	For salaries, support, maintenance, miscellaneous		
22	purposes, and for not more than the following full-		
23	time equivalent positions for the small business		
24	program and the small business advisory council:		
25	.....	\$	235,000
26	.....	FTEs	4.50
27	d. Federal procurement office		
28	For salaries, support, maintenance, miscellaneous		
29	purposes, and for not more than the following full-		
30	time equivalent positions:		
31	.....	\$	100,000
32	.....	FTEs	2.00
33	e. Incubators:		
34	.....	\$	70,000
35	The department may establish criteria to provide		
36	funding beyond the initial three-year start-up period		
37	to existing small business and rural incubators. The		
38	department shall consider the incubator's progress		
39	toward becoming self-sufficient during the initial		
40	award period and the incubator's plan to become self-		
41	sufficient from the need for further grants.		
42	f. Strategic investment fund		
43	For deposit in the strategic investment fund		
44	created in section 15.313 and for salaries and support		
45	for not more than the following full-time equivalent		
46	positions:		
47	.....	\$	4,680,000
48	.....	FTEs	9.40
49	g. Targeted small business program		
50	For the salary, support, maintenance, miscellaneous		

Page 67

1 purposes, and for not more than the following full-
2 time equivalent position:
3\$ 50,000
4FTEs 1.00

5 3. COMMUNITY AND RURAL DEVELOPMENT DIVISION
6 a. Community development block grant
7 For administration and related federal housing and
8 urban development grant administration for salaries,
9 support, maintenance, miscellaneous purposes, and for
10 not more than the following full-time equivalent
11 positions:
12\$ 320,855
13FTEs 14.00

14 b. Rural community 2000 program
15 For salaries, support, maintenance, miscellaneous
16 purposes, and for not more than the following full-
17 time equivalent positions:
18\$ 1,600,000
19FTEs 1.25

20 Notwithstanding section 15.283, subsection 4, for
21 the fiscal year beginning July 1, 1991, and ending
22 June 30, 1992, all funds allocated under this
23 paragraph shall be used for traditional and new
24 infrastructure and planning as specified under
25 sections 15.284, 15.285, and 15.286A.

26 As a condition, limitation, and qualification of
27 the appropriation under this paragraph, not more than
28 \$300,000 shall be allocated for the planning category.

29 c. Community progress
30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions for administration of the
33 community economic preparedness program, and the Iowa
34 community betterment program:
35\$ 410,000
36FTEs 6.50

37 d. Councils of governments
38 To provide to Iowa's councils of governments funds
39 for planning and technical assistance funds to assist
40 local governments to develop community development
41 strategies for addressing long-term and short-term
42 community needs:
43\$ 300,000

44 e. Main street/rural main street program
45 For salaries and support for not more than the
46 following full-time equivalent positions:
47\$ 365,000
48FTEs 3.00

49 Notwithstanding section 8.33, moneys committed to
50 grantees under contract that remain unexpended on June

Page 68

1 30 of any fiscal year shall not revert to any fund but
 2 shall be available for expenditure for purposes of the
 3 contract during the succeeding fiscal year.

4 f. Regional economic development centers

5 For salaries, support, maintenance, and
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:

8	\$	1,102,000
9	FTEs	3.00

10 As a condition, limitation, and qualification of
 11 the appropriation under this paragraph, not more than
 12 2 percent shall be used by the department for
 13 administration of the program.

14 4. INTERNATIONAL DIVISION

15 a. International trade operations

16 For salaries, support, maintenance, miscellaneous
 17 purposes, and for not more than the following full-
 18 time equivalent positions:

19	\$	550,000
20	FTEs	6.00

21 As a condition, limitation, and qualification of
 22 the appropriation under this paragraph, \$50,000 shall
 23 be allocated for trade initiatives in Latin America.

24 b. European trade office

25 For salaries, support, maintenance, miscellaneous
 26 purposes, and for not more than the following full-
 27 time equivalent positions:

28	\$	285,000
29	FTEs	2.50

30 c. Asian trade office

31 For salaries, support, maintenance, miscellaneous
 32 purposes, and for not more than the following full-
 33 time equivalent positions:

34	\$	255,000
35	FTEs	2.00

36 d. Japan trade office

37 For salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-
 39 time equivalent positions:

40	\$	300,000
41	FTEs	2.00

42 e. Export trade activities program

43 For export trade activities, including a program to
 44 encourage and increase participation in trade shows
 45 and trade missions by providing financial assistance
 46 to businesses for a percentage of their costs of
 47 participating in trade shows and trade missions, by
 48 providing for the lease/sublease of showcase space in
 49 existing world trade centers, by providing temporary
 50 office space for foreign buyers, international

Page 69

1 prospects, and potential reverse investors, and by
2 providing other promotional and assistance activities,
3 including salaries and support for not more than the
4 following full-time equivalent position:
5\$ 350,000
6FTEs 0.25
7 f. Agricultural product advisory council
8 For support, maintenance, and miscellaneous
9 purposes:
10\$ 4,000
11 g. Partner state program:
12\$ 100,000
13 The department may contract with private groups or
14 organizations which are the most appropriate to
15 administer this program. The groups and organizations
16 participating in the program shall, to the fullest
17 extent possible, provide the funds to match the
18 appropriation made in this paragraph.
19 h. Peace institute
20 For allocation to the Iowa peace institute
21 established in chapter 38:
22\$ 200,000
23 5. TOURISM DIVISION
24 a. Tourism operations
25 For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-
27 time equivalent positions:
28\$ 745,000
29FTEs 15.97
30 As a condition, limitation, and qualification of
31 the appropriation made in this paragraph, the
32 appropriation shall not be used for advertising
33 placements for in-state and out-of-state tourism
34 marketing.
35 b. Tourism advertising
36 For contracting exclusively for tourism advertising
37 for in-state and out-of-state tourism marketing
38 services, tourism promotion programs, electronic
39 media, print media, and printed materials:
40\$ 2,940,000
41 As a condition, limitation, and qualification of
42 the appropriation made in this paragraph, the
43 department shall develop public-private partnerships
44 with Iowa businesses in the tourism industry, Iowa
45 tour groups, Iowa tourism organizations, and political
46 subdivisions in this state to assist in the
47 development of advertising efforts. The department
48 shall, to the fullest extent possible, develop
49 cooperative efforts for advertising with contributions
50 from other sources.

Page 70

1 c. Welcome center program:
 2\$ 350,000

3 Notwithstanding section 8.33, moneys committed to
 4 grantees under contract that remain unexpended on June
 5 30 of any fiscal year shall not revert to any fund but
 6 shall be available for expenditure for purposes of the
 7 contract during the succeeding fiscal year.

8 As a condition, limitation, and qualification of
 9 the appropriations made in this subsection, moneys
 10 appropriated shall be used for implementation of the
 11 recommendations of the statewide long-range plan for
 12 developing and operating welcome centers throughout
 13 the state.

14 Notwithstanding section 8.33, pursuant to 1990 Iowa
 15 Acts, chapter 1255, section 37, subsection 1, as
 16 amended by 1991 Iowa Acts, House File 173, section
 17 1001, the amount of \$275,000 shall be available for
 18 the fiscal year beginning July 1, 1991, for completion
 19 of contract negotiations for the establishment of the
 20 welcome center in the Council Bluffs area.

21 d. Mississippi river parkway commission

22 For support, maintenance, and miscellaneous
 23 purposes:
 24\$ 19,000

25 6. WORK FORCE DEVELOPMENT DIVISION

26 a. Youth work force programs

27 For purposes of the conservation corps, including
 28 salary, support, maintenance, miscellaneous purposes,
 29 and for not more than the following full-time
 30 equivalent positions:

31\$ 1,261,614
 32FTEs 1.90

33 Notwithstanding section 8.33, moneys committed to
 34 grantees under contract that remain unexpended on June
 35 30 of any fiscal year shall not revert to any fund but
 36 shall be available for expenditure for purposes of the
 37 contract during the succeeding fiscal year.

38 b. Iowa corps

39 For purposes of the Iowa corps, including salary,
 40 support, maintenance, miscellaneous purposes, and for
 41 not more than the following full-time equivalent
 42 positions:

43\$ 107,500
 44FTEs 1.00

45 Notwithstanding section 8.33, moneys obligated for
 46 the payment of tuition credits under this program but
 47 not expended at the end of the fiscal year shall not
 48 revert to any fund but shall be available for
 49 expenditure during succeeding fiscal years.

50 c. Job retraining program

Page 71

1 To the Iowa employment retraining fund created in
2 section 15.298 including salaries and support for not
3 more than the following full-time equivalent
4 positions:

5\$ 1,000,000
6FTEs 1.60

7 d. Work force investment program including
8 salaries and support for not more than the following
9 full-time equivalent position:

10\$ 1,000,000
11FTEs 0.90

12 This program shall be administered through the
13 department of economic development in consultation
14 with the state job training coordinating council. The
15 program shall be operated on a competitive grant basis
16 and funds shall be available for projects that
17 increase Iowa's pool of available labor via training
18 and support services. \$300,000 of the amount
19 appropriated in this paragraph shall be available
20 specifically for displaced homemaker programs.

21 e. Labor management councils

22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent positions:

25\$ 200,000
26FTEs 1.05

27 As a condition, limitation, and qualification of
28 receiving a grant from funds appropriated by this
29 paragraph, grantees shall facilitate the active
30 participation of labor as members of labor management
31 councils. Grantees shall make a good faith effort to
32 either schedule meetings during nonworking hours, or
33 obtain voluntary agreements with employers to allow
34 employees time off to attend labor management council
35 meetings with no loss of pay or other benefits.

36 Notwithstanding section 8.33, moneys committed to
37 grantees under contract that remain unexpended on June
38 30 of any fiscal year shall not revert to any fund but
39 shall be available for expenditure for purposes of the
40 contract during the succeeding fiscal year.

41 Notwithstanding section 8.33, pursuant to 1990 Iowa
42 Acts, chapter 1255, section 37, subsection 1, as
43 amended by 1991 Iowa Acts, House File 173, section
44 1001, moneys remaining unencumbered or unobligated
45 shall be available for expenditure for the fiscal year
46 beginning July 1, 1991, for the same purposes.

47 Sec. 302. Notwithstanding section 28.120,
48 subsections 5 and 6, there is appropriated from the
49 Iowa community development loan fund to the department
50 of economic development for the fiscal year beginning

Page 72

1 July 1, 1991, and ending June 30, 1992, the following
 2 amount, or so much thereof as is necessary, to be used
 3 for the purposes designated:

4 RURAL DEVELOPMENT FINANCING:

5\$ 50,000

6 Notwithstanding section 8.39, funds appropriated by
 7 this section shall not be subject to transfer.

8 Sec. 303. Notwithstanding section 15.251,
 9 subsection 2, there is appropriated from the job
 10 training fund created in the office of the treasurer
 11 of state to the department of economic development for
 12 the fiscal year beginning July 1, 1991, and ending
 13 June 30, 1992, the following amount, or so much
 14 thereof as is necessary, to be used for the purposes
 15 designated:

16 1. For administration of chapter 280B, including
 17 salaries, support, maintenance, miscellaneous
 18 purposes, and for not more than the following full-
 19 time equivalent positions:

20\$ 125,000

21FTEs 2.40

22 2. For payment to the community colleges to
 23 supplement the coordination and instruction of
 24 apprentice related instruction, and instructional
 25 equipment for apprenticeship programs as provided in
 26 section 280A.44:

27\$ 125,000

28 As a condition, limitation, and qualification of
 29 the appropriation under this subsection, funds shall
 30 be allocated to each community college on the basis of
 31 the percentage of total contact hours enrolled in
 32 apprenticeship training at community colleges as of
 33 July 1, 1991.

34 3. For the target alliance program if funds remain
 35 in the job training fund after the appropriations in
 36 subsections 1 and 2 are made:

37\$ 30,000

38 Sec. 304. There is appropriated from the general
 39 fund of the state to the Iowa finance authority for
 40 the fiscal year beginning July 1, 1991, and ending
 41 June 30, 1992, the following amounts, or so much
 42 thereof as is necessary, to be used for the purposes
 43 designated:

44 1. HOMELESS SHELTER PROGRAM

45 To be deposited in the housing trust fund, for the
 46 operation, construction, and rehabilitation of
 47 homeless shelters under section 220.100, subsection 2,
 48 paragraph "a":

49\$ 1,000,000

50 a. Of the amount appropriated in this subsection,

Page 73

1 as nearly as practicable, \$675,000 shall be used for
2 operating costs, including utilities, maintenance,
3 food, clothing, and other supplies, or staff support
4 services for homeless shelters; \$225,000 shall be used
5 for construction and rehabilitation of homeless
6 shelters; and \$100,000 shall be used for assistance to
7 homeless shelters that are facing closure. If the
8 moneys allocated for any purposes in this paragraph
9 are not used or dedicated by February 1 of the fiscal
10 year, the moneys may be reallocated for the other
11 purposes in this paragraph that have the most need as
12 determined by the Iowa finance authority.

13 b. As a condition, limitation, and qualification
14 of the \$1,000,000 appropriation to the housing trust
15 fund in this subsection and notwithstanding section
16 220.100, subsection 6, from the moneys available for
17 operating costs of and staff support services for
18 homeless shelters in paragraph "a", the Iowa finance
19 authority shall contract with a nongovernmental entity
20 to administer the funds available for operating costs
21 of and staff support services for homeless shelters.

22 2. HOUSING ASSISTANCE PROGRAM

23 a. To provide mortgage and finance assistance to
24 individuals for the purchase or acquisition of homes:

25\$ 900,000

26 b. Of the amount appropriated in paragraph "a", an
27 amount not to exceed 10 percent shall be used to
28 finance the purchase or acquisition, in communities
29 with a population of less than 10,000, of manufactured
30 homes as defined in 42 U.S.C. § 5403.

31 c. Funds provided under paragraph "a" shall not be
32 restricted to first-time home buyers but shall be for
33 lower income and very low income families as defined
34 in section 220.1. The assistance provided shall
35 include at least one of the following kinds of
36 assistance:

37 (1) Closing costs assistance.

38 (2) Down payment assistance.

39 (3) Home maintenance and repair assistance.

40 (4) Loan processing assistance through a loan
41 endorser review contractor who would act on behalf of
42 the authority in assisting lenders in processing loans
43 that will qualify for government insurance or
44 guarantee or for financing under the authority's
45 mortgage revenue bond program.

46 (5) Mortgage insurance program.

47 Not more than 50 percent of the assistance provided
48 by the authority shall be provided under subparagraphs
49 (4) and (5). So long as at least one of the kinds of
50 assistance described in subparagraphs (1) through (5)

Page 74

1 are provided, additional assistance not described in
 2 subparagraphs (1) through (5) may also be provided.
 3 d. Assistance provided under paragraph "a" shall
 4 be limited to mortgages under \$55,000, except in those
 5 areas of the state where the median price of homes
 6 exceeds the state average.

7 3. RURAL COMMUNITY 2000 PROGRAM:

8\$ 1,400,000

9 Notwithstanding section 15.283, subsection 4, for
 10 the fiscal year beginning July 1, 1991, and ending
 11 June 30, 1992, all funds allocated under this
 12 paragraph shall be used for the housing category as
 13 specified under section 15.286.

14 Sec. 305. There is appropriated from the general
 15 fund of the state to the Wallace technology transfer
 16 foundation for the fiscal year beginning July 1, 1991,
 17 and ending June 30, 1992, the following amount, or so
 18 much thereof as is necessary, to be used for the
 19 purposes designated:

20 1. For salaries, support, maintenance, and other
 21 operational purposes, for funding the small business
 22 innovation research program, and for funding
 23 activities as provided in section 28.158:

24\$ 2,700,000

25 As a condition, limitation, and qualification of
 26 the appropriation under this section, \$150,000 of the
 27 funds appropriated in this subsection shall be
 28 transferred to the Iowa quality coalition for
 29 productivity enhancement projects.

30 2. For transfer to the Iowa product development
 31 corporation fund established in section 28.89:

32\$ 1,000,000

33 Sec. 306. There is appropriated from the general
 34 fund of the state to INTERNET for the fiscal year
 35 beginning July 1, 1991, and ending June 30, 1992, the
 36 following amount, or so much thereof as is necessary,
 37 to be used for the purposes designated:

38 For deposit in the international network on trade
 39 fund created by the INTERNET board:

40\$ 515,000

41 As a condition, limitation, and qualification of
 42 the appropriation under this section, \$140,000 shall
 43 be allocated to the department of economic development
 44 for the Iowa international development foundation for
 45 the salaries and support for not more than the
 46 following full-time equivalent positions:

47FTEs 1.50

48 The full-time equivalent positions receiving moneys
 49 from the allocation for the Iowa international
 50 development foundation are employees of the department

Page 75

1 of economic development.

2 Sec. 307. There is appropriated from the general
3 fund of the state to the following named institutions
4 for the fiscal year beginning July 1, 1991, and ending
5 June 30, 1992, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. To the university of northern Iowa for the
9 applied technology program:

10\$ 300,000

11 2. To the university of northern Iowa for the
12 decision-making science institute:
13\$ 575,000

14 3. To the Iowa state university of science and
15 technology for funding the small business development
16 centers:
17\$ 1,190,000

18 4. To the Iowa state university of science and
19 technology for the institute for physical research and
20 technology:
21\$ 500,000

22 5. To the state university of Iowa for the center
23 for biocatalysis:
24\$ 396,000

25 Sec. 308. There is appropriated from the community
26 college job training fund created in section 280C.6,
27 subsection 1, as amended by 1991 Iowa Acts, Senate
28 File 90, to the department of economic development for
29 the fiscal year beginning July 1, 1991, and ending
30 June 30, 1992, the following amount, or so much
31 thereof as is necessary, to be used for the purposes
32 designated:

33 For salaries, support, maintenance, and
34 miscellaneous purposes for the administration of the
35 Iowa small business new jobs training Act, and for not
36 more than the following full-time equivalent position:
37\$ 38,954
38FTEs .70

39 Sec. 309. Section 99E.31, subsection 2, Code 1991,
40 is amended by striking the subsection.

41 Sec. 310. Section 99E.32, subsection 2, Code 1991,
42 is amended by striking the subsection.

43 Sec. 311. Section 15.241, unnumbered paragraphs 1
44 and 2, Code 1991, are amended to read as follows:

45 The department shall establish, contingent upon the
46 availability of funds authorized for the program,
47 There is established a "self-employment loan program,
48 account" within the strategic investment fund created
49 in section 15.313 to provide funding for the self-
50 employment loan program which program is to be

Page 76

1 conducted in coordination with the job training
2 partnership program and other programs administered
3 under section 15.108, subsection 6, paragraph "c".
4 The department may contract with local community
5 action agencies or other local entities in
6 administering the program, and shall work with the
7 department of employment services and the department
8 of human services in developing the program.

9 The self-employment loan program shall administer a
10 low-interest loan program to provide loans to low-
11 income persons for the purpose of establishing or
12 expanding small business ventures. The terms of the
13 loans shall be determined by the department, but shall
14 not be in excess of five thousand dollars to any
15 single applicant or at a rate to exceed five percent
16 simple interest per annum. A self-employment loan
17 program revolving loan fund shall be established
18 within the department. The department shall maintain
19 records of all loans approved and the effectiveness of
20 those loans in establishing or expanding small
21 business ventures.

22 Sec. 312. Section 15.241, Code 1991, is amended by
23 adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. Payments of interest and
25 repayments of moneys awarded under this program shall
26 be deposited into the strategic investment fund.

27 Sec. 313. Section 15.247, subsections 2 and 3,
28 Code 1991, are amended to read as follows:

29 2. The department shall establish, contingent upon
30 the availability of funds authorized for the program,
31 There is established a "targeted small business
32 financial assistance program account" within the
33 strategic investment fund created in section 15.313,
34 to provide for loans, loan guarantees, revolving
35 loans, loans secured by accounts receivable, or grants
36 to targeted small businesses. A targeted small
37 business in any year shall receive under this program
38 not more than twenty-five thousand dollars in a loan
39 or grant, and not more than forty thousand dollars in
40 a guarantee, or a combination of loans, grants, or
41 guarantees. The program shall provide guarantees not
42 to exceed seventy-five percent for loans made by
43 qualified lenders. The department shall establish a
44 financial assistance reserve account from funds
45 provided for this allocated to the program account,
46 from which any default on a guaranteed loan under this
47 section shall be paid. In administering the program
48 the department shall not guarantee loan values in
49 excess of the amount credited to the reserve account
50 and only moneys set aside in the loan reserve account

Page 77

1 may be used for the payment of a default.

2 3. All moneys designated for the targeted small
3 business financial assistance program shall be
4 credited to the financial assistance reserve program
5 account. The department shall also establish an
6 administrative account from which the operating costs
7 of the program shall be paid. The department may
8 transfer moneys between the reserve and the
9 administrative accounts except that not more than
10 twenty-five percent of the moneys shall be used to
11 administer the fund. The department shall determine
12 the actuarially sound reserve requirement for the
13 amount of guaranteed loans outstanding.

14 Sec. 314. Section 15.247, Code 1991, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 6. Payments of interest and
17 repayments of moneys awarded under this program shall
18 be deposited into the strategic investment fund.

19 Sec. 315. Section 15.287, Code 1991, is amended to
20 read as follows:

21 15.287 REVOLVING FUND.

22 The Iowa finance authority shall establish a
23 revolving fund for the program and shall transfer to
24 the department moneys to be administered by the
25 department. The moneys in the revolving fund are
26 appropriated for purposes of the program.
27 Notwithstanding section 8.33, moneys in the fund at
28 the end of a fiscal year shall not revert to any other
29 fund but shall remain in the revolving fund. The fund
30 shall consist of all appropriations, grants, or gifts
31 received by the authority or the department
32 specifically for use under this part and all
33 repayments of loans or grants made under this part.
34 However, loan repayments from loans made under section
35 28.120, which are not allocated to another program,
36 shall be deposited in the revolving fund and shall be
37 available for allocation by the director for
38 categories administered by the department.

39 Sec. 316. NEW SECTION. 15.311 STRATEGIC
40 INVESTMENT FUND.

41 This part shall be known as the "Iowa Strategic
42 Investment Fund" program.

43 Sec. 317. NEW SECTION. 15.312 PURPOSE.

44 The purpose of this part shall be to provide a
45 mechanism for funding those programs listed in section
46 15.313, subsection 2, in order to more efficiently
47 meet the needs identified within those individual
48 programs.

49 Sec. 318. NEW SECTION. 15.313 STRATEGIC
50 INVESTMENT FUND.

Page 78

1 1. There is created an "Iowa strategic investment
2 fund". The fund is a revolving fund and consists of
3 any money appropriated by the general assembly for
4 that purpose and any other moneys available to and
5 obtained or accepted by the department from the
6 federal government or private sources for placement in
7 the fund. The fund shall also include:

8 a. All unencumbered and unobligated funds from the
9 special community economic betterment program fund
10 created under 1990 Iowa Acts, chapter 1262, section 1,
11 subsection 18, remaining on June 30, 1991, and all
12 repayments of loans or other awards made under the
13 community economic betterment account or under the
14 community economic betterment program during the
15 preceding fiscal years beginning July 1, 1985, and
16 subsequent fiscal years.

17 b. All unencumbered and unobligated funds from the
18 self-employment loan program, the targeted small
19 business financial assistance program, the
20 microenterprise development revolving fund, and the
21 value-added agricultural products and processes
22 financial assistance fund remaining on June 30, 1991,
23 and all repayments of loans or other awards made under
24 these programs during the fiscal year beginning July
25 1, 1991, and subsequent fiscal years.

26 2. The assets of the fund shall be used by the
27 department for carrying out the purposes of the
28 following programs:

29 a. The community economic betterment program
30 created in sections 15.315 through 15.320.

31 b. The value-added agricultural products and
32 processes financial assistance program created in
33 sections 28.111 through 28.112.

34 c. The business development finance corporation
35 created in sections 28.131 through 28.149.

36 d. The self-employment loan program created in
37 section 15.241.

38 e. The targeted small business financial
39 assistance program created in section 15.247.

40 3. All grants, loans, and forgivable loans awarded
41 under the programs within the strategic investment
42 fund shall be approved by the board.

43 4. Annually the director shall submit to the
44 economic development board at a regular or special
45 meeting preceding the beginning of the fiscal year
46 planned allocations to be made for that fiscal year to
47 the community economic betterment program, the value-
48 added agricultural products and processes financial
49 assistance program, the business development finance
50 corporation, the self-employment loan program, and the

Page 79

1 targeted small business financial assistance program.
2 Plans may provide for increased or decreased
3 allocations if the demand in a program indicates that
4 the need exceeds the allocation for that program. The
5 director shall report to the board on the status of
6 the funds on a monthly basis and may present proposed
7 revisions for approval by the board in January and
8 April of each year. Unobligated and unencumbered
9 moneys remaining in the strategic investment fund or
10 any of its accounts on June 30 of each year shall be
11 considered part of the fund for purposes of the next
12 year's allocation.

13 5. Notwithstanding section 8.33, moneys in this
14 fund at the end of each fiscal year shall not revert
15 to any other fund but shall remain in this strategic
16 investment fund.

17 Sec. 319. NEW SECTION. 15.315 COMMUNITY ECONOMIC
18 BETTERMENT PROGRAM.

19 This part shall be known as the "Community Economic
20 Betterment Program."

21 Sec. 320. NEW SECTION. 15.316 PURPOSE.

22 The purpose of this program is to assist
23 communities and rural areas of the state with their
24 economic development efforts and to increase
25 employment opportunities for Iowans by increasing the
26 level of economic activity and development within the
27 state.

28 Sec. 321. NEW SECTION. 15.317 PROGRAM.

29 1. The department shall establish a program to
30 effectuate the purposes of this part by providing
31 financial assistance for small business gap financing,
32 new business opportunities, and new product and
33 entrepreneurial development. These purposes may be
34 accomplished by providing the following types of
35 assistance:

36 a. Principal buy-down program to reduce the
37 principal of a business loan.

38 b. Interest buy-down program to reduce the
39 interest of a business loan.

40 c. Loans or forgivable loans to aid in economic
41 development.

42 d. Loan guarantees for business loans made by
43 commercial lenders.

44 e. Equity-like investments.

45 2. Only a political subdivision of this state may
46 apply to receive funds for any of the above purposes.

47 The political subdivision shall make application to
48 the department of economic development specifying the
49 purpose for which the funds will be used.

50 3. The department shall not provide more than one

Page 80

1 million dollars for any project, unless at least two-
2 thirds of the members of the economic development
3 board vote for providing more.

4 Sec. 322. NEW SECTION. 15.318 RATING FACTORS AND
5 CRITERIA.

6 In ranking applications for funds, the department
7 shall consider a variety of factors including, but not
8 limited to:

9 1. The proportion of local match to be provided.

10 2. The proportion of private contribution to be
11 provided, including the involvement of financial
12 institutions.

13 3. The total number of jobs to be created or
14 retained.

15 4. The size of the business receiving assistance.
16 The department shall award more points to small
17 businesses as defined by the United States small
18 business administration.

19 5. The potential for future growth in the industry
20 represented by the business being considered for
21 assistance.

22 6. The need of the business for financial
23 assistance from governmental sources. More points
24 shall be awarded to a business for which the
25 department determines that governmental assistance is
26 most necessary to the success of the project.

27 7. The quality of the jobs to be created. In
28 rating the quality of the jobs the department shall
29 award more points to those jobs that have a higher
30 wage scale, have a lower turnover rate, are full-time
31 or career-type positions, provide comprehensive health
32 benefits, or have other related factors which could be
33 considered to be higher in quality. Businesses that
34 have wage scales substantially below that of existing
35 Iowa businesses in that area should be rated as
36 providing the lowest quality of jobs and should
37 therefore be given the lowest ranking for providing
38 such assistance.

39 8. The level of need of the political subdivision.

40 9. The impact of the proposed project on the
41 economy of the political subdivision.

42 10. The impact of the proposed project on other
43 businesses in competition with the business being
44 considered for assistance. The department shall make
45 a good faith effort to identify existing Iowa
46 businesses within an industry in competition with the
47 business being considered for assistance. The
48 department shall make a good faith effort to determine
49 the probability that the proposed financial assistance
50 will displace employees of the existing businesses.

Page 81

1 In determining the impact on businesses in competition
2 with the business being considered for assistance,
3 jobs created as a result of other jobs being displaced
4 elsewhere in the state shall not be considered direct
5 jobs created.

6 11. The impact to the state of the proposed
7 project. In measuring the economic impact the
8 department shall award more points for projects which
9 have greater consistency with the state strategic
10 plan, such as the following:

11 a. A business with a greater percentage of sales
12 out-of-state or of import substitution.

13 b. A business with a higher proportion of in-state
14 suppliers.

15 c. A project which would provide greater
16 diversification of the state economy.

17 d. A business with fewer in-state competitors.

18 e. A potential for future job growth.

19 f. A project which is not a retail operation.

20 12. If the business has a record of violations of
21 the law over a period of time that tends to show a
22 consistent pattern, the business shall be given the
23 lowest ranking for providing assistance. The
24 department shall make a good faith effort to compile
25 this information.

26 13. If a business has, within three years of
27 application for assistance, acquired or merged with an
28 Iowa corporation or company, the business shall make a
29 good faith effort to hire the workers of the acquired
30 or merged company.

31 14. To be eligible for assistance a business shall
32 provide for a preference for hiring residents of the
33 state or the economic development area, except for
34 out-of-state employees offered a transfer to Iowa or
35 the economic development area.

36 15. All known required environmental permits must
37 be granted and regulations met before moneys are
38 released.

39 **Sec. 323. NEW SECTION. 15.319 MONITORING OF JOB**
40 **CREATION AND RETENTION.**

41 1. The department shall develop definitions for
42 the terms "job creation" and "job retention" to
43 measure and identify the actual number of permanent,
44 full-time positions which the businesses actually
45 create or retain and which can be documented by
46 comparison of the payroll reports during the twenty-
47 four month period after the award.

48 2. The department shall document the actual job
49 creation and retention effects of all businesses
50 receiving financial assistance from the program in the

Page 82

1 context of the employer contribution and payroll
2 reports filed by the business.
3 3. The department shall require businesses which
4 receive assistance from the program to submit
5 historical copies of the employer contributions and
6 payroll reports with the application for funds,
7 require businesses to submit the reports after an
8 award on a timely basis, and require businesses to
9 estimate the expected job creation and retention
10 effects for the twelve-month and twenty-four month
11 periods after an award in terms of the number of
12 employees and total wages as displayed in the payroll
13 reports.

14 Sec. 324. NEW SECTION. 15.320 COMMUNITY ECONOMIC
15 BETTERMENT PROGRAM ACCOUNT.

16 1. A community economic betterment program account
17 is established within the strategic investment fund to
18 be used by the department of economic development for
19 the community economic betterment program. The
20 account shall consist of all appropriations, grants,
21 or gifts received by the department specifically for
22 use under this part and any moneys allocated to the
23 community economic betterment program account from the
24 strategic investment fund.

25 2. Payments of interest or repayments of moneys
26 awarded under the community economic betterment
27 program shall be deposited into the strategic
28 investment fund.

29 Sec. 325. Section 28.111, subsection 3, unnumbered
30 paragraph 1, Code 1991, is amended to read as follows:

31 The director of the department of economic
32 development may grant financial or technical
33 assistance to a person eligible to receive assistance
34 under this section, upon review and evaluation of the
35 person's application by the agricultural products
36 advisory council as established in section 15.203.
37 The council shall make recommendations to approve or
38 disapprove an application to the department. The
39 department director shall consider the recommendations
40 council's evaluation in granting or denying
41 assistance. The department director shall not approve
42 an application for assistance under this section to
43 refinance an existing loan, or to finance traditional
44 agricultural operations. An application is eligible
45 for consideration if the application seeks assistance
46 for any of the following purposes:

47 Sec. 326. Section 28.112, subsection 1, Code 1991,
48 is amended to read as follows:

49 1. The department may establish There is
50 established a value-added agricultural products and

Page 83

1 processes financial assistance fund account within the
2 strategic investment fund created in section 15.313.
3 The fund account shall be a revolving fund composed
4 consist of any money appropriated by the general
5 assembly for that purpose, moneys allocated to the
6 account from the strategic investment fund, any other
7 moneys available to and obtained or accepted by the
8 department from the federal government or private
9 sources for placement in the fund, and any earned
10 interest account. Except as otherwise provided in
11 subsection 2, the assets of the fund account shall be
12 used by the department only for carrying out the
13 purposes of section 28.111.

14 Sec. 327. Section 28.112, subsection 2, Code 1991,
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. d. Payments of interest or
17 repayments of moneys awarded under the value-added
18 agricultural products and processes financial
19 assistance program shall be deposited into the
20 strategic investment fund.

21 Sec. 328. Section 28.120, Code 1991, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 8. Loan repayments made under
24 this section and unallocated in the special account in
25 subsection 5, shall be allocated to the revolving
26 account of the rural community 2000 program created in
27 section 15.287.

28 Sec. 329. Section 28.143, subsection 1, paragraph
29 e, Code 1991, is amended to read as follows:

30 e. The superintendent of savings and loans credit
31 unions.

32 Sec. 330. Section 28.144, Code 1991, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 28.144 PRESIDENT OF THE CORPORATION.

36 The director of the department shall appoint the
37 president of the corporation from the division within
38 the department that administers business financial
39 assistance programs. Administrative and staff support
40 shall be furnished by the department.

41 Sec. 331. Section 28.148, Code 1991, is amended to
42 read as follows:

43 28.148 STATE ASSISTANCE FUND.

44 There is created in the treasurer of state's office
45 a "business development finance corporation assistance
46 fund". The fund shall consist of all appropriations,
47 grants, or gifts received by the treasurer
48 specifically for assistance under this division and
49 moneys allocated from the strategic investment fund
50 created in section 15.313. Moneys in this fund are

Page 84

1 appropriated to the corporation for the purposes
 2 stated in this division. Moneys allocated to this
 3 fund for purposes of the capital access program and
 4 repayments of moneys from the capital access program
 5 which remain unobligated at the end of a fiscal year
 6 may be returned to the strategic investment fund upon
 7 approval of the board of directors of the business
 8 development finance corporation of Iowa.

9 Sec. 332. Notwithstanding the provision in section
 10 15.313 granting the director of the department of
 11 economic development discretion in the allocation of
 12 the moneys to the various accounts in the strategic
 13 investment fund, for the fiscal year beginning July 1,
 14 1991, a minimum of \$500,000 shall be allocated to the
 15 targeted small business financial assistance program
 16 account and a minimum of \$220,000 shall be allocated
 17 to the self-employment loan program account. However,
 18 any amounts of those two minimum allocations that have
 19 not been committed on January 15, 1992, may be
 20 reallocated to the other accounts in the strategic
 21 investment fund.

22 Sec. 333. Section 15.286A, subsection 2, as
 23 enacted by 1991 Iowa Acts, Senate File 254, section 9,
 24 is amended to read as follows:

25 2. A city, cluster of cities, county, group of
 26 counties, ~~unincorporated community, group of~~
 27 ~~unincorporated communities, council of governments, or~~
 28 ~~regional planning commission, or one of these entities~~
 29 on behalf of an unincorporated community or group of
 30 unincorporated communities, is eligible to apply for
 31 loans or grants from this category for planning
 32 efforts related to the community builder program.

33 Sec. 334. Sections 15.232 and 15.240, Code 1991,
 34 are repealed.

DIVISION IV JUSTICE SYSTEMS

37 Sec. 401. There is appropriated from the general
 38 fund of the state to the department of justice for the
 39 fiscal year beginning July 1, 1991, and ending June
 40 30, 1992, the following amounts, or so much thereof as
 41 is necessary, to be used for the purposes designated:

42 1. For the general office of attorney general for
 43 salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-
 45 time equivalent positions:

46	\$	4,361,222
47	FTEs	175.00

48 2. Prosecuting attorney training program for
 49 salaries, support, maintenance, miscellaneous
 50 purposes, and for not more than the following full-

Page 85

1	time equivalent positions:		
2	.....	\$	137,545
3	..... FTEs		4.75

4 In addition to the funds appropriated in this
 5 subsection for the fiscal year beginning July 1, 1991,
 6 and ending June 30, 1992, the attorney general shall
 7 provide up to \$41,000 in state matching funds from
 8 moneys retained by the attorney general from property
 9 forfeited pursuant to section 809.13.

10 3. In addition to the funds appropriated under
 11 subsection 1, there is appropriated from the general
 12 fund of the state to the department of justice for the
 13 fiscal year beginning July 1, 1991, and ending June
 14 30, 1992, an amount not exceeding \$95,000 to be used
 15 for the enforcement of the Iowa competition law under
 16 chapter 553. The expenditure of the funds
 17 appropriated under this subsection is contingent upon
 18 receipt by the general fund of the state of an amount
 19 at least equal to either the expenditures from damages
 20 awarded to the state or a political subdivision of the
 21 state by a civil judgment under chapter 553, if the
 22 judgment authorizes the use of the award for
 23 enforcement purposes or costs or attorneys fees
 24 awarded the state in state or federal antitrust
 25 actions.

26 4. In addition to funds appropriated under
 27 subsection 1, there is appropriated from the general
 28 fund of the state to the department of justice for the
 29 fiscal year beginning July 1, 1991, and ending June
 30 30, 1992, an amount not exceeding \$50,000 to be used
 31 for public education relating to consumer fraud and
 32 for enforcement of section 714.16, and \$25,000 for
 33 investigation, prosecution, and consumer education
 34 relating to consumer and criminal fraud against older
 35 Iowans. The expenditure of the funds appropriated
 36 under this subsection is contingent upon receipt by
 37 the general fund of the state of an amount at least
 38 equal to the expenditures from damages awarded to the
 39 state or a political subdivision of the state by a
 40 civil consumer fraud judgment, if the judgment
 41 authorizes the use of the award for public education
 42 on consumer fraud. Notwithstanding section 8.33,
 43 funds received in a previous fiscal year which have
 44 not been expended shall be credited to this fiscal
 45 year.

46	5. For the farm mediation service program:		
47	.....	\$	100,000
48	6. For the legal assistance for farmers program:		
49	.....	\$	100,000
50	7. For victim assistance grants:		

Page 86

1	.....	\$	383,650
2	As a condition, limitation, and qualification of		
3	this appropriation, \$312,675 shall be used to provide		
4	grants to care providers providing services to crime		
5	victims of domestic abuse, and \$70,975 shall be used		
6	to provide grants to care providers providing services		
7	to crime victims of rape and sexual assault.		
8	8. For the GASA prosecuting attorney program:		
9	.....	\$	103,400
10	..... FTEs		1.00
11	9. The balance of the fund created under section		
12	321J.17 may be used to provide salary and support of		
13	not more than 6 FTE positions and to provide		
14	maintenance for the victim compensation functions of		
15	the department of justice.		
16	10. The department of justice shall submit monthly		
17	financial statements to the legislative fiscal bureau		
18	and the department of management containing all		
19	appropriated accounts in the same manner as provided		
20	in the monthly financial status reports and personal		
21	services usage reports of the department of revenue		
22	and finance. The monthly financial statements shall		
23	include comparisons of the moneys and percentage spent		
24	of budgeted to actual revenues and expenditures on a		
25	cumulative basis for full-time equivalent positions		
26	and available moneys.		
27	Sec. 402. There is appropriated from the general		
28	fund of the state to the office of consumer advocate		
29	of the department of justice for the fiscal year		
30	beginning July 1, 1991, and ending June 30, 1992, the		
31	following amount, or so much thereof as is necessary,		
32	to be used for the purposes designated:		
33	For salaries, support, maintenance, miscellaneous		
34	purposes, and for not more than the following full-		
35	time equivalent positions:		
36	.....	\$	2,000,000
37	..... FTEs		32.00
38	Sec. 403. There is appropriated from the general		
39	fund of the state to the board of parole for the		
40	fiscal year beginning July 1, 1991, and ending June		
41	30, 1992, the following amount, or so much thereof as		
42	is necessary, to be used for the purposes designated:		
43	For salaries, support, maintenance, miscellaneous		
44	purposes, and for not more than the following full-		
45	time equivalent positions:		
46	.....	\$	770,000
47	..... FTEs		18.00
48	As a condition, limitation, and qualification of		
49	this appropriation the board of parole shall maintain		
50	an automated docket and shall maintain the board's		

Page 87

1 automated risk assessment model.

2 As a condition, limitation, and qualification of
3 the appropriation the board of parole shall employ 2
4 statistical research analysts to assist with the
5 application of the risk assessment model in the parole
6 decision-making process. The board of parole shall
7 also require the board's administrative staff to be
8 cross-trained to assure that each individual on that
9 staff is familiar with all tasks performed by the
10 staff.

11 It is the intent of the general assembly that the
12 department of corrections and the board of parole
13 shall review, and implement as necessary, the findings
14 and recommendations contained in the final report
15 prepared by the consultant and presented to the
16 corrections system review task force which was
17 established by 1988 Iowa Acts, chapter 1271, as they
18 relate to the department of corrections and the board
19 of parole. The board shall report to the justice
20 system appropriations subcommittee during the 1992
21 legislative session, at the request of the
22 subcommittee, steps taken to implement any of those
23 recommendations, or the reasons for failing to
24 implement such recommendations.

25 Sec. 404. There is appropriated from the general
26 fund of the state to the department of corrections for
27 the fiscal year beginning July 1, 1991, and ending
28 June 30, 1992, the following amounts, or so much
29 thereof as is necessary, to be used for the purposes
30 designated:

31 1. For the operation of adult correctional
32 institutions, to be allocated as follows:

33 a. For the operation of the Fort Madison
34 correctional facility, including salaries, support,
35 maintenance, miscellaneous purposes, and for not more
36 than the following full-time equivalent positions:

37	\$	21,432,590
38 .....FTEs		502.50

39 b. For the operation of the Anamosa correctional
40 facility, including salaries, support, maintenance,
41 miscellaneous purposes, and for not more than the
42 following full-time equivalent positions:

43	\$	15,803,729
44 .....FTEs		356.00

45 (1) As a condition, limitation, and qualification
46 of this appropriation, the facility shall employ a
47 part-time chaplain of a minority race.

48 (2) Of the funds appropriated, the department's
49 budget for Anamosa shall include funding for 2 full-
50 time substance abuse counselors for the Luster Heights

Page 88

1 facility, for the purpose of certification of a
2 substance abuse program at that facility.

3 c. For the operation of the Oakdale correctional
4 facility, including salaries, support, maintenance,
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:

7	\$	13,737,933
8	FTEs	307.53

9 d. For the operation of the Newton correctional
10 facility, including salaries, support, maintenance,
11 miscellaneous purposes, and for not more than the
12 following full-time equivalent positions:

13	\$	4,149,032
14	FTEs	91.72

15 e. For the operation of the Mt. Pleasant
16 correctional facility, including salaries, support,
17 maintenance, miscellaneous purposes, and for not more
18 than the following full-time equivalent positions:

19	\$	11,369,469
20	FTEs	267.15

21 As a condition, limitation, and qualification of
22 this appropriation, the facility shall employ a full-
23 time chaplain to provide religious counseling at the
24 Oakdale and Mt. Pleasant correctional facilities.

25 f. For the operation of the Rockwell City
26 correctional facility, including salaries, support,
27 maintenance, miscellaneous purposes, and for not more
28 than the following full-time equivalent positions:

29	\$	3,988,999
30	FTEs	82.89

31 g. For the operation of the Clarinda correctional
32 facility, including salaries, support, maintenance,
33 miscellaneous purposes, and for not more than the
34 following full-time equivalent positions:

35	\$	5,318,793
36	FTEs	137.20

37 As a condition, limitation, and qualification of
38 this appropriation, the facility shall employ 6
39 additional counselors to expand "The Other Way"
40 substance abuse treatment program. The facility may
41 provide up to \$205,250 as a state match requirement to
42 receive federal substance abuse treatment grants.

43 h. For the operation of the Mitchellville
44 correctional facility, including salaries, support,
45 maintenance, miscellaneous purposes, and for not more
46 than the following full-time equivalent positions:

47	\$	4,760,300
48	FTEs	112.14

49 2. The department of corrections shall provide a
50 report to the co-chairpersons and ranking members of

Page 89

1 the justice system appropriations subcommittee and the
 2 legislative fiscal bureau on or before January 15,
 3 1992, outlining the implementation of the centralized
 4 education program for the correctional system. The
 5 report shall include a listing of the educational
 6 institutions that are involved, the amount of any
 7 federal funds received for use with these programs,
 8 and any other pertinent information.

9 3. If the inmate tort claim fund for inmate claims
 10 of less than \$50 is exhausted during the fiscal year,
 11 sufficient funds shall be transferred from the
 12 institutional budgets to pay approved tort claims for
 13 the balance of the fiscal year. The warden or
 14 superintendent of each institution or correctional
 15 facility shall designate an employee to receive,
 16 investigate, and recommend whether to pay any properly
 17 filed inmate tort claim for less than the above
 18 amount. The designee's recommendation shall be
 19 approved or denied by the warden or superintendent and
 20 forwarded to the department of corrections for final
 21 approval and payment. The amounts appropriated to
 22 this fund pursuant to 1987 Iowa Acts, chapter 234,
 23 section 304, subsection 2, are not subject to
 24 reversion under section 8.33.

25 Tort claims denied at the institution shall be
 26 forwarded to the state appeal board for their
 27 consideration as if originally filed with that body.
 28 This procedure shall be used in lieu of chapter 25A
 29 for inmate tort claims of less than \$50.

30 Sec. 405. There is appropriated from the general
 31 fund of the state to the department of corrections for
 32 the fiscal year beginning July 1, 1991, and ending
 33 June 30, 1992, the following amounts, or so much
 34 thereof as is necessary, to be used for the purposes
 35 designated:

36 1. For general administration, including salaries,
 37 support, maintenance, miscellaneous purposes, and for
 38 not more than the following full-time equivalent
 39 positions:

40	\$	2,141,828
41	FTEs	43.52

42 As a condition, limitation, and qualification of
 43 this appropriation the department shall employ an
 44 education director and clerk to administer a
 45 centralized education program for the correctional
 46 system.

47 The department shall monitor the use of the
 48 classification model by the judicial district
 49 departments of correctional services and has the
 50 authority to override a district department's decision

Page 90

1 regarding classification of community-based clients.
 2 The department shall notify a district department of
 3 the reasons for the override.

4 2. For reimbursement of counties for temporary
 5 confinement of work release and parole violators, as
 6 provided in sections 246.908, 901.7, and 906.17 and
 7 for offenders confined pursuant to section 246.513:

8\$ 250,000

9 3. For federal prison reimbursement and
 10 miscellaneous contracts:

11\$ 360,000

12 The department of corrections shall use funds
 13 appropriated by this subsection to continue to
 14 contract for the service of a Muslim imam.

15 4. For salaries, support, maintenance,
 16 miscellaneous purposes, and for not more than the
 17 following full-time equivalent positions at the
 18 correctional training center at Mt. Pleasant:

19\$ 375,000

20FTEs 8.22

21 5. For annual payment relating to the financial
 22 arrangement for the construction of expansion in
 23 prison capacity as provided in 1989 Iowa Acts, chapter
 24 316, section 7, subsection 6:

25\$ 625,860

26 6. For annual payment relating to the financial
 27 arrangement for the construction of expansion in
 28 prison capacity as provided in 1990 Iowa Acts, chapter
 29 1257, section 24:

30\$ 3,143,250

31 Sec. 406.

32 1. There is appropriated from the general fund of
 33 the state to the department of corrections for the
 34 fiscal year beginning July 1, 1991, and ending June
 35 30, 1992, the following amounts, or so much thereof as
 36 is necessary, to be allocated as follows:

37 a. For the first judicial district department of
 38 correctional services, the following amount, or so
 39 much thereof as is necessary:

40\$ 5,678,418

41 The district department shall continue the
 42 intensive supervision program established within the
 43 district in 1988 Iowa Acts, chapter 1271, section 6,
 44 subsection 1, paragraph "a", and the sex offender
 45 treatment program established within the district in
 46 1989 Iowa Acts, chapter 316, section 8, subsection 1,
 47 paragraph "a".

48 The district department, in cooperation with the
 49 chief judge of the judicial district, shall continue
 50 the implementation of a plan to divert low-risk

Page 91

1 offenders to the least restrictive sanction available.

2 b. For the second judicial district department of
3 correctional services, the following amount, or so
4 much thereof as is necessary:

5\$ 4,154,570

6 The district department shall continue the sex
7 offender treatment program established within the
8 district in 1988 Iowa Acts, chapter 1271, section 6,
9 subsection 1, paragraph "b".

10 The district department, in cooperation with the
11 chief judge of the judicial district, shall continue
12 the implementation of a plan to divert low-risk
13 offenders to the least restrictive sanction available.

14 c. For the third judicial district department of
15 correctional services, the following amount, or so
16 much thereof as is necessary:

17\$ 2,609,784

18 The district department shall continue the sex
19 offender treatment program established within the
20 district in 1988 Iowa Acts, chapter 1271, section 6,
21 subsection 1, paragraph "c", and the intensive
22 supervision program established within the district in
23 1990 Iowa Acts, chapter 1268, section 6, subsection 3,
24 paragraph "d".

25 The district department, in cooperation with the
26 chief judge of the judicial district, shall continue
27 the implementation of a plan to divert low-risk
28 offenders to the least restrictive sanction available.

29 d. For the fourth judicial district department of
30 correctional services, the following amount, or so
31 much thereof as is necessary:

32\$ 1,996,809

33 The district department shall continue the sex
34 offender treatment program established within the
35 district in 1988 Iowa Acts, chapter 1271, section 6,
36 subsection 1, paragraph "d".

37 The district department, in cooperation with the
38 chief judge of the judicial district, shall continue
39 the implementation of a plan to divert low-risk
40 offenders to the least restrictive sanction available.

41 e. For the fifth judicial district department of
42 correctional services, the following amount, or so
43 much thereof as is necessary:

44\$ 7,288,870

45 The district department shall continue the
46 intensive supervision program established within the
47 district in 1988 Iowa Acts, chapter 1271, section 6,
48 subsection 1, paragraph "e", and shall continue to
49 provide for the rental of electronic monitoring
50 equipment.

Page 92

1 The district department, in cooperation with the
2 chief judge of the judicial district, shall continue
3 the implementation of a plan to divert low-risk
4 offenders to the least restrictive sanction available.

5 f. For the sixth judicial district department of
6 correctional services, the following amount, or so
7 much thereof as is necessary:

8\$ 5,697,838

9 The district department shall continue the
10 intensive supervision program established within the
11 district in 1988 Iowa Acts, chapter 1271, section 6,
12 subsection 1, paragraph "f", and the sex offender
13 treatment program established within the district in
14 1989 Iowa Acts, chapter 316, section 8, subsection 1,
15 paragraph "f".

16 The district department, in cooperation with the
17 chief judge of the judicial district, shall continue
18 the implementation of a plan to divert low-risk
19 offenders to the least restrictive sanction available.

20 g. For the seventh judicial district department of
21 correctional services, the following amount, or so
22 much thereof as is necessary:

23\$ 3,899,438

24 The district department shall continue the
25 intensive supervision program established within the
26 district in 1988 Iowa Acts, chapter 1271, section 6,
27 subsection 1, paragraph "g", and shall continue the
28 sex offender treatment program established within the
29 district in 1989 Iowa Acts, chapter 316, section 8,
30 subsection 1, paragraph "g".

31 The district department shall continue the job
32 development program established within the district in
33 1990 Iowa Acts, chapter 1268, section 6, subsection 7,
34 paragraph "e".

35 The district department, in cooperation with the
36 chief judge of the judicial district, shall continue
37 the implementation of a plan to divert low-risk
38 offenders to the least restrictive sanction available.

39 h. For the eighth judicial district department of
40 correctional services, the following amount, or so
41 much thereof as is necessary:

42\$ 3,252,985

43 The district department shall continue the
44 intensive supervision program established within the
45 district in 1988 Iowa Acts, chapter 1271, section 6,
46 subsection 1, paragraph "h", and shall continue the
47 sex offender treatment program established within the
48 district in 1989 Iowa Acts, chapter 316, section 8,
49 subsection 1, paragraph "h".

50 The district department, in cooperation with the

Page 93

1 chief judge of the judicial district, shall continue
2 the implementation of a plan to divert low-risk
3 offenders to the least restrictive sanction available.

4 i. For the department of corrections for the
5 assistance and support of each judicial district
6 department of correctional services, the following
7 amount, or so much thereof as is necessary:

8\$ 91,057

9 2. The department of corrections shall continue
10 the OWI facilities established in 1986 Iowa Acts,
11 chapter 1246, section 402, in compliance with the
12 conditions specified in that section.

13 3. The department of corrections shall continue to
14 contract with a judicial district department of
15 correctional services to provide for the rental of
16 electronic monitoring equipment which shall be
17 available statewide.

18 4. Each judicial district department of
19 correctional services and the department of
20 corrections shall continue the treatment alternatives
21 to street crime programs established in 1989 Iowa
22 Acts, chapter 225, section 9.

23 5. The first, sixth, and eighth judicial district
24 departments of correctional services and the
25 department of corrections shall continue the job
26 training and development grant programs established in
27 1989 Iowa Acts, chapter 316, section 7, subsection 2.

28 6. The department of corrections shall not make an
29 intradepartmental transfer of moneys appropriated to
30 the department, unless notice of the intradepartmental
31 transfer is given prior to its effective date to the
32 legislative fiscal bureau. The notice shall include
33 information on the department's rationale for making
34 the transfer and details concerning the work load and
35 performance measures upon which the transfers are
36 based.

37 7. The governor's alliance on substance abuse
38 shall consider federal grants made to the department
39 of corrections for the benefit of each of the eight
40 judicial district departments of correctional services
41 as local government grants, as defined pursuant to
42 federal regulations.

43 Sec. 407. There is appropriated from the general
44 fund of the state to the judicial department for the
45 fiscal year beginning July 1, 1991, and ending June
46 30, 1992, the following amounts, or so much thereof as
47 is necessary, to be used for the purposes designated:

48 1. For salaries of supreme court justices,
49 appellate court judges, district court judges,
50 district associate judges, judicial magistrates and

Page 94

1 staff, state court administrator, clerk of the supreme
 2 court, district court administrators, clerks of the
 3 district court, juvenile court officers, board of law
 4 examiners and board of examiners of shorthand
 5 reporters and judicial qualifications commission,
 6 receipt and disbursement of child support payments,
 7 and maintenance, equipment, and miscellaneous
 8 purposes:

9\$ 69,000,000

10 As a condition, limitation, and qualification of
 11 this appropriation, the department shall reimburse the
 12 auditor of state for expenses incurred in completing
 13 audits of the offices of the clerks of the district
 14 court during the fiscal year beginning July 1, 1991.

15 Notwithstanding section 602.5205, the judicial
 16 department may provide for the expenses of the judges
 17 of the court of appeals located outside the seat of
 18 government.

19 As a condition, limitation, and qualification of
 20 this appropriation, the judicial department, except
 21 for purposes of internal processing, shall use the
 22 current state budget system, the state payroll system,
 23 and the Iowa finance and accounting system in
 24 administration of programs and payments for services,
 25 and shall not duplicate the state payroll, accounting,
 26 and budgeting systems.

27 The judicial department shall submit monthly
 28 financial statements to the legislative fiscal bureau
 29 and the department of management containing all
 30 appropriated accounts in the same manner as provided
 31 in the monthly financial status reports and personal
 32 services usage reports of the department of revenue
 33 and finance. The monthly financial statements shall
 34 include a comparison of the dollars and percentage
 35 spent of budgeted versus actual revenues and
 36 expenditures on a cumulative basis for full-time
 37 equivalent positions and dollars.

38 Of the funds appropriated under this subsection,
 39 not more than \$1,800,000 may be transferred into the
 40 revolving fund established pursuant to section
 41 602.1302, subsection 3, to be used for the payment of
 42 jury and witness fees and mileage.

43 2. For the juvenile victim restitution program:

44\$ 100,000

45 Sec. 408. There is appropriated from the general
 46 fund of the state to the judicial department for the
 47 fiscal year beginning July 1, 1991, and ending June
 48 30, 1992, the following amount, or so much thereof as
 49 is necessary, to be used for the purpose designated:

50 For the Iowa court information system:

Page 95

1\$ 875,000

2 1. As a condition, limitation, and qualification

3 of this appropriation, the judicial department, except

4 for purposes of internal processing, shall use the

5 current state budget system, the state payroll system,

6 and the Iowa finance and accounting system in

7 administration of programs and payments for services,

8 and shall not duplicate the state payroll, accounting,

9 and budgeting systems.

10 2. The judicial department shall not change the

11 appropriations from the amounts appropriated under

12 this section, unless notice of the revisions is given

13 prior to their effective date to the legislative

14 fiscal bureau. The notice shall include information

15 on the department's rationale for making the changes

16 and details concerning the work load and performance

17 measures upon which the changes are based.

18 3. The judicial department shall conduct a

19 comparable worth study concerning juvenile court

20 officers. As used in this paragraph, "comparable

21 worth" means comparable worth as defined in section

22 602.1204. The judicial department shall report its

23 findings and recommendations to the joint justice

24 system appropriations subcommittee by January 1, 1992.

25 No pay grade changes resulting from the study shall be

26 implemented prior to July 1, 1992, subject to

27 sufficient salary adjustment funds being appropriated

28 specifically for that purpose.

29 Sec. 409. The department of corrections, judicial

30 district departments of correctional services, board

31 of parole, and the judicial department shall continue

32 to develop an automated data system for use in the

33 sharing of information between the department of

34 corrections, judicial district departments of

35 correctional services, board of parole, and the

36 judicial department. The information to be shared

37 shall concern any individual who may, as the result of

38 an arrest or infraction of any law, be subject to the

39 jurisdiction of the department of corrections,

40 judicial district departments of correctional

41 services, or board of parole.

42 Sec. 410. Section 13.15, unnumbered paragraph 2,

43 Code 1991, is amended to read as follows:

44 The rules shall provide for an hourly mediation fee

45 not to exceed twenty-five dollars per hour per party

46 fifty dollars for the borrower and one hundred dollars

47 for the creditor. The hourly mediation fee may be

48 waived for any party demonstrating financial hardship

49 upon application to the farm mediation service.

50 Sec. 411. Section 312.2, subsection 13, Code 1991,

Page 96

1 as amended by 1991 Iowa Acts, House File 173, section
2 1223, is amended to read as follows:

3 13. The treasurer of state, before making the
4 allotments provided for in this section, shall credit
5 annually to the department of justice from the road
6 use tax fund an amount equal to twenty-five cents on
7 each title issuance for motor vehicle fraud law
8 enforcement and prosecution purposes including, but
9 not limited to, the enforcement of state and federal
10 odometer laws, the prosecution of highway-related
11 criminal matters, and the training of county attorney
12 and attorney general staff in the prosecution of
13 violations of chapters 321, 321A, and 321J, and
14 related offenses.

15 Notwithstanding the provisions of this subsection
16 directing that twenty-five cents on each title
17 issuance be annually credited to the department of
18 justice for deposit into the motor vehicle fraud
19 account, for the fiscal period beginning on July 1,
20 1991, and ending June 30, 1993, the twenty-five cents
21 on each title issuance shall be deposited into the
22 general fund of the state.

23 Sec. 412. Section 356.26, unnumbered paragraph 3,
24 Code 1991, is amended to read as follows:

25 The district court may also grant by order to any
26 person sentenced to a county jail the privilege of a
27 sentence of in-home detention where the county sheriff
28 has certified to the court that the jail has an in-
29 home detention program. The department of corrections
30 shall report to the legislative fiscal bureau on a
31 semiannual basis concerning utilization of in-home
32 detention, including the counties which have
33 established such programs and the number of prisoners
34 allowed in-home detention privileges.

35 Sec. 413. Section 602.1301, subsection 2,
36 paragraph a, subparagraph (1), Code 1991, is amended
37 by striking the subparagraph, and inserting in lieu
38 thereof, the following:

39 (1) Iowa court information system.

40 Sec. 414. Section 602.9204, Code 1991, is amended
41 to read as follows:

42 602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED
43 SENIOR JUDGE.

44 A senior judge or a retired senior judge shall not
45 be paid a salary. A senior judge or retired senior
46 judge shall be paid an annuity under the judicial
47 retirement system in the manner provided in section
48 602.9109, but computed under this section in lieu of
49 section 602.9107, as follows: The annuity paid to a
50 senior judge or retired senior judge shall be an

Page 97

1 amount equal to three percent of the current basic
2 salary, as of the time each payment is made, of the
3 office in which the senior judge last served as a
4 judge before retirement as a judge or senior judge,
5 multiplied by the judge's years of service prior to
6 retirement as a judge of one or more of the courts
7 included under this article, for which contributions
8 were made to the system, except the annual annuity of
9 the senior judge or retired senior judge shall not
10 exceed fifty percent an amount equal to the maximum
11 percentage established in section 602.9107 of the
12 current basic annual salary. In addition, if a senior
13 judge is under sixty-five years of age at the time the
14 judge becomes a senior judge, the state shall pay the
15 state's share of the senior judge's medical insurance
16 premium until the judge attains age sixty-five.

17 Sec. 415. Section 905.1, subsection 1, Code 1991,
18 is amended by striking the subsection.

19 Sec. 416. Section 905.4, subsection 3, Code 1991,
20 is amended by striking the subsection.

21 Sec. 417. Section 905.4, subsection 5, Code 1991,
22 is amended to read as follows:

23 5. Arrange for, by contract or on such alternative
24 basis as may be mutually acceptable, and equip
25 suitable quarters at one or more sites in the district
26 as may be necessary for the district department's
27 community-based correctional program, provided that
28 the board shall to the greatest extent feasible
29 utilize existing facilities and shall keep capital
30 expenditures for acquisition, renovation and repair of
31 facilities to a minimum. The district board shall not
32 enter into lease-purchase agreements for the purposes
33 of constructing, renovating, expanding, or otherwise
34 improving a community-based correctional facility or
35 office unless express authorization has been granted
36 by the legislative council, and sufficient funds are
37 available to the district department to make rental
38 payments owing under these lease-purchase agreements
39 in the current fiscal year.

40 Sec. 418. Section 905.5, Code 1991, is amended to
41 read as follows:

42 905.5 FUNCTIONS OF ADMINISTRATIVE AGENTS BUDGETS
43 AND PERSONNEL.

44 1. The county designated under section 905.4,
45 subsection 3, as administrative agent for each
46 district department; or the district department
47 itself, if designated as administrative agent by the
48 district board, district department shall submit that
49 district department's its budget and supporting
50 information to the Iowa department of corrections in

Page 98

1 accordance with the provisions of chapter 8. The
2 state department shall incorporate the budgets of each
3 of the district departments into its own budget
4 request, to be processed as prescribed by the uniform
5 budget, accounting, and administrative procedures
6 established by the department of management. Funds
7 appropriated pursuant to the budget requests of the
8 respective district departments shall be allocated on
9 a quarterly basis, and the department of management
10 shall authorize advancement of the funds so allocated
11 to each district department's administrative agent, or
12 to the district department itself if the district
13 department acts as administrative agent, at the
14 beginning of each fiscal quarter.

15 2. For all administrative purposes, all employees
16 of each district department shall be considered
17 employees of the district department. However, the
18 district departments shall follow the rules of
19 procedure in the administration of salaries and
20 benefits for employees adopted by the department of
21 personnel. The district boards shall maintain hiring
22 and termination authority.

23 3. A county designated as the administrative agent
24 shall perform only those administrative functions
25 assigned to it by the district board and shall not
26 perform any activity unless directed to do so by the
27 district board.

28 Sec. 419. Section 905.6, subsection 5, Code 1991,
29 is amended to read as follows:

30 5. Act as secretary to the district board, prepare
31 its agenda and record its proceedings. The director
32 shall provide a copy of minutes from each meeting of
33 the district board to the legislative fiscal bureau.

34 Sec. 420. Section 905.8, unnumbered paragraph 5,
35 Code 1991, is amended to read as follows:

36 The department of corrections shall report to the
37 legislative fiscal bureau on a quarterly monthly basis
38 the current expenditures of the department's various
39 allocations to the district departments of
40 correctional services with a comparison of actual to
41 budgeted expenditures. The district departments shall
42 use the Iowa finance and accounting system, the state
43 payroll system, and department of revenue and
44 finance's preaudit and postaudit system in the
45 administration of programs and payment for services.
46 The district departments shall follow the rules of the
47 department of revenue and finance in utilizing these
48 state systems. Each director of a district department
49 shall maintain a permanent operating fund for the
50 district department's local receipts. Local receipts

Page 99

1 shall be budgeted as separate organization codes
2 within the Iowa finance and accounting system. The
3 director of the district department shall budget each
4 local receipt with the accompanying expenditures and
5 full-time equivalent positions within the permanent
6 operating fund. The fund shall consist of the
7 receipts from work release client fees, the operating
8 while intoxicated program, residential services,
9 federal reimbursements, grants, county agreements,
10 interest earned on the fund, and miscellaneous items.
11 Any unspent balance in the operating fund shall carry
12 forward to the next fiscal year.

13 Sec. 421. 1990 Iowa Acts, chapter 1224, section 1,
14 unnumbered paragraph 1, is amended to read as follows:

15 In order to implement this Act, the department of
16 human services and the judicial department shall
17 mutually agree on a schedule to complete the transfer
18 of support payment collection and disbursement
19 responsibilities from the collection services center
20 to the clerks of the district court. The schedule
21 shall provide for the completion of the transfer of
22 the responsibilities for all affected orders by June
23 30, 1991 1993. The following procedure shall be used
24 for any order affected by the initial transfer of
25 responsibilities:

26 Sec. 422. 1990 Iowa Acts, chapter 1257, section
27 24, subsection 4, unnumbered paragraph 2, is amended
28 to read as follows:

29 As a condition, limitation, and qualification of
30 this appropriation, the beds shall be used for a 30-
31 to-60-day shock revocation program for parole and
32 probation violators who are male offenders. The beds
33 shall be administered by the state department of
34 corrections.

35 Sec. 423. 1990 Iowa Acts, chapter 1268, section 5,
36 subsection 2, is amended to read as follows:

37 2. For reimbursement of counties for temporary
38 confinement of work release and parole violators, as
39 provided in sections 246.908, 901.7, and 906.17 and
40 for offenders confined pursuant to section 246.513:

41\$ 215,000

42 Sec. 424. EFFECTIVE DATE AND RETROACTIVE
43 APPLICABILITY PROVISIONS. Sections 421 and 423 of
44 this Act, being deemed of immediate importance, take
45 effect upon enactment. Section 423 of the Act applies
46 retroactively to July 1, 1990.

47 DIVISION V

48 RELATING TO STANDING APPROPRIATIONS AND TAXES

49 Sec. 501. Notwithstanding the standing
50 appropriation in sections 425A.1 to the family farm

Page 100

1 tax credit fund and 426.1 to the agricultural land tax
2 credit fund, there is appropriated from the general
3 fund of the state to the agricultural land tax credit
4 fund for the fiscal year beginning July 1, 1991, the
5 sum of \$43,065,000 of which the first \$10,000,000
6 shall be deposited into the family farm tax credit
7 fund in lieu of the standing appropriation made in
8 section 425A.1.

9 Sec. 502.

10 1. Notwithstanding the standing appropriation in
11 section 405A.8 to the department of revenue and
12 finance for personal property tax replacement under
13 chapter 405A, there is appropriated from the general
14 fund of the state under section 405A.8 for the fiscal
15 year beginning July 1, 1991, the sum of \$67,059,630 of
16 which \$10,000,000 shall be deposited into the family
17 farm tax credit fund and \$12,000,000 shall be
18 deposited into the extraordinary property tax credit
19 and reimbursement fund created in section 425.39 for
20 the purpose of claims for reimbursement of rent
21 constituting property taxes paid.

22 2. Notwithstanding the standing appropriation in
23 section 425.39, the amount appropriated from the
24 general fund of the state under section 425.39, which
25 is in addition to the amount deposited under
26 subsection 1, for the fiscal year beginning July 1,
27 1991, for purposes of implementing the extraordinary
28 property tax and reimbursement division of chapter
29 425, shall not exceed \$14,850,000. The director shall
30 pay, in full, all claims to be paid during the fiscal
31 year beginning July 1, 1991, for reimbursement of rent
32 constituting property taxes paid. If the amount of
33 claims for credit for property taxes due to be paid
34 during the fiscal year beginning July 1, 1991, exceed
35 the amount remaining after payment to renters the
36 director of revenue and finance shall prorate the
37 payments to the counties for the property tax credit.
38 In order for the director to carry out the
39 requirements of this subsection, notwithstanding any
40 provision to the contrary in sections 425.16 through
41 425.39, claims for reimbursement for rent constituting
42 property taxes paid filed before May 1, 1992, shall be
43 eligible to be paid in full during the fiscal year
44 ending June 30, 1992, and those claims filed on or
45 after May 1, 1992, shall be eligible to be paid during
46 the fiscal year beginning July 1, 1992, and the
47 director is not required to make payments to counties
48 for the property tax credit before June 15, 1992.

49 Sec. 503. Notwithstanding the standing
50 appropriation from the CLEAN fund under section

Page 101

1 99E.34, subsection 1, paragraph "a" and the standing
2 appropriation from the general fund of the state under
3 section 455A.18, there is appropriated from the
4 general fund of the state, in lieu of the
5 appropriations made in sections 99E.34 and 455A.18,
6 for the fiscal year beginning July 1, 1991, to the
7 Iowa resources enhancement and protection fund the sum
8 of \$7,524,000.

9 Sec. 504. 1990 Iowa Acts, chapter 1250, section
10 18, unnumbered paragraph 2, is amended to read as
11 follows:

12 For the special mental health services fund:
13 \$ 10,500,000
14 10,395,000

15 Sec. 505. DEPARTMENT OF HUMAN SERVICES. There is
16 appropriated from the general fund of the state to the
17 department of human services for the fiscal year
18 beginning July 1, 1991, and ending June 30, 1992, the
19 following amounts, or so much thereof as is necessary,
20 to be used for the purposes designated:

21 1. For payment of expenses and compensation of
22 commission of inquiry commissioners pursuant to
23 section 229.35:
24 \$ 1,000

25 2. For payment of transfer expenses of mentally
26 ill persons with no county of legal settlement
27 pursuant to section 230.8 and recovery of such
28 persons' commitment costs pursuant to section 230.11:
29 \$ 107,000

30 Sec. 506. STATE BOARD OF REGENTS. There is
31 appropriated from the general fund of the state to the
32 state board of regents for the fiscal year beginning
33 July 1, 1991, and ending June 30, 1992, the following
34 amount, or so much thereof as is necessary, to be used
35 for the purpose designated:

36 For payment of local school boards for the tuition
37 and transportation costs of students residing in the
38 Iowa braille and sight saving school and the state
39 school for the deaf pursuant to section 262.43 and for
40 payment of certain clothing and transportation costs
41 for students at these schools pursuant to section
42 270.5:
43 \$ 7,500

44 Sec. 507. DEPARTMENT OF REVENUE AND FINANCE.
45 There is appropriated from the general fund of the
46 state to the department of revenue and finance for the
47 fiscal year beginning July 1, 1991, and ending June
48 30, 1992, the following amount, or so much thereof as
49 is necessary, to be used for the purpose designated:

50 For payment of recording fees pursuant to section

Page 102

1	422.26:	
2		
3	Sec. 508. Notwithstanding the standing	
4	appropriations in the following designated sections	
5	for the fiscal year beginning July 1, 1991, the amount	
6	appropriated from the general fund of the state	
7	pursuant to those sections for the following	
8	designated purposes shall not exceed the following	
9	amounts:	
10	1. For administering absentee ballots of state	
11	residents serving in the armed forces under section	
12	53.50:	
13		\$ 2,574
14	2. For the reimbursement of fees and charges	
15	presented to but not owed the state under section	
16	12.13:	
17		\$ 0
18	3. For the cost of printing or manufacturing of	
19	cigarette and little cigar tax stamps under section	
20	98.7:	
21		\$ 126,126
22	4. For deposit in and the use of the livestock	
23	disease fund under section 267.8:	
24		\$ 291,060
25	5. To pay the state's portion of the cost of	
26	benefits calculated in section 411.20, subsections 2	
27	and 3, under section 411.20, subsection 1:	
28		\$ 3,201,660
29	6. To reimburse counties for the loss of property	
30	tax revenues as follows:	
31	a. Homestead tax credit under section 425.1:	
32		\$ 102,960,000
33	b. Military service tax credit under section	
34	426A.1:	
35		\$ 3,069,000
36	c. Machinery and computer equipment tax	
37	replacement under section 427B.13:	
38		\$ 5,940,000
39	If the amounts of calculated county reimbursement	
40	exceed any of the amounts specified in this subsection	
41	the director of revenue and finance shall prorate the	
42	amount available.	
43	7. For costs of postconviction relief proceedings	
44	pursuant to section 663A.5 and costs and fees of	
45	parole revocation proceedings and criminal cases	
46	brought against an inmate under section 815.1:	
47		\$ 70,000
48	8. For state employees salary book printing under	
49	section 18.75, subsection 8:	
50		\$ 4,950

Page 103

1	9. To the expenses incurred or costs taxed to the	
2	state in a proceeding brought by or against a state	
3	department or agency under section 19.10:	
4	.....	\$ 81,180
5	10. To pay necessary expenses incurred to perform	
6	or cause to be performed any legal duty imposed on the	
7	executive council under section 19.29:	
8	.....	\$ 1,881,000
9	11. To pay the cost of public improvement	
10	assessments against state-owned land under section	
11	307.45:	
12	.....	\$ 0
13	12. For payment of costs of habeas corpus	
14	proceedings where plaintiff is confined in a state	
15	institution under section 663.44:	
16	.....	\$ 0
17	13. To pay claims and awards against the state	
18	under sections 25.2 and 25A.11:	
19	.....	\$ 2,970,000
20	14. For the payment of salary and expenses of a	
21	deputy sheriff responsible for law enforcement on the	
22	Indian settlement under section 331.660:	
23	.....	\$ 24,255
24	15. For compensation of officers and enlisted men	
25	in and the expenses of the national guard under	
26	section 29A.29:	
27	.....	\$ 38,808
28	16. For payment of workers' compensation claims	
29	due employees of the state under section 85.57:	
30	.....	\$ 3,880,800
31	17. For deposit into the state communications	
32	network fund under section 18.137:	
33	.....	\$ 0
34	18. For payment of state school foundation aid,	
35	including state aid for increasing enrollment in	
36	section 257.13, under section 257.16:	
37	.....	\$1,137,510,000
38	Notwithstanding chapter 257, if the portion of the	
39	budget of a school district or area education agency	
40	for special education support services to be funded by	
41	state aid appropriated under section 257.16 exceeds	
42	the amount appropriated under this subsection, the	
43	director of the department of management shall	
44	allocate state aid payments in the manner provided in	
45	this subsection:	
46	a. In order to allocate the reduction in the state	
47	aid to be paid to area education agencies for special	
48	education support services, the director of the	
49	department of management shall reduce the state aid	
50	paid to each area education agency by one percent of	

Page 104

1 the special education support services foundation base
2 multiplied by the weighted enrollment in the area
3 education agency.

4 b. The director of the department of management
5 shall determine the amounts to be paid to school
6 districts as an advance for increasing enrollment
7 under section 257.13 and shall reduce those amounts by
8 one percent.

9 c. The director of the department of management
10 shall allocate the difference between the money
11 appropriated by this subsection and the total of the
12 state aid payments made to area education agencies for
13 special education support services and the amount paid
14 to school districts as an advance for increasing
15 enrollment. The difference shall be paid to school
16 districts as state school foundation aid. The
17 director of the department of management shall divide
18 the amount to be paid to school districts by the
19 weighted enrollment in the state to determine a per
20 pupil amount of state aid and shall multiply that per
21 pupil amount of state aid by one percent for the state
22 aid reduction per pupil. The state aid paid to each
23 school district under section 257.16 shall be reduced
24 by an amount equal to the state aid reduction per
25 pupil multiplied by the weighted enrollment of the
26 district. School districts not receiving the entire
27 amount of state school foundation aid under chapter
28 257 for the budget year beginning July 1, 1991, shall
29 not raise the lost state aid by a property tax levy or
30 a cash reserve levy under section 298.4 to replace the
31 state school foundation aid reduction.

32 Notwithstanding section 257.7, for the budget year
33 beginning July 1, 1992, the actual unspent balance of
34 a school district shall be reduced by the difference
35 between the amount of state school foundation aid
36 generated under chapter 257 and the amount of state
37 school foundation aid received under this subsection.

38 19. For the payment of claims of public school
39 districts for transportation services to nonpublic
40 school pupils under section 285.2:

41\$ 6,156,729

42 If the claims exceed the amount available under
43 this subsection, the director of the department of
44 education shall prorate the claims of the school
45 districts.

46 20. For programs for at-risk children under
47 section 279.51, subsection 1:

48\$ 8,613,000

49 21. To pay instructional support state aid under
50 section 257.20:

Page 105

1\$ 11,880,000

2 If the portion of the budget to be funded by
3 instructional support state aid computed under section
4 257.20 exceeds the amount available under this
5 subsection, the director of the department of
6 management shall prorate the amount available to the
7 school districts entitled to such aid. School
8 districts not receiving the full amount of such state
9 aid shall not raise the lost state aid by property
10 tax.

11 22. For payment of franchise tax allocations to
12 cities and counties under section 422.65:

13\$ 9,702,000

14 If the amounts to be allocated as computed under
15 section 422.65 to cities and counties exceed the
16 amount available under this subsection, the director
17 of revenue and finance shall prorate the amount to be
18 paid to each city and county.

19 Sec. 509. Section 97B.72, unnumbered paragraph 2,
20 Code 1991, is amended to read as follows:

21 There is appropriated from the general fund of the
22 state to the department of personnel moneys available
23 to the general assembly under section 2.12 an amount
24 sufficient to pay the contributions of the employer
25 based on service of the members in an amount equal to
26 the contributions which would have been made if the
27 members of the general assembly who made employee
28 contributions had been members of the system during
29 their service in the general assembly plus two percent
30 interest plus interest dividends for all completed
31 calendar years and for any completed calendar year for
32 which the interest dividend has not been declared and
33 for completed months of partially completed calendar
34 years at two percent interest plus the interest
35 dividend rate calculated for the previous year,
36 compounded annually, from the end of the calendar year
37 in which contribution was made to the first day of the
38 month of such date.

39 Sec. 510. Section 98.6, subsection 1, Code 1991,
40 is amended to read as follows:

41 1. There is hereby levied, assessed, and imposed,
42 and shall be collected and paid to the department, the
43 following taxes on all cigarettes used or otherwise
44 disposed of in this state for any purpose whatsoever:

45 Class A. On cigarettes weighing not more than
46 three pounds per thousand, six and one-half eighteen
47 mills on each such cigarette.

48 Class B. On cigarettes weighing more than three
49 pounds per thousand, seven and one-half eighteen mills
50 on each such cigarette.

Page 106

1 Sec. 511. Section 98.6, subsection 2, Code 1991,
2 is amended by striking the subsection.

3 Sec. 512. Section 98.43, subsection 1, unnumbered
4 paragraph 1, Code 1991, is amended to read as follows:

5 A tax is imposed upon all tobacco products in this
6 state and upon any person engaged in business as a
7 distributor thereof of tobacco products, at the rate
8 of nineteen twenty-two percent of the wholesale sales
9 price of the tobacco products, except little cigars as
10 defined in section 98.42. Little cigars shall be
11 subject to the same rate of tax imposed upon
12 cigarettes in section 98.6, payable at the time and in
13 the manner provided in section 98.6; and stamps shall
14 be affixed as provided in division I of this chapter.
15 The tax on tobacco products, excluding little cigars,
16 shall be imposed at the time the distributor does any
17 of the following:

18 Sec. 513. Section 98.43, subsection 2, unnumbered
19 paragraph 1, Code 1991, is amended to read as follows:

20 A tax is imposed upon the use or storage by
21 consumers of tobacco products in this state, and upon
22 the consumers, at the rate of nineteen twenty-two
23 percent of the cost of the tobacco products.

24 Sec. 514. Section 229.35, Code 1991, is amended to
25 read as follows:

26 229.35 COMMISSION OF INQUIRY — COMPENSATION —
27 PAYMENT.

28 ~~Said~~ The commissioners of a commission of inquiry
29 shall be entitled to their necessary expenses and a
30 reasonable compensation, to be allowed by the judge,
31 who shall certify the same amounts to the director of
32 revenue and finance who shall thereupon draw the
33 ~~proper warrants on any funds in the state treasury not~~
34 ~~otherwise appropriated~~ pay such amounts from moneys
35 appropriated to the department of human services. The
36 applicant shall pay said these costs and expenses if
37 the judge shall so order on a finding that the
38 complaint was filed without probable cause.

39 Sec. 515. Section 230.8, Code 1991, is amended to
40 read as follows:

41 230.8 TRANSFERS OF MENTALLY ILL PERSONS —
42 EXPENSES.

43 The transfer to state hospitals or to the places of
44 their legal settlement of mentally ill persons who
45 have no legal settlement in this state or whose legal
46 settlement is unknown, shall be made according to the
47 directions of the administrator, and when practicable
48 by employees of state hospitals, and the actual and
49 necessary expenses of such these transfers shall be
50 paid on itemized vouchers sworn to by the claimants

Page 107

1 and approved by the administrator, from any funds in
2 the state treasury not otherwise appropriated to the
3 department of human services.

4 Sec. 516. Section 230.11, Code 1991, is amended to
5 read as follows:

6 230.11 RECOVERY OF COSTS FROM STATE.

7 Costs and expenses attending the taking into
8 custody, care, and investigation of a person who has
9 been admitted or committed to a state hospital,
10 veterans administration hospital or other agency of
11 the United States government, for the mentally ill and
12 who has no legal settlement in this state or whose
13 legal settlement is unknown, including cost of
14 commitment, if any, shall be paid out of any money in
15 the state treasury not otherwise from moneys
16 appropriated to the department of human services, on
17 itemized vouchers executed by the auditor of the
18 county which has paid them, and approved by the
19 administrator.

20 Sec. 517. Section 262.43, Code 1991, is amended to
21 read as follows:

22 262.43 STUDENTS RESIDING ON STATE-OWNED LAND.

23 The state board of regents shall pay to the local
24 school boards the tuition payments and transportation
25 costs, as otherwise authorized by statutes for the
26 elementary or high school education of students
27 residing on land owned by the state and under the
28 control of the state board of regents. Such payments
29 for the three institutions of higher learning, the
30 state University of Iowa, the Iowa State University of
31 science and technology and the University of Northern
32 Iowa, shall be made from the funds of the respective
33 institutions other than state appropriations, and for
34 the three two noncollegiate institutions, the Iowa
35 braille and sight saving school, and the state school
36 for the deaf and the state sanatorium, there is hereby
37 appropriated out of any funds in the state treasury
38 not otherwise appropriated a sum sufficient to make
39 such payments the payments and costs shall be paid
40 from moneys appropriated to the state board of
41 regents.

42 Sec. 518. Section 270.5, Code 1991, is amended to
43 read as follows:

44 270.5 CERTIFICATION TO DIRECTOR OF REVENUE AND
45 FINANCE.

46 The superintendent shall, on the first days of June
47 and December of each year, certify to the director of
48 revenue and finance the amounts due from the several
49 counties pursuant to sections 270.4 and 270.6, and the
50 director of revenue and finance shall thereupon pass

Page 108

1 the same to the credit of the institution the amounts
2 due to the general fund of the state, and charge the
3 amount to the proper county.

4 Sec. 519. Section 422.26, unnumbered paragraph 6,
5 Code 1991, is amended to read as follows:

6 The department shall pay, from moneys appropriated
7 to the department for this purpose, a recording fee as
8 provided in section 331.604, for the recording of the
9 lien, or for its satisfaction.

10 Sec. 520. Section 820.24, Code 1991, is amended to
11 read as follows:

12 820.24 EXPENSES — HOW PAID.

13 When the punishment of the crime shall be the
14 confinement of the criminal in the penitentiary, the
15 expenses shall be paid out of the state treasury funds
16 appropriated to the office of the governor, on the
17 certificate of the governor and warrant of the
18 director of revenue and finance; and in all other
19 cases they shall be paid out of the county treasury in
20 the county wherein the crime is alleged to have been
21 committed. The expenses shall be the fees paid to the
22 officers of the state on whose governor the
23 requisition is made, and all necessary and actual
24 traveling expenses incurred in returning the prisoner.

25 Sec. 521. Section 906.10, Code 1991, is repealed.

26 Sec. 522. Sections 510 through 513 of this
27 division take effect July 1, 1991."

28 2. Title page, by striking lines 1 through 8 and
29 inserting the following: "An Act relating to
30 appropriations for state departments, agencies,
31 programs, funds, including the department of human
32 services, education programs and agencies, the
33 department of economic development, justice-related
34 programs and agencies, and INTERNET, and adjusting the
35 school foundation aid program, adjusting certain
36 standing appropriations, increasing the cigarette and
37 tobacco products tax, and providing for effective and
38 applicability dates."

McKinney of Dallas asked and received unanimous consent to suspend the rules and take up out of order amendment H—3873, to the Senate amendment H—3734.

Jochum of Dubuque offered the following amendment H—3873, to the Senate amendment H—3734, filed by him:

H-3873

1 Amend the Senate amendment, H-3734, to House File
2 479, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 1, line 5 through page 105,
5 line 38 and inserting the following:

6 "DIVISION I

7 DEPARTMENT OF HUMAN SERVICES

8 Sec. 101. AID TO FAMILIES WITH DEPENDENT CHILDREN.

9 There is appropriated from the general fund of the
10 state to the department of human services for the
11 fiscal year beginning July 1, 1991, and ending June
12 30, 1992, the following amount, or so much thereof as
13 is necessary, to be used for the purpose designated:

14 For aid to families with dependent children:

15\$ 41,356,571

16 1. The department may fund the employee portion of
17 the cash bonus program from unspent funds under the
18 appropriation in this section and shall continue to
19 evaluate the program.

20 2. As a condition, limitation, and qualification
21 of the funds appropriated in this section, the
22 department shall continue the special needs program
23 under the aid to families with dependent children
24 program.

25 3. As a condition, limitation, and qualification
26 of the funds appropriated in this section, the
27 department may use unspent funds under the
28 appropriation in this section to continue development
29 of the "X-PERT" eligibility determination system.

30 4. Notwithstanding section 239.1, subsection 4,
31 effective July 1, 1991, through June 30, 1992,
32 assistance shall not be provided under the provision
33 of this appropriation to persons whose dependent child
34 is 18 years of age or older. The department may adopt
35 emergency rules to implement the provisions of this
36 subsection.

37 5. Moneys are not appropriated in this Act for the
38 payment of funeral expenses under section 239.9 and
39 payment under that section shall not be made during
40 the fiscal year beginning July 1, 1991. The
41 department may adopt emergency rules to implement the
42 provisions of this subsection.

43 Sec. 102. EMERGENCY ASSISTANCE. There is
44 appropriated from the general fund of the state to the
45 department of human services for the fiscal year
46 beginning July 1, 1991, and ending June 30, 1992, the
47 following amount, or so much thereof as is necessary,
48 to be used for the purpose designated:

49 For emergency assistance to families with dependent
50 children under Title IV-A of the federal Social

Page 2

1 Security Act to match federal funding for homeless
2 prevention programs:

3\$ 500,000

4 The emergency assistance provided for in this
5 section shall be provided only if all other publicly
6 funded resources have been exhausted. Twenty-five
7 percent of the emergency assistance moneys shall be
8 available from July 1, 1991, through October 31, 1991,
9 and seventy-five percent shall be available beginning
10 November 1, 1991, for the remainder of the fiscal
11 year. The emergency assistance includes, but is not
12 limited to, assisting people who face eviction,
13 potential eviction, or foreclosure, utility shutoff or
14 fuel shortage, loss of heating energy supply or
15 equipment, homelessness, utility or rental deposits,
16 or other specified crisis which threatens family or
17 living arrangements. The emergency assistance shall
18 be available to migrant families who would otherwise
19 meet eligibility criteria. The department shall
20 notify each emergency assistance recipient that the
21 recipient may report to the department any pressure or
22 intimidation of the recipient resulting from the
23 recipient's eligibility for emergency assistance. The
24 department shall report quarterly to the legislative
25 fiscal committee concerning the reports received by
26 the department regarding pressure or intimidation of
27 recipients of emergency assistance. The department
28 may adopt emergency rules to implement the beginning
29 date and notice provisions of this section.

30 Sec. 103. MEDICAL ASSISTANCE. There is
31 appropriated from the general fund of the state to the
32 department of human services for the fiscal year
33 beginning July 1, 1991, and ending June 30, 1992, the
34 following amount, or so much thereof as is necessary,
35 to be used for the purpose designated:

36 For medical assistance, including reimbursement for
37 abortion services, which shall be available under the
38 medical assistance program only for those abortions
39 which are medically necessary:

40\$ 241,176,470

41 1. Medically necessary abortions are those
42 performed under any of the following conditions:

43 a. The attending physician certifies that
44 continuing the pregnancy would endanger the life of
45 the pregnant woman.

46 b. The attending physician certifies that the
47 fetus is physically deformed, mentally deficient, or
48 afflicted with a congenital illness.

49 c. The pregnancy is the result of a rape which is
50 reported within 45 days of the incident to a law

Page 3

1 enforcement agency or public or private health agency
2 which may include a family physician.

3 d. The pregnancy is the result of incest which is
4 reported within 150 days of the incident to a law
5 enforcement agency or public or private health agency
6 which may include a family physician.

7 e. Any spontaneous abortion, commonly known as a
8 miscarriage, if not all of the products of conception
9 are expelled.

10 2. Of the funds appropriated in this section,
11 \$100,000 is allocated until January 31, 1992, for
12 contingency assistance for the federal nutrition
13 program for women, infants, and children and shall be
14 transferred to the Iowa department of public health as
15 necessary in order to fully utilize funding available
16 for the program. The allocated funds shall be
17 transferred as necessary to restore a reduction in
18 federal funding for the federal fiscal year ending
19 September 30, 1991, required to adjust for federal
20 financial assistance provided during the federal
21 fiscal year ending September 30, 1990, in excess of
22 the federal funding allocation to the state for this
23 program or to finance any state match expenditure in
24 excess of the federal funding allocation for this
25 program during the federal fiscal year ending
26 September 30, 1991. Any moneys allocated in this
27 subsection which are unexpended or unobligated on
28 January 31, 1992, shall be available during the
29 remainder of the fiscal year to the department of
30 human services for the purposes of this section.

31 3. Notwithstanding section 8.39, the department
32 may transfer funds appropriated in this section to a
33 separate account established in the department's case
34 management unit for expenditures required to provide
35 case management services pursuant to the appropriation
36 in this Act for enhanced mental health, mental
37 retardation, and developmental disabilities services,
38 pending final settlement of the expenditures. Funds
39 received by the case management unit in settlement of
40 the expenditures shall be used to replace the
41 transferred funds and are available for the purposes
42 for which the funds were appropriated in this section.

43 4. As a condition, limitation, and qualification
44 of the funds appropriated in this section, the
45 department shall analyze the cost to benefits ratio
46 associated with utilizing the medical review system
47 offered by Value Health Sciences, Inc., and if the
48 ratio is found to be favorable, shall implement that
49 system or a system with a comparable cost to benefit
50 ratio under the medical assistance program.

Page 4

1 5. If a medical assistant recipient is receiving
2 care which is reimbursed under a federally approved
3 home and community-based services waiver but would
4 otherwise be approved for care in an intermediate care
5 facility for the mentally retarded, the recipient's
6 county of legal settlement shall reimburse the
7 department on a monthly basis for the portion of the
8 recipient's cost of care which is not paid from
9 federal funds.

10 6. As a condition, limitation, and qualification
11 of the funds appropriated in this section, the
12 department shall adopt rules pursuant to chapter 17A
13 that establish criteria for intermediate care
14 facilities for the mentally retarded, providing for
15 family-scale size, location, and appropriate inclusion
16 in the community. In determining whether a
17 certificate of need for an intermediate care facility
18 for the mentally retarded shall be issued under
19 chapter 135, the health facilities council and the
20 Iowa department of public health shall consider
21 whether the proposed facility is in compliance with
22 the rules adopted pursuant to this subsection.

23 7. As a condition, limitation, and qualification
24 of the funds appropriated in this section, the
25 department shall develop methods to reduce recipient
26 usage of ambulance services for reasons other than
27 medical necessity, including notification of
28 recipients who have received ambulance services that
29 were not considered to be a medical necessity and
30 ambulance services that have provided such services.
31 The department may adopt emergency rules to implement
32 the provisions of this subsection.

33 8. Of the funds appropriated in this section, up
34 to \$70,929,582 shall be used for medical assistance
35 reimbursement of nursing facilities.

36 9. As a condition, limitation, and qualification
37 of the funds appropriated in this section,
38 notwithstanding the adoption of an administrative rule
39 limiting coverage of organ transplants under the
40 medical assistance program, the department shall
41 continue to provide medical assistance coverage for
42 organ transplants to individuals who applied for and
43 received approval from the department on or before
44 January 1, 1991, for medical assistance coverage of an
45 organ transplant.

46 10. As a condition, limitation, and qualification
47 of the funds appropriated in this section, if Senate
48 File 342 is enacted by the Seventy-fourth General
49 Assembly, 1991 Session, \$28,000 of the funds
50 appropriated in this section shall be provided to the

Page 5

1 prevention of disabilities policy board or council for
2 fulfillment of the federal matching funds requirement
3 for use of the Iowa governor's planning council for
4 developmental disabilities funds, for the purpose of
5 section 225D.7.

6 11. It is the intent of the general assembly that
7 the following programs under the medical assistance
8 program shall be expanded which it is estimated will
9 result in the indicated medical assistance expenditure
10 savings: Iowa foundation for medical care utilization.
11 review, \$1,400,000; Unisys utilization review,
12 \$105,000; and the "lock-in" program involving
13 recipients with a history of seeking services from
14 more than one provider, \$66,000. The department may
15 adopt emergency rules to implement the provisions of
16 this subsection.

17 12. As a condition, limitation, and qualification
18 of the funds appropriated in this section, if Senate
19 File 343, or another provision providing for group
20 health plan cost-sharing under the medical assistance
21 program is enacted by the Seventy-fourth General
22 Assembly, 1991 Session, the department may adopt
23 emergency rules to implement the cost-sharing in
24 accordance with federal requirements.

25 13. As a condition, limitation, and qualification
26 of the funds appropriated in this section, the
27 department shall work with the Iowa state association
28 of counties and the accounting firm of Ryun, Givens,
29 Smith & Co., or another capable entity, to develop
30 requirements for intermediate care facilities for the
31 mentally retarded to implement generally accepted
32 accounting principles and an audit reporting format
33 which includes cost containment measures permitted
34 under federal medicaid requirements. The department
35 shall adopt rules pursuant to chapter 17A to implement
36 the requirements developed under this subsection.

37 Sec. 104. MEDICAL CONTRACTS. There is
38 appropriated from the general fund of the state to the
39 department of human services for the fiscal year
40 beginning July 1, 1991, and ending June 30, 1992, the
41 following amount, or so much thereof as is necessary,
42 to be used for the purpose designated:

43 For medical contracts:
44 \$ 4,102,016

45 As a condition, limitation, and qualification of
46 the funds appropriated in this section, the department
47 shall continue to contract for drug utilization review
48 under the medical assistance program.

49 Sec. 105. HIV-AIDS INSURANCE CONTINUATION
50 ASSISTANCE PILOT PROGRAM. There is appropriated from

Page 6

1 the general fund of the state to the department of
2 human services for the fiscal year beginning July 1,
3 1991, and ending June 30, 1992, the following amount,
4 or so much thereof as is necessary, to be used for the
5 purpose designated:

6 For HIV-AIDS insurance continuation assistance
7 pilot program:

8\$ 60,000

9 1. The department shall establish an HIV and AIDS
10 insurance continuation assistance pilot program to be
11 administered by the medical services division to
12 provide insurance continuation assistance to persons
13 with AIDS or HIV-related illnesses who are unable to
14 maintain health insurance premium payments due to
15 illness. The pilot program shall operate for a 2-year
16 period beginning October 1, 1991. The funds shall be
17 made available in a manner that provides the
18 assistance to not more than 30 recipients from October
19 1 until the end of the fiscal year.

20 2. The department shall publicize the program for
21 enrollment of potential participants through provision
22 of information through the Iowa department of public
23 health, the regional AIDS coalitions funded by the
24 Iowa department of public health, physicians,
25 hospitals, social workers, and social service
26 providers and gay and AIDS-related groups identified
27 by the coalitions.

28 3. The program shall provide all of the following:

29 a. That an applicant is eligible for participation
30 in the program if all of the following conditions are
31 met:

32 (1) The applicant is a resident of the state.

33 (2) The applicant suffers from AIDS or an HIV-
34 related illness.

35 (3) The applicant has an income of no more than
36 300 percent of the federal poverty level as defined by
37 the most recently revised poverty income guidelines
38 published by the United States department of health
39 and human services and cash assets of no more than
40 \$10,000.

41 (4) The applicant is enrolled in an individual or
42 group private health insurance plan.

43 (5) The applicant is unable, due to AIDS or the
44 HIV-related illness, to continue employment in order
45 to pay the costs of insurance premiums.

46 (6) Enrollment in the program is the most cost-
47 effective, available means of providing the applicant
48 with health insurance coverage.

49 b. That an applicant is required to provide the
50 following to verify eligibility for participation in

Page 7

1 the program:

2 (1) Documentation of income and assets, as
3 required by rule of the department.

4 (2) Documentation through submission of a
5 statement by the applicant's physician that the
6 applicant suffers from AIDS or an HIV-related illness
7 and that the applicant is, or will within a period of
8 6 months be, unable to continue employment.

9 c. An expedited eligibility determination process
10 to ensure that an eligible applicant is not denied
11 coverage under the applicant's existing policy due to
12 nonpayment of premiums during the determination
13 process period. This may include but is not limited
14 to accepting preapplications from any HIV-infected
15 person or the making of payments based on preliminary
16 determinations.

17 d. A requirement that following enrollment in the
18 program of a person with group-based coverage, the
19 person must apply for medical assistance, if the
20 department determines that the person is likely to be
21 eligible for payment of premiums under medical
22 assistance program pursuant to the federal Omnibus
23 Budget Reconciliation Act of 1990, section 4402, Pub.
24 L. No. 101-508.

25 e. A requirement that, if the state elects to pay
26 premiums for individual-based coverage under, and if
27 the department determines that the person would be
28 eligible for payment of premiums under medical
29 assistance program under the provisions of the federal
30 Omnibus Budget Reconciliation Act of 1990, section
31 4402, Pub. L. No. 101-508, following enrollment in the
32 program of a person with such coverage, the person
33 must apply for medical assistance.

34 f. That all information relating to an applicant
35 is confidential information and the provisions of
36 chapter 141 are applicable to the information.

37 4. The department shall provide a preliminary
38 report to the general assembly by January 1, 1992, and
39 a final report to the general assembly by January 1,
40 1993, regarding the cost-effectiveness of the pilot
41 program, the impact of the requirements of federal law
42 on the pilot program, and the current and projected
43 costs to the state for payment of medical assistance
44 for the health care costs of persons with AIDS or HIV-
45 related illnesses.

46 5. For the purposes of this section, "AIDS" and
47 "HIV" mean "AIDS" and "HIV" as defined in section
48 141.21.

49 6. For the purposes of this section, "health
50 insurance plan" includes nonprofit health service

Page 8

1 cooperation contracts regulated under chapter 514 and
2 health maintenance organization evidences of coverage
3 regulated under chapter 514B.

4 7. As a condition, limitation, and qualification
5 of the funds appropriated in this section, the
6 department may transfer not more than \$10,000 of the
7 funds appropriated in this section to the
8 appropriation in this division for general
9 administration to be used for administrative costs
10 associated with this program. The department is
11 authorized a 0.5 FTE position in addition to the
12 positions authorized in the appropriation in this
13 division for general administration in order to
14 administer the program.

15 8. The program shall start by October 1, 1991, and
16 the department is authorized to adopt emergency rules
17 to implement the provisions of this section by that
18 date.

19 Sec. 106. STATE SUPPLEMENTARY ASSISTANCE. There
20 is appropriated from the general fund of the state to
21 the department of human services for the fiscal year
22 beginning July 1, 1991, and ending June 30, 1992, the
23 following amount, or so much thereof as is necessary,
24 to be used for the purpose designated:

25 For state supplementary assistance:

26\$ 19,000,391

27 The department shall increase the personal needs
28 allowance for residents of residential care facilities
29 by the same percentage and at the same time as federal
30 supplemental security and federal social security
31 benefits are increased due to a recognized increase in
32 the cost of living. The department may adopt
33 emergency rules to implement the provisions of this
34 paragraph.

35 Sec. 107. AID TO INDIANS. There is appropriated
36 from the general fund of the state to the department
37 of human services for the fiscal year beginning July
38 1, 1991, and ending June 30, 1992, the following
39 amount, or so much thereof as is necessary, to be used
40 for the purpose designated:

41 For aid to Indians under section 252.43:

42\$ 38,000

43 The tribal council shall not use more than 5
44 percent of the funds for administration purposes. The
45 department may adopt emergency rules to implement the
46 provisions of this paragraph.

47 Sec. 108. CHILD DAY CARE ASSISTANCE. There is
48 appropriated from the general fund of the state to the
49 department of human services for the fiscal year
50 beginning July 1, 1991, and ending June 30, 1992, the

Page 9

1 following amount, or so much thereof as is necessary,
2 to be used for the purposes designated:

3 For protective child day care assistance and state
4 child care assistance:

5\$ 7,104,072

6 1. It is the intent of the general assembly that
7 \$3,107,695 of the funds appropriated in this section
8 be used for protective child day care assistance.

9 2. It is the intent of the general assembly that
10 \$3,737,446 of the funds appropriated in this section
11 be used for state child care assistance.

12 3. a. The funds allocated in this section for
13 protective and state child care assistance shall be
14 allocated to the department of human services
15 districts and each district shall distribute the
16 allocation to the counties within the district. If a
17 district determines that a specified portion of the
18 funds provided to a county is sufficient to meet the
19 county's current demand and projected growth, the
20 district may transfer the excess amount of funds to
21 another county. If the district determines that a
22 specified portion of the funds provided to the
23 district is sufficient to meet the district's current
24 demand and projected growth for the remainder of the
25 fiscal year, the excess amount may be transferred for
26 use in another district.

27 b. For state child care assistance, eligibility
28 shall be limited to children whose family income is
29 equal to or less than 150 percent of the federal
30 office of management and budget poverty guidelines.
31 However, on or after October 1, 1991, the department
32 may increase the income eligibility limit to be equal
33 to or less than 75 percent of the Iowa median family
34 income. Every effort shall be made to provide
35 assistance for the entire fiscal year to families
36 remaining eligible before providing assistance to
37 eligible families who have not received assistance
38 previously. For the entire fiscal year, the
39 department shall develop a priority ranking of
40 requirements for families who receive assistance, with
41 special priority given to foster care families within
42 the income guidelines. The requirements may include
43 but are not limited to all of the following:

44 (1) Families with an income equal to or less than
45 150 percent of the federal office of management and
46 budget poverty guidelines.

47 (2) Single parent families who are at risk of
48 becoming eligible for the aid to families with
49 dependent children programs.

50 (3) Families who have exhausted eligibility for

Page 10

1 transitional child care assistance.

2 (4) Adolescent parents attending school.

3 (5) Families who have children with special needs.

4 (6) Families who are providing foster care if both

5 foster parents are employed and child day care is

6 consistent with the case plan.

7 (7) Families with an income greater than 150

8 percent of the federal office of management and budget

9 poverty guidelines but no more than 75 percent of the

10 Iowa median family income.

11 c. The department may adopt emergency rules

12 necessary to qualify to receive funding from the

13 federal child care development block grant and the

14 federal at-risk child care program. If required as a

15 condition of receiving these funds, the rules may

16 provide for eligibility, health and safety

17 requirements, parental access to children,

18 reimbursement rates, types of service provided,

19 licensing standards, complaint registration

20 procedures, or other rules necessary to establish a

21 simplified or consolidated child day care policy.

22 d. Nothing in this section shall be construed or

23 is intended as, or shall imply, a grant of entitlement

24 for services to persons who are eligible for

25 assistance due to an income level consistent with the

26 requirements of this section. Any state obligation to

27 provide services pursuant to this section is limited

28 to the extent of the funds appropriated under this

29 section.

30 4. Of the funds appropriated in this section,

31 \$258,931 is allocated for the fiscal year beginning

32 July 1, 1991, for the statewide program for child day

33 care resource and referral services under section

34 237A.26.

35 5. The department may use any of the funds

36 appropriated in this section as a match to obtain

37 federal grants for use in expanding child day care

38 assistance and related programs.

39 Sec. 109. TRANSITIONAL CHILD CARE ASSISTANCE.

40 There is appropriated from the general fund of the

41 state to the department of human services for the

42 fiscal year beginning July 1, 1991, and ending June

43 30, 1992, the following amount, or so much thereof as

44 is necessary, to be used for the purpose designated:

45 For transitional child care assistance:

46\$ 323,311

47 Notwithstanding section 239.21, the department of

48 human services shall provide the transitional child

49 care program in accordance with the federal Family

50 Support Act of 1988, Pub. L. No. 100-485, § 302, and

Page 11

1 applicable federal regulations. Reimbursement for
2 services shall be limited to registered or licensed
3 child day care providers and programs providing care,
4 supervision, or guidance of a child which is not
5 included under the definition of "child day care"
6 pursuant to section 237A.1, subsection 7.

7 Sec. 110. JOBS PROGRAM. There is appropriated
8 from the general fund of the state to the department
9 of human services for the fiscal year beginning July
10 1, 1991, and ending June 30, 1992, the following
11 amount, or so much thereof as is necessary, to be used
12 for the purposes designated:

13 For the JOBS program:

14\$ 4,307,610

15 1. Of the funds appropriated in this section,
16 \$3,255,610 is allocated for the JOBS program. If in
17 accordance with federal requirements, effective
18 September 1, 1991, reimbursement under the JOBS
19 program for child day care services shall be limited
20 to registered or licensed child day care providers and
21 programs providing care, supervision, or guidance of a
22 child which is not included under the definition of
23 "child day care" pursuant to section 237A.1,
24 subsection 7. However, this requirement shall not
25 apply to persons specified by rule as an aid to
26 families with dependent children relative or as
27 otherwise eligible for reimbursement because a
28 licensed or registered child day care provider or
29 program is not available.

30 2. Of the funds allocated in this section, \$52,000
31 is allocated for the food stamp employment and
32 training program.

33 3. It is the intent of the general assembly that
34 the department of human services apply to the
35 corporation for enterprise development for Iowa's
36 participation in the study phase of a "state human
37 investment policy" demonstration project. Of the
38 funds appropriated in this section, up to \$75,000
39 shall be used for costs associated with Iowa's
40 participation in the project. The department shall
41 make efforts to obtain additional private and federal
42 funding for the project, and shall submit quarterly
43 reports on the status of the project to the
44 legislative fiscal bureau.

45 4. As a condition, limitation, and qualification
46 of the funds appropriated in this section, the
47 department shall work with family development and
48 self-sufficiency grantees and the state's community
49 action agencies to develop a structure that permits
50 initiatives which raise local funds to match federal

Page 12

1 funds under the JOBS program in order to expand or to
 2 develop additional family development program
 3 initiatives.

4 Sec. 111. CHILD SUPPORT RECOVERY. There is
 5 appropriated from the general fund of the state to the
 6 department of human services for the fiscal year
 7 beginning July 1, 1991, and ending June 30, 1992, the
 8 following amount, or so much thereof as is necessary,
 9 to be used for the purposes designated:

10 For child support recovery, including salaries,
 11 support, maintenance, miscellaneous purposes, and for
 12 not more than the following full-time equivalent
 13 positions:

14	\$	3,134,277
15 .....FTEs		253.50

16 1. The director of human services, within the
 17 limitations of the funds appropriated in this section,
 18 or funds transferred from the aid to families with
 19 dependent children program for this purpose, may
 20 establish new positions and add additional employees
 21 to the child support recovery unit when the director
 22 determines that both the current and additional
 23 employees together can reasonably be expected to
 24 recover for the aid to families with dependent
 25 children program and the nonpublic assistance support
 26 recovery program more than twice the amount of money
 27 required to pay the salaries and support for both the
 28 current and additional employees or the new positions
 29 are necessary for compliance with federal requirements
 30 and the anticipated increased recovery amount exceeds
 31 the cost of salaries and support for the new
 32 positions. In the event the director adds additional
 33 employees, the department shall demonstrate the cost-
 34 effectiveness of the current and additional employees
 35 by reporting to the joint human services
 36 appropriations subcommittee the ratio of the total
 37 amount of administrative costs for child support
 38 recoveries to the total amount of the child support
 39 recovered.

40 2. Notwithstanding any other provision in law,
 41 nonpublic assistance application and user fees
 42 received by the child support recovery program are
 43 appropriated and shall be used for the purposes of the
 44 program. The department may adopt emergency rules as
 45 necessary to implement the provisions of this
 46 subsection. The director of human services may exceed
 47 the full-time equivalent position limit authorized in
 48 this section if fees collected relating to the new
 49 positions are sufficient to pay the salaries and
 50 support for the positions. The director shall report

Page 13

1 any new positions added pursuant to this section to
 2 the chairpersons and ranking members of the joint
 3 human services appropriations subcommittee and the
 4 legislative fiscal bureau. The department may adopt
 5 emergency rules as necessary to implement the
 6 provisions of this subsection.

7 3. The director of human services, in consultation
 8 with the department of management and the legislative
 9 fiscal committee, is authorized to receive and deposit
 10 state child support incentive earnings in the manner
 11 specified under applicable federal requirements.

12 4. The director of human services may establish
 13 new positions and add additional state employees to
 14 the child support recovery unit if the director
 15 determines the employees are necessary to replace
 16 county-funded positions eliminated due to termination,
 17 reduction, or nonrenewal of a chapter 28E contract.
 18 However, the director must also determine that the
 19 resulting increase in the state share of child support
 20 recovery incentives exceeds the cost of the positions,
 21 the positions are necessary to ensure continued
 22 federal funding of the program, or the new positions
 23 can reasonably be expected to recover more than twice
 24 the amount of money to pay the salaries and support
 25 for the new positions.

26 Sec. 112. JUVENILE INSTITUTIONS. There is
 27 appropriated from the general fund of the state to the
 28 department of human services for the fiscal year
 29 beginning July 1, 1991, and ending June 30, 1992, the
 30 following amounts, or so much thereof as is necessary,
 31 to be used for the purposes designated:

32 For the operation of the state training school and
 33 the Iowa juvenile home, including salaries, support,
 34 maintenance, miscellaneous purposes, and for not more
 35 than the following full-time equivalent positions:

36 1. For the Iowa juvenile home at Toledo:		
37	\$	4,703,508
38	FTEs	128.50
39 2. For the state training school at Eldora:		
40	\$	8,070,507
41	FTEs	229.00

42 3. It is the intent of the general assembly that
 43 during the fiscal year beginning July 1, 1991, the
 44 population levels at the state juvenile institutions
 45 shall not exceed the population guidelines established
 46 under 1990 Iowa Acts, chapter 1239, section 21. It is
 47 also the intent of the general assembly that the state
 48 juvenile institutions apply for an adolescent
 49 pregnancy prevention grant for the fiscal year
 50 beginning July 1, 1991.

Page 14

1 Sec. 113. FOSTER CARE. There is appropriated from
2 the general fund of the state to the department of
3 human services for the fiscal year beginning July 1,
4 1991, and ending June 30, 1992, the following amount,
5 or so much thereof as is necessary, to be used for the
6 purpose designated:

7 For foster care:
8\$ 53,366,361

9 1. As a condition, limitation, and qualification
10 of the funds appropriated in this section, the
11 department shall use moneys appropriated in this
12 section to establish 30 or more enhanced service group
13 care facility beds during the fiscal year beginning
14 July 1, 1991. The department may use moneys
15 appropriated in this section to provide enhanced
16 funding of services to family foster homes to avert
17 placement of children in group care facilities and may
18 continue to provide enhanced funding of services to
19 group care facilities to avert placement of children
20 in more expensive, less appropriate out-of-state
21 facilities or in a state juvenile institution. The
22 department shall give priority to serving children
23 whose placement at the state training school or the
24 Iowa juvenile home would cause the state juvenile
25 institution to exceed the population guidelines
26 established under 1990 Iowa Acts, chapter 1239,
27 section 21.

28 2. The department may transfer a portion of the
29 funds appropriated in this section to provide
30 subsidized adoption services or to purchase adoption
31 services, if funds allocated in this section for
32 adoption services are insufficient.

33 3. The department and state court administrator
34 shall work together in implementing an agreement which
35 enables the state to receive funding for eligible
36 cases under the federal Social Security Act, Title IV-
37 E.

38 4. Not more than 25 percent of the children placed
39 in foster care funded under the federal Social
40 Security Act, Title IV-E, shall be placed in foster
41 care for a period of more than 24 months.

42 5. Of the funds appropriated in this section,
43 \$92,000 is allocated for the foster home insurance
44 fund. Notwithstanding section 237.13, the department
45 may use funds appropriated in this section to purchase
46 liability insurance for licensed foster parents in
47 lieu of providing payment for claims filed against the
48 foster home insurance fund, if comparable coverage can
49 be obtained through private insurance.
50 Notwithstanding section 8.33, funds remaining in the

Page 15

1 foster home insurance fund on June 30, 1992, shall not
2 revert to the general fund but shall remain available
3 for expenditure in the fiscal year beginning July 1,
4 1992, for the purposes designated.

5 6. As a condition, limitation, and qualification
6 of the funds appropriated in this section, the
7 department shall review the need to provide additional
8 day treatment alternatives within the child welfare
9 system and the potential to provide additional
10 services by including day treatment provided by
11 psychiatric medical institutions for children as a
12 service reimbursed under medical assistance. The
13 department shall identify the effect of providing day
14 treatment services reimbursement under medical
15 assistance upon state expenditures for residential
16 treatment and other foster care services. The
17 department may use funds appropriated in this Act for
18 medical assistance to pay the nonfederal share of
19 costs for services reimbursed under medical assistance
20 which are provided in a psychiatric medical
21 institution for children.

22 7. The department may use \$30,000 of the funds
23 appropriated in this section to contract for a study
24 of the effectiveness of needs-based and therapeutic
25 family foster care and enhanced residential care.

26 8. As a condition, limitation, and qualification
27 of the funds appropriated in this section, the
28 department shall develop a therapeutic foster care
29 program in at least 1 district in the state. The
30 program's foster care worker support staff shall serve
31 not more than 7 foster families and shall provide
32 respite and special support services to foster parents
33 to enable them to serve in an active treatment
34 capacity with the children under their care. Of the
35 funds appropriated in this section, up to \$200,000
36 shall be used for therapeutic foster care
37 reimbursement and \$284,667 for 8.00 FTEs under the
38 appropriation in this Act for field operations.

39 9. Funds appropriated in this section may be used
40 to recruit foster parents and to provide preservice
41 and in-service training for foster parents.

42 10. Of the funds appropriated in this section, up
43 to \$140,000 may be used to develop and maintain the
44 state's implementation of the national adoption and
45 foster care information system pursuant to the
46 requirements of Pub. L. No. 99-509.

47 11. As a condition, limitation, and qualification
48 of the funds appropriated in this section, the
49 department shall continue a family foster care
50 advisory committee to examine department practices and

Page 16

1 policies to improve the recruitment and retention of
2 foster parents, provide training and professional
3 guidance where appropriate, and seek the involvement
4 of family foster care providers in designing,
5 developing, and participating in the creation of
6 therapeutic foster family homes. The department shall
7 review initiatives of other states in recruiting
8 foster parents from appropriate families who are
9 recipients of public assistance. In consultation with
10 the advisory committee, the department shall seek
11 federal waivers and make program modifications as
12 necessary to develop a similar program for Iowa upon
13 receiving federal approval to do so.

14 12. As a condition, limitation, and qualification
15 of the funds appropriated in this section, the
16 department shall establish specialized family foster
17 care homes and provide specialized support and respite
18 services to qualifying foster care families who accept
19 infants with chemical addictions from intrauterine
20 transmission who would otherwise remain in a hospital.

21 13. As a condition, limitation, and qualification
22 of the funds appropriated in this section, the
23 department shall continue the demonstration program to
24 decategorize child welfare services in the 4 counties
25 in which the program has commenced. The department
26 may approve additional applications from a county or
27 consortium of counties to initiate a demonstration
28 program providing the department, the boards of
29 supervisors in the counties, and the affected judicial
30 districts agree to implement the program. The
31 schedule for implementing the demonstration program in
32 additional counties shall provide that the program be
33 implemented on or after January 1, 1992. The
34 department shall establish for the demonstration
35 project counties a child welfare fund composed of all
36 or part of the amount that would otherwise be expected
37 to be used for residents of the counties for foster
38 care, family-centered services, subsidized adoption,
39 child day care, local purchase of services, state
40 juvenile institution care, mental health institute
41 care, state hospital-school care, juvenile detention,
42 department-direct services, and court-ordered
43 evaluation and treatment of juvenile services and
44 notwithstanding any other provision of law, the fund
45 shall be considered encumbered. Notwithstanding other
46 service funding provisions in law, the department
47 shall establish the fund by transferring funds from
48 the budgets affected, except for the funds
49 appropriated for the state mental health institutes,
50 the state hospital-schools, the state training school,

Page 17

1 and the Iowa juvenile home which shall remain on
2 account for the county at these institutions. The
3 child welfare fund may be used to support services and
4 payment rates not allowable within historical program
5 or service categories. A limited amount of the fund
6 may be used to support services and reimbursement
7 rates not allowable within historical program or
8 service categories and administrative rule. In
9 addition, a limited amount of the child welfare fund
10 may be used for the family assistance fund to provide
11 resources for a family to remain together or to be
12 unified. It is the intent of the general assembly
13 that the demonstration program be designed to operate
14 in a county for a 3-year period. The 3-year time
15 period for a decategorization project in Dubuque,
16 Polk, Pottawattamie, or Scott county shall be
17 considered to begin on January 1 in the first year
18 following the year in which the county's
19 decategorization project was approved by the
20 department.

21 14. As a condition, limitation, and qualification
22 of the funds appropriated in this section,
23 notwithstanding section 239.1, subsection 4, effective
24 July 1, 1991, foster care shall not be provided to
25 persons who are 18 years of age or older. The
26 department may adopt emergency rules to implement the
27 provisions of this subsection.

28 15. As a condition, limitation, and qualification
29 of the funds appropriated in this section, federal
30 financial participation provided under Title IV-E of
31 the federal Social Security Act in excess of \$595,000,
32 which is received as a result of service definition
33 changes relating to provider services shall be
34 apportioned to the providers implementing the changes.
35 The excess amount shall be apportioned after the
36 department has received all federal Title IV-E
37 payments for the fiscal year. The excess amount shall
38 be apportioned as a payment according to each pro-
39 vider's percentage of the total amount of payments
40 made to providers implementing the changes under
41 federal Title IV-E.

42 16. As a condition, limitation, and qualification
43 of the funds appropriated in this section, not more
44 than \$30,000 of the funds appropriated in this section
45 shall be used to contract with the coalition of family
46 and children's services or another suitable entity for
47 the development of a computerized foster care
48 placement information system for the state. The
49 system shall be designed utilizing previously
50 developed software techniques used in Pennsylvania and

Page 18

1 shall be capable of providing an on-line data base of
2 the availability of particular foster care placements,
3 technical support, training, and appropriate user
4 documentation.

5 Sec. 114. CHILD PROTECTIVE SYSTEM IMPROVEMENTS.

6 There is appropriated from the general fund of the
7 state to the department of human services for the
8 fiscal year beginning July 1, 1991, and ending June
9 30, 1992, the following amount, or so much thereof as
10 is necessary, to be used for the purposes designated:

11 For improvements in the state system for child
12 protection:

13\$ 561,500

14 The funding appropriated in this section shall be
15 used as determined by the department for any of the
16 following purposes:

17 1. For general administration of the department to
18 improve staff training efforts.

19 2. For oversight of termination of parental rights
20 and permanency planning efforts on a statewide basis
21 on the condition that regular reports regarding the
22 statewide program efforts shall be provided to the
23 legislative fiscal bureau.

24 3. For use by the department in general
25 administration to promote innovative treatment
26 programs, write grants to obtain federal and private
27 funding, and promote public and private efforts to
28 treat and prevent child abuse.

29 4. For personnel, assigned by the attorney
30 general, to provide additional services relating to
31 termination of parental rights and child in need of
32 assistance cases.

33 5. For funding of the state multidisciplinary team
34 to assist with difficult cases within the child abuse
35 and foster care system and with respect to child
36 protective investigation and initial case planning and
37 to develop and coordinate local multidisciplinary
38 teams.

39 6. For use by the department in conducting
40 outcome-oriented evaluations of child protection,
41 prevention, and treatment programs.

42 7. For specialized foster care permanency planning
43 field operations staff.

44 Sec. 115. HOME-BASED SERVICES. There is
45 appropriated from the general fund of the state to the
46 department of human services for the fiscal year
47 beginning July 1, 1991, and ending June 30, 1992, the
48 following amount, or so much thereof as is necessary,
49 to be used for the purpose designated:

50 For home-based services on the condition that

Page 19

1 family planning services are funded, provided that if
2 the department amends the allocation to a program
3 funded under this section, then the department shall
4 promptly notify the legislative fiscal bureau of the
5 change:

6\$ 19,414,903

7 1. Of the funds appropriated in this section,
8 \$30,000 shall be used by the department to contract
9 with universities to provide ongoing research and
10 evaluation assistance to programs and initiatives of
11 the department involving family-centered services and
12 foster care. The contracts shall make maximum use of
13 any matching resources available from the universities
14 with which the department contracts.

15 2. Of the funds appropriated in this section,
16 \$5,086,204 shall be used for family preservation and
17 reunification services and training. A limited amount
18 of the funds may be used for the family assistance
19 fund to provide other resources required for a family
20 participating in a project to stay together or to be
21 reunified. The payment system for the project shall
22 not be based upon units of time, but may be based upon
23 the cost to serve a family, including adjustments
24 according to the provider's performance and the
25 outcome of the services provided to each family. The
26 department shall use the statewide family preservation
27 and decategorization committee to assist in selecting
28 additional projects.

29 Sec. 116. COMMUNITY-BASED PROGRAMS. There is
30 appropriated from the general fund of the state to the
31 department of human services for the fiscal year
32 beginning July 1, 1991, and ending June 30, 1992, the
33 following amount, or so much thereof as is necessary,
34 to be used for the purpose designated:

35 For community-based programs:

36\$ 2,551,014

37 1. As a condition, limitation, and qualification
38 of the funds appropriated in this section, up to
39 \$19,095 shall be used by the department as the
40 financial aid from the state under section 232.142,
41 subsection 3, for the cost of the establishment,
42 improvement, operation, and maintenance of approved
43 county or multicounty juvenile homes. Notwithstanding
44 section 232.142, subsection 3, the amount provided in
45 this subsection shall be the maximum amount of
46 financial aid the state is obligated to provide
47 pursuant to that provision.

48 2. As a condition, limitation, and qualification
49 of the funds appropriated in this section, \$550,686
50 shall be used by the department for child abuse

Page 20

1 prevention grants.

2 Sec. 117. BLOCK GRANT SUPPLEMENTATION. There is
3 appropriated from the general fund of the state to the
4 department of human services for the fiscal year
5 beginning July 1, 1991, and ending June 30, 1992, the
6 following amount, or so much thereof as is necessary,
7 to be used for the purpose designated:

8 For supplementation of federal social services
9 block grant funds and for allocation to counties for
10 the purchase of local services:

11\$ 4,643,000

12 The funds appropriated in this section shall be
13 allocated to counties pursuant to the rules of the
14 department in effect on January 1, 1985. The
15 department shall increase the income guidelines for
16 income eligible persons receiving services funded with
17 federal social services block grant funds for the
18 fiscal year beginning July 1, 1991, by the same
19 percentage and at the same time as federal social
20 security benefits are increased due to a recognized
21 increase in the cost of living. The department may
22 adopt emergency rules to implement the provisions of
23 this subsection relating to an increase in the cost of
24 living.

25 Sec. 118. COURT-ORDERED SERVICES PROVIDED TO
26 JUVENILES. There is appropriated from the general
27 fund of the state to the department of human services
28 for the fiscal year beginning July 1, 1991, and ending
29 June 30, 1992, the following amount, or so much
30 thereof as is necessary, to be used for the purpose
31 designated:

32 Payment of the expenses of court-ordered services
33 provided to juveniles which are a charge upon the
34 state pursuant to section 232.141, subsection 4:

35\$ 4,013,271

36 1. It is the intent of the general assembly that
37 the funds appropriated in this section shall be used
38 in a manner that allows provision of court-ordered
39 services to juveniles for the entire specified fiscal
40 period without the need for supplemental funding. The
41 court shall consider the overall cost-effectiveness of
42 services ordered by the court for juveniles under
43 chapter 232.

44 2. As a condition, limitation, and qualification
45 of the funds appropriated in this section, and
46 notwithstanding any other provision of law, \$6,150,000
47 of the funds appropriated in this Act for home-based
48 services shall be used in providing court-ordered
49 family-centered, family preservation and family
50 reunification services designed to achieve the goals

Page 21

1 contained in a juvenile's foster care case permanency
2 plan. The department of human services shall develop
3 policies and procedures to ensure that priority for
4 these services is given to juveniles who are at-risk
5 of being adjudicated as a delinquent, being found to
6 be a child in need of assistance, or being
7 involuntarily committed under chapter 125 or 229.

8 3. As a condition, limitation, and qualification
9 of the funds appropriated in this section, and
10 notwithstanding section 232.141 or any other provision
11 of law, the funds appropriated in this section shall
12 be allocated to the judicial districts as provided in
13 this subsection. The allocations to the districts
14 shall be made according to a formula developed
15 pursuant to recommendations of a committee consisting
16 of a representative of the director of human services,
17 a representative of the state court administrator, a
18 representative of the Iowa state association of
19 counties, and a representative of service providers
20 selected by the coalition of family and children's
21 services. The recommendations shall be based upon
22 each judicial district's utilization of juvenile
23 justice moneys paid pursuant to section 232.141,
24 subsection 4, during the period beginning July 1,
25 1985, and ending June 30, 1990. However, to the
26 extent possible, services paid for pursuant to that
27 section that would have been eligible for payment
28 under other provisions shall not be included. The
29 judicial district's population of juveniles,
30 adjudicated juvenile delinquents, and children and
31 families found to be in need of assistance, during the
32 period beginning January 1, 1990, and ending December
33 31, 1990, shall also be considered in developing the
34 recommendations. The state court administrator shall
35 make the final decision on the allocations on or
36 before June 15, 1991.

37 4. Each judicial district shall establish a
38 planning group for the court-ordered services for
39 juveniles provided in that district. A district
40 planning group shall be appointed by the chief judge
41 of the judicial district and shall include local
42 representatives of the department of human services,
43 youth advocates, public defenders where appropriate,
44 the judicial department, county officials or staff,
45 and service providers. A district planning group
46 shall meet at least quarterly and shall perform all of
47 the following activities:

48 a. Establish service priorities for spending the
49 court-ordered services funds allocated to the
50 district.

Page 22

1 b. Develop procedures to evaluate and improve the
2 quality and effectiveness of the services being
3 provided.

4 c. Make recommendations concerning changes in the
5 child welfare system that are needed to ensure that
6 children and families receive the services necessary
7 to meet their unique needs.

8 d. Make efforts to ensure quality services are
9 provided at a reasonable cost.

10 e. Consider billings submitted for payment under
11 this section to ensure that no other payment source is
12 available.

13 Each district planning group shall submit an annual
14 report to the state court administrator and the
15 department of human services. The administrator and
16 the department shall compile these reports and submit
17 the reports to the chairpersons and ranking members of
18 the joint human services appropriations subcommittee
19 and the legislative fiscal bureau.

20 5. On or before June 15, 1991, the department of
21 human services shall develop policies and procedures
22 to ensure that the funds appropriated in this section
23 are spent only after all reasonable efforts have been
24 made to utilize other funding sources and community-
25 based services. The policies and procedures shall be
26 designed to achieve the following objectives relating
27 to services provided under chapter 232:

28 a. Maximize the utilization of funds which may be
29 available from the medical assistance program
30 including usage of the early preventive, screening,
31 diagnosis, and treatment (EPSDT) program.

32 b. Recover payments from any third-party insurance
33 coverage which is liable for coverage of the services,
34 including health insurance coverage.

35 c. Pursue development of agreements with regularly
36 utilized out-of-state service providers which are
37 intended to reduce per diem costs.

38 6. The department of human services, in
39 consultation with the state court administrator and
40 the judicial district planning groups, shall compile a
41 monthly report describing spending in the districts
42 for court-ordered services for juveniles, including
43 the utilization of the medical assistance program.
44 The reports shall be submitted on or before the
45 twentieth day of each month to the chairpersons and
46 ranking members of the joint human services
47 appropriations subcommittee and the legislative fiscal
48 bureau.

49 7. Notwithstanding chapter 232 or any other
50 provision of law, a district or juvenile court in a

Page 23

1 department of human services district shall not order
2 any service which is a charge upon the state pursuant
3 to section 232.141 if there are insufficient funds
4 available in the district allocation to pay for the
5 service. The chief juvenile court officer shall work
6 with the district planning group to encourage use of
7 the funds appropriated in this section such that there
8 are sufficient funds during the entire year. The
9 eight chief juvenile court officers shall attempt to
10 anticipate potential surpluses and shortfalls in the
11 allocations and shall cooperatively transfer funds
12 between the districts' allocations as prudent.
13 8. Notwithstanding any provision of law, a
14 district or juvenile court shall not order a county to
15 pay for any service provided to a juvenile pursuant to
16 an order entered under chapter 232 which is a charge
17 upon the state under section 232.141.

18 9. As a condition, limitation, and qualification
19 of the funds appropriated in this section, and
20 notwithstanding any provision of law to the contrary,
21 \$50,000 of the funds appropriated in this section may
22 be used by the department for the administration of
23 the programs and services provided pursuant to orders
24 entered under chapter 232, as a supplement to funds
25 provided in other appropriations. The department
26 shall cooperate with the legislative fiscal bureau in
27 developing a management information system for
28 spending for services ordered under chapter 232.

29 10. As a condition, limitation, and qualification
30 of the funds appropriated in this section, up to
31 \$202,000 of the funds appropriated in this section may
32 be used by the judicial department for administration
33 of the requirements under this section and for travel
34 associated with court-ordered placements which are a
35 charge upon the state pursuant to section 232.141,
36 subsection 4.

37 11. The department of human services may adopt
38 emergency rules to implement the provisions of this
39 section.

40 Sec. 119. IOWA VETERANS HOME. There is
41 appropriated from the general fund of the state to the
42 department of human services for the fiscal year
43 beginning July 1, 1991, and ending June 30, 1992, the
44 following amount, or so much thereof as is necessary,
45 to be used for the purposes designated:

46 For operation of the Iowa veterans home, including
47 salaries, support, maintenance, miscellaneous
48 purposes, and for not more than the following full-
49 time equivalent positions:

50\$ 29,522,461

Page 24

1FTEs 821.80

2 The department may use the gifts accepted by the
3 director of human services pursuant to section 218.96
4 and other resources available to the department for
5 use at the Iowa veterans home for purposes identified
6 by the department.

7 Sec. 120. MENTAL HEALTH INSTITUTES. There is
8 appropriated from the general fund of the state to the
9 department of human services for the fiscal year
10 beginning July 1, 1991, and ending June 30, 1992, the
11 following amounts, or so much thereof as is necessary,
12 to be used for the purposes designated:

13 For the state mental health institutes for

14 salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-
16 time equivalent positions:

17 1. State mental health institute at Cherokee:

18\$ 14,928,541

19FTEs 389.75

20 2. State mental health institute at Clarinda:

21\$ 6,575,503

22FTEs 160.61

23 Effective July 1, 1991, the long-term substance
24 abuse beds in the state mental health institute at
25 Clarinda shall be closed.

26 3. State mental health institute at Independence:

27\$ 16,005,884

28FTEs 436.27

29 4. State mental health institute at Mount

30 Pleasant:

31\$ 9,260,073

32FTEs 211.50

33 Sec. 121. HOSPITAL-SCHOOLS. There is appropriated
34 from the general fund of the state to the department
35 of human services for the fiscal year beginning July
36 1, 1991, and ending June 30, 1992, the following
37 amounts, or so much thereof as is necessary, to be
38 used for the purposes designated:

39 For the state hospital-schools, for salaries,

40 support, maintenance, miscellaneous purposes, and for
41 not more than the following full-time equivalent
42 positions:

43 1. State hospital-school at Glenwood:

44\$ 39,142,956

45FTEs 1,157.00

46 2. State hospital-school at Woodward:

47\$ 32,054,985

48FTEs 931.85

49 Sec. 122. MENTAL HEALTH AND MENTAL RETARDATION
50 SERVICES FUND. There is appropriated from the general

Page 25

1 fund of the state to the state community mental health
2 and mental retardation services fund established in
3 section 225C.7 for the fiscal year beginning July 1,
4 1991, and ending June 30, 1992, the following amount,
5 or so much thereof as is necessary:

6\$ 2,000,000

7 1. Notwithstanding 1990 Iowa Acts, chapter 1250,
8 section 18, \$1,200,000 of the funds appropriated to
9 the special mental health services fund established in
10 that section shall be transferred to the state
11 community mental health and mental retardation
12 services fund established in section 225C.7 and shall
13 be used in addition to the funds appropriated in this
14 section for the purposes designated. The amount
15 transferred pursuant to this section and section 123
16 of this Act shall not be subject to the formula
17 provided in 1990 Iowa Acts, chapter 1250, section 18,
18 subsection 4.

19 2. Notwithstanding section 225C.7 and any other
20 provision of chapter 225C or other provision of law,
21 the state community mental health and mental
22 retardation services fund shall not be divided into
23 two parts but shall be distributed only as provided in
24 chapter 225C for the general allocation.

25 Sec. 123. ENHANCED SERVICES — COUNTY PAYMENT.

26 Notwithstanding 1990 Iowa Acts, chapter 1250, section
27 18, \$2,360,000 of the funds appropriated to the
28 special mental health services fund established in
29 that section, or so much thereof as is necessary,
30 shall be transferred to supplement the appropriation
31 in section 127 of this Act for the state candidate
32 services fund for the purpose of providing funds to
33 counties pursuant to section 127, subsection 5. The
34 amount transferred pursuant to this section and
35 section 122 of this Act shall not be subject to the
36 formula provided in 1990 Iowa Acts, chapter 1250,
37 section 18, subsection 4.

38 Sec. 124. MENTAL HEALTH — MENTAL RETARDATION —
39 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
40 appropriated from the general fund of the state to the
41 department of human services for the fiscal year
42 beginning July 1, 1991, and ending June 30, 1992, the
43 following amount, or so much thereof as is necessary,
44 to be used for the purpose designated:

45 For mental health, mental retardation, and
46 developmental disabilities special services:

47\$ 382,500

48 1. The department and the Iowa finance authority
49 shall develop methods to implement the financing for
50 existing community-based facilities and to implement

Page 26

1 financing for small community-based facilities,
2 including those facilities which may be developed
3 under a federally approved home and community-based
4 waiver for services provided under the medical
5 assistance program. The department shall develop
6 criteria for these facilities which may include
7 provisions to restrict placements to current state
8 hospital-school clients or to avert the placement of
9 persons in a state hospital-school. The department
10 shall assure that clients are referred to these
11 facilities upon their development.

12 2. Of the funds appropriated in this section,
13 \$257,219 is allocated to provide supplemental per
14 diems to community-based residential care facilities
15 and community living arrangements. The per diem is
16 restricted to clients placed from the state hospital-
17 schools and persons averted from placement in a state
18 hospital-school who meet the appropriate level of
19 functioning for this type of care.

20 3. Of the funds appropriated in this section,
21 \$125,281 is allocated to provide funds for
22 construction and start-up costs to develop community
23 living arrangements to provide for persons who are
24 mentally ill and homeless. These funds may be used to
25 match federal Stewart B. McKinney Homeless Assistance
26 Act grant funds.

27 4. As a condition, limitation, and qualification
28 of the funds appropriated in this section, the
29 department shall adopt rules pursuant to chapter 17A
30 providing for reimbursement under state supplementary
31 assistance to pay for supervised apartment living and
32 cooperative housing arrangements for persons with
33 disabilities. The rules shall take effect July 1,
34 1992.

35 Sec. 125. FAMILY SUPPORT SUBSIDY PROGRAM. There
36 is appropriated from the general fund of the state to
37 the department of human services for the fiscal year
38 beginning July 1, 1991, and ending June 30, 1992, the
39 following amount, or so much thereof as is necessary,
40 to be used for the purpose designated:

41 For the family support subsidy program: .
42\$ 621,860

43 Sec. 126. SPECIAL NEEDS GRANTS. There is
44 appropriated from the general fund of the state to the
45 department of human services for the fiscal year
46 beginning July 1, 1991, and ending June 30, 1992, the
47 following amount, or so much thereof as is necessary,
48 to be used for the purpose designated:

49 To provide special needs grants to families with a
50 family member at home who has a developmental

Page 27

1 disability or to a person with a developmental
 2 disability:
 3\$ 55,000

4 Grants must be used by a family to defray special
 5 costs of caring for the family member to prevent out-
 6 of-home placement of the family member or to provide
 7 for independent living costs. A grant may provide up
 8 to \$5,000 per person for costs associated with an
 9 assistive animal. The grants may be administered by a
 10 private nonprofit agency which serves people statewide
 11 provided that no administrative costs are received by
 12 the agency. Regular reports regarding coordination of
 13 the special needs grants with the family support
 14 subsidy program shall be provided to the legislative
 15 fiscal bureau.

16 Sec. 127. ENHANCED MENTAL HEALTH — MENTAL
 17 RETARDATION — DEVELOPMENTAL DISABILITIES SERVICES.

18 There is appropriated from the general fund of the
 19 state to the department of human services for the
 20 fiscal year beginning July 1, 1991, and ending June
 21 30, 1992, the following amount, or so much thereof as
 22 is necessary, to be used for the purpose designated:

23 For the state candidate services fund:
 24\$ 2,545,911

25 1. The enhanced mental health, mental retardation,
 26 and developmental disabilities services plan oversight
 27 committee is continued, as established under 1988 Iowa
 28 Acts, chapter 1276, section 14, subsection 1, for the
 29 fiscal year which begins July 1, 1991, and ends June
 30 30, 1992. The oversight committee shall issue a final
 31 decision regarding any issue of disagreement between a
 32 county and the department relating to expenditures for
 33 candidate services or the county's maintenance of
 34 effort.

35 2. For purposes of this section, "candidate
 36 services" means day treatment, partial
 37 hospitalization, and case management.

38 3. a. The county of legal settlement shall be
 39 billed for 50 percent of the nonfederal share of the
 40 cost of case management provided to adults, day
 41 treatment, and partial hospitalization provided under
 42 the medical assistance program for persons with mental
 43 retardation, a developmental disability, or chronic
 44 mental illness.

45 b. If the department has contracted with a county
 46 or a consortium of counties to be the provider of case
 47 management services, the department is responsible for
 48 any costs included within the unit rate for case
 49 management services which are disallowed for
 50 reimbursement pursuant to Title XIX of the federal

Page 28

1 Social Security Act by the federal health care
2 financing administration. The department shall use
3 funds appropriated under this section to credit a
4 county for the county's share of any amounts overpaid
5 due to the disallowed costs. If certain costs are
6 disallowed due to requirements or preferences of a
7 particular county in the provision of case management
8 services the county shall not receive credit for the
9 amount of the costs.

10 4. A county is responsible to continue to expend
11 at least the agreed upon amount expended for services
12 in the fiscal year which ended June 30, 1987, for the
13 fiscal year beginning July 1, 1991, for services to
14 persons with mental retardation, a developmental
15 disability, or chronic mental illness.

16 Notwithstanding section 8.33, if a county does not
17 expend the agreed upon amount in the fiscal year, the
18 balance not expended shall not revert to the general
19 fund of the county, but shall be carried over to the
20 next fiscal year to be expended for the provision of
21 services to persons with mental retardation, a
22 developmental disability, or mental illness including,
23 but not limited to, the chronically mentally ill, and
24 shall be used as additional funds. The additional
25 funds shall be used, to the greatest extent possible,
26 to meet unmet needs of persons with mental
27 retardation, a developmental disability, or mental
28 illness. This subsection does not relieve the county
29 from any other funding obligations required by law,
30 including but not limited to the obligations in
31 section 222.60.

32 5. The department, in conjunction with the
33 oversight committee, and with the agreement of each
34 county, shall establish the actual amount expended for
35 each candidate service for persons with mental
36 retardation, a developmental disability, or chronic
37 mental illness in the fiscal year which ended June 30,
38 1987, and this amount shall be deemed each county's
39 base year expenditure for the candidate service. A
40 disagreement between the department and a county as to
41 the actual amount expended shall be decided by the
42 oversight committee.

43 The department, in conjunction with the oversight
44 committee, and with the agreement of each county,
45 shall determine the expenditures in the fiscal year
46 beginning July 1, 1990, by each county for the
47 candidate services, including the amount the county
48 contributes under subsection 3. If the expenditures
49 in the fiscal year beginning July 1, 1990, exceed the
50 base year expenditures for candidate services, then

Page 29

1 the county shall receive from the funds appropriated
2 under this section the least amount of the following:

3 a. The difference between the total expenditures
4 for the candidate services in the fiscal year
5 beginning July 1, 1990, and the base year
6 expenditures.

7 b. The amount expended by the county under
8 subsection 3.

9 c. The amount by which total expenditures for
10 persons with mental retardation, a developmental
11 disability, or chronic mental illness for the fiscal
12 year beginning July 1, 1990, less any carryover amount
13 from the fiscal year which began July 1, 1989, exceed
14 the maintenance of effort expenditures under
15 subsection 4.

16 6. Notwithstanding section 225C.20, case
17 management services shall be provided by the
18 department except when a county or a consortium of
19 counties contracts with the department to provide the
20 services. A county or consortium of counties may
21 contract to be the provider at any time and the
22 department shall agree to the contract so long as the
23 contract meets the standards for case management
24 adopted by the department. The county or consortium
25 of counties may subcontract for the provision of case
26 management services if the subcontract meets the same
27 standards. A mental health, mental retardation, and
28 developmental disabilities coordinating board may
29 change the provider of individual case management
30 services at any time. If the current or proposed
31 contract is with the department, the coordinating
32 board shall provide written notification of a proposed
33 change to the department on or before August 15 and
34 written notification of an approved change on or
35 before October 15 in the fiscal year which precedes
36 the fiscal year in which the change will take effect.

37 7. This section does not relieve the county from
38 any other funding obligations required by law,
39 including but not limited to the obligations in
40 section 222.60.

41 8. Nothing in this Act is intended by the general
42 assembly to be the provision of a fair and equitable
43 funding formula specified in 1985 Iowa Acts, chapter
44 249, section 9. Nothing in this Act shall be
45 construed as, is intended as, or shall imply a claim
46 of entitlement to any programs or services specified
47 in section 225C.28.

48 9. For the purposes of this section only, persons
49 with organic mental disorders shall not be considered
50 chronically mentally ill.

Page 30

1 10. Where the department contracts with a county
 2 or consortium of counties to provide case management
 3 services, the state shall appear and defend the
 4 department's employees and agents acting in an
 5 official capacity on the department's behalf and the
 6 state shall indemnify the employees and agents for
 7 acts within the scope of their employment. The
 8 state's duties to defend and indemnify shall not apply
 9 if the conduct upon which any claim is based
 10 constitutes a willful and wanton act or omission or
 11 malfeasance in office.

12 Sec. 128. FIELD OPERATIONS. There is appropriated
 13 from the general fund of the state to the department
 14 of human services for the fiscal year beginning July
 15 1, 1991, and ending June 30, 1992, the following
 16 amount, or so much thereof as is necessary, to be used
 17 for the purposes designated:

18 For field operations, including salaries, support,
 19 maintenance, miscellaneous purposes, and for not more
 20 than the following full-time equivalent positions:

21 	\$	43,527,950
22 FTEs		2,310.50

23 1. Staff who are designated as "Title XIX case
 24 management staff" are considered to be in addition to
 25 the limit for full-time equivalent positions and the
 26 funds appropriated for field operations. As a
 27 condition, limitation, and qualification of the funds
 28 appropriated in this section, the department shall
 29 report quarterly to the chairpersons and ranking
 30 members of the legislative fiscal committee of the
 31 legislative council, the members of the joint human
 32 services appropriations subcommittee, and the
 33 legislative fiscal bureau regarding the total number
 34 of Title XIX case management staff positions filled,
 35 including the number of positions which were filled by
 36 persons who were already employed by the department in
 37 another capacity.

38 2. As a condition, limitation, and qualification
 39 of the funds appropriated in this section, upon the
 40 request of a county, the department shall work with
 41 the county to develop a funding plan for persons with
 42 mental retardation, a developmental disability, or
 43 chronic mental illness who are not eligible to receive
 44 case management provided under the medical assistance
 45 program and are receiving service management. With an
 46 agreed upon funding plan, the department is authorized
 47 to combine state funds that would otherwise be
 48 expended on service management with county funds to
 49 upgrade services provided to the persons from service
 50 management to case management. Staff required to

Page 31

1 implement this subsection are not subject to the
2 limitations on full-time equivalent positions and
3 funds appropriated for field operations.

4 3. As a condition, limitation, and qualification
5 of the funds appropriated in this section, if the
6 field operations staffing level meets the funded full-
7 time equivalent position limit authorized in this
8 section and a district identifies a critical position
9 vacancy or a position with a caseweight factor greater
10 than 120 percent of the budgeted caseweight factor for
11 the position, the director of human services may
12 exceed the full-time equivalent position limit
13 authorized under this section in the amount necessary
14 to fill the critical position vacancy or to reduce the
15 caseweight factor to the budgeted level. For purposes
16 of this subsection, "critical position vacancy"
17 includes a clerical position in an office limited to a
18 single clerical staff position. The budgeted
19 caseweight factor for the fiscal year beginning July
20 1, 1991, and ending June 30, 1992, is 196 for income
21 maintenance workers and 191 for service workers. If
22 the department is able to increase federal financial
23 participation relating to field operations, the moneys
24 shall be used to reduce budgeted caseweight factor
25 funded by the appropriation in this section for income
26 maintenance and service workers. In addition, if the
27 field operations staffing level meets the funded full-
28 time equivalent position limit authorized in this
29 section and there is a critical position vacancy in
30 the state or the statewide average caseweight factor
31 for a particular type of position exceeds 105 percent
32 of the budgeted caseweight factor for that type of
33 position, the director of human services may exceed
34 the full-time equivalent position limit authorized in
35 this section in an amount necessary to fill the
36 critical position vacancy or to reduce the caseweight
37 factor to the budgeted level. The department shall
38 report monthly to the chairpersons and ranking members
39 of the joint human services appropriations
40 subcommittee and to the legislative fiscal bureau
41 regarding caseweight factor computations in each
42 district, the statewide average caseweight factor, the
43 existence of a critical position vacancy in any
44 district, and action taken by the department to
45 address any critical position vacancy problem or
46 excess caseweight factor.

47 4. Notwithstanding the full-time equivalent
48 position limit authorized in this section, a county
49 implementing a decategorization project, consistent
50 with the county's decategorization plan, may modify

Page 32

1 the staffing level in the county's human services
2 office and the modification shall not affect other
3 county or district human services staffing levels and
4 shall not be considered to be subject to the full-time
5 equivalent position limit in this section.

6 5. As a condition, limitation, and qualification
7 of the funds appropriated in this section, the
8 department shall review the current field operations
9 service delivery system structure. Within the funds
10 budgeted and full-time equivalent positions authorized
11 under this appropriation, the department shall make
12 changes necessary to improve the system's
13 administrative efficiency and effectiveness and to
14 streamline these functions. Emphasis shall be placed
15 upon increasing the program support, training, and
16 supervision of staff who work directly with clients.

17 6. As a condition, limitation, and qualification
18 of the funds appropriated in this section, the
19 department, in consultation with the child development
20 coordinating council and the family development and
21 self-sufficiency council, shall develop a proposal for
22 submission to the federal family support
23 administration for a state family resource and support
24 program grant under the federal Family Resource and
25 Support Act of 1990, H.R. 4151, § 946. The department
26 may also apply for a planning grant under that Act.
27 In making application, the department shall build upon
28 existing effective programs in Iowa provided through
29 the child development coordinating council, the family
30 development and self-sufficiency council, adolescent
31 pregnancy prevention grants, and child abuse pre-
32 vention grants.

33 7. As a condition, limitation, and qualification
34 of the funds appropriated in this section, the
35 department shall consolidate into a single report the
36 cost reports used by service providers for
37 reimbursement under the state supplementary assistance
38 program and for reimbursement of purchase of service
39 contracts under the social services block grant. This
40 consolidation shall be completed on or before October
41 1, 1991.

42 Sec. 129. GENERAL ADMINISTRATION. There is
43 appropriated from the general fund of the state to the
44 department of human services for the fiscal year
45 beginning July 1, 1991, and ending June 30, 1992, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purposes designated:

48 For general administration, including salaries,
49 support, maintenance, miscellaneous purposes, and for
50 not more than the following full-time equivalent

Page 33

1 positions:

2\$ 9,187,673

3FTEs 352.95

4 1. Full-time equivalent positions which are funded
5 entirely with federal, public, or private grants are
6 exempt from the limits on the number of full-time
7 equivalent positions provided in this section, but are
8 approved only for the period of time for which the
9 federal funds or grants are available for the
10 position.

11 2. As a condition, limitation, and qualification
12 of the funds appropriated in this section, if a state
13 institution administered by the department is to be
14 closed or reduced in size, prior to the closing or
15 reduction the department shall initiate and coordinate
16 efforts in cooperation with the Iowa department of
17 economic development to develop new jobs in the area
18 in which the state institution is located.

19 3. As a condition, limitation, and qualification
20 of the funds appropriated in this section, the
21 department shall seek federal approval of home and
22 community-based waivers for services provided under
23 medical assistance to persons with mental retardation,
24 mental illness, or developmental disabilities and
25 effective February 1, 1992, contingent upon federal
26 approval of the waivers, the department shall take all
27 measures necessary to implement the waivers,
28 including, but not limited to, filling not more than
29 12 employee positions to perform duties as necessary
30 to implement the waivers. The department shall fill
31 the positions in a manner which results in the
32 positions being equivalent to 4.00 FTEs for the fiscal
33 year, however, the positions shall be annualized for
34 the purposes of establishing the number of full-time
35 equivalent positions in this appropriation for the
36 fiscal year.

37 4. As a condition, limitation, and qualification
38 of the funds appropriated in this section, \$30,000
39 shall be transferred to the governor's planning
40 council for developmental disabilities for use in
41 contracting to continue operating a computerized
42 information and referral project for Iowans with
43 developmental disabilities and their families.

44 5. As a condition, limitation, and qualification
45 of the funds appropriated in this section, the
46 department shall apply to the Robert Wood Johnson
47 foundation for a grant to investigate the feasibility
48 of establishing a system with a single state authority
49 and regional subauthorities for the planning, funding,
50 and administration of services for persons with mental

Page 34

1 illness. The application process shall be coordinated
2 with the requirements of the federal Mental Health
3 Planning Act, Pub. L. No. 99-660 and federal mental
4 health law amendments enacted in 1990. The department
5 shall work with legislators, advocacy groups, county
6 representatives, and service providers as necessary in
7 developing the grant application.

8 Sec. 130. VOLUNTEERS. There is appropriated from
9 the general fund of the state to the department of
10 human services for the fiscal year beginning July 1,
11 1991, and ending June 30, 1992, the following amount,
12 or so much thereof as is necessary, to be used for the
13 purpose designated:

14 For development and coordination of volunteer
15 services:

16\$ 93,283

17 Sec. 131. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
18 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED
19 UNDER THE DEPARTMENT OF HUMAN SERVICES.

20 1. a. For the fiscal year beginning July 1, 1991,
21 the following providers shall not have their medical
22 assistance reimbursement rates increased over the
23 rates in effect on June 30, 1991: providers of
24 waived services under the home and community-based
25 programs, optometrists for service fees only,
26 opticians for service fees only, podiatrists,
27 dentists, chiropractors, physical therapists, birthing
28 centers, ambulance services, independent laboratories,
29 area education agencies, clinics, audiologists,
30 rehabilitation agencies, community mental health
31 centers, family planning clinics, psychologists,
32 hearing aid dealers, orthopedic shoe dealers,
33 ambulatory surgery centers, and genetic counseling
34 clinics. Reimbursement for optometric products shall
35 not be increased. The department of human services
36 may utilize flexibility in allocating the increase for
37 durable medical products and supplies so that
38 equipment and supplies which have greater wholesale
39 cost increases may be reimbursed at a higher rate and
40 those which have a lower or no wholesale cost increase
41 may be reimbursed at a lower rate or have no increase.
42 Reimbursement rates for physicians and certified
43 registered nurse anesthetists shall not be increased.
44 Reimbursement rates for maternal health centers and
45 pediatric services shall not be increased.

46 b. For the fiscal year beginning July 1, 1991, the
47 following shall have their medical assistance
48 reimbursement rates established at the rates in effect
49 on February 28, 1991: psychiatric medical
50 institutions for children, early preventive screening,

Page 35

1 diagnosis, and treatment providers, providers of
2 obstetric services when provided by physicians or
3 certified midwives, and durable medical products and
4 supplies.

5 c. The department shall provide a differential per
6 diem reimbursement rate to a psychiatric medical
7 institution for children for short-term treatment or
8 diagnosis services provided within a segregated unit
9 of the institution. The differential per diem
10 reimbursement rate shall not exceed 120 percent of the
11 per diem rate authorized in this section for
12 psychiatric medical institutions for children.

13 d. The dispensing fee for pharmacists shall remain
14 at the rate in effect on June 30, 1991. The
15 department shall adjust the average wholesale price of
16 drug product costs in accordance with federal
17 regulations. Dispensing fees for pharmacists shall be
18 further adjusted to reflect the adjustment to the
19 average wholesale price of drug product costs. Total
20 adjustments to reimbursements for prescription drugs
21 shall remain within funds appropriated.

22 e. Effective July 1, 1991, reimbursement rates to
23 hospitals shall not be increased over the rates in
24 effect on June 30, 1991.

25 f. Reimbursement rates for rural health clinics
26 shall be increased in accordance with increases under
27 the federal medicare program.

28 g. Home health agencies certified for the medical
29 assistance program, hospice services, and acute care
30 mental hospitals shall be reimbursed for their current
31 federal medicare audited costs.

32 h. Effective July 1, 1991, the basis for
33 establishing the maximum medical assistance
34 reimbursement rate for nursing facilities shall be the
35 70th percentile of facility costs as calculated from
36 the June 30, 1991, unaudited compilation of cost and
37 statistical data. However, to the extent funds are
38 available under the allocation for reimbursement of
39 nursing facilities within the appropriation for
40 medical assistance in this Act, the basis shall be
41 increased to not more than the 74th percentile of
42 facility costs as calculated from the same data.

43 i. Effective July 1, 1991, the amount provided
44 under the medical assistance program to nursing
45 facilities during the fiscal year ending June 30,
46 1991, in addition to the approved per diem rate,
47 pursuant to 1990 Iowa Acts, chapter 1270, section 31,
48 subsection 1, paragraph "c", subparagraph (1), shall
49 no longer be provided.

50 2. For the fiscal year beginning July 1, 1991, the

Page 36

1 maximum cost reimbursement rate for residential care
2 facilities reimbursed by the department shall be
3 \$19.62 per day. The flat reimbursement rate for
4 facilities electing not to file semiannual cost
5 reports shall be \$14.03 per day.

6 3. For services provided by social services
7 providers reimbursed by the department in the fiscal
8 year beginning July 1, 1991, rates shall be increased
9 by 2 percent over the unreduced rates in effect on
10 June 30, 1991. However, any increase provided under
11 this subsection shall not cause the provider's
12 reimbursement rate to exceed the provider's actual and
13 allowable cost plus the inflationary factor authorized
14 under this section.

15 4. Notwithstanding the provisions of subsection 3,
16 the department may implement revisions of the
17 methodology for purchasing group foster care services
18 to establish rates for group foster care services
19 based on the study of these issues funded by the
20 general assembly in the fiscal year which began July
21 1, 1989, provided the overall budget amount for the
22 expenditures is not exceeded and the revisions of the
23 methodology are agreed to by the affected service
24 providers.

25 5. In determining reimbursement rates for
26 facilities reimbursed under this division, including
27 but not limited to foster care providers, residential
28 care facilities, nursing facilities, and community
29 living arrangements, the department shall not include
30 private moneys contributed to the facility in its
31 determination.

32 6. If the department's reimbursement methodology
33 for any provider reimbursed in accordance with this
34 section includes an inflation factor, this factor
35 shall not exceed the amount by which the consumer
36 price index increased during the calendar year ending
37 December 31, 1990.

38 7. The department may adopt emergency rates to
39 implement the provisions of this section except for
40 subsection 5 for which the department shall adopt
41 nonemergency rules pursuant to chapter 17A.

42 Sec. 132. ASSISTANCE TO GAMBLERS. There is
43 appropriated from the general fund of the state to the
44 department of human services for the fiscal year
45 beginning July 1, 1991, and ending June 30, 1992, the
46 following amount, or so much thereof as is necessary,
47 to be used for the purpose designated:

48 For the gamblers assistance program, including
49 salaries, support, maintenance, miscellaneous
50 purposes, and for not more than the following full-

Page 37

1 time equivalent positions:

2\$ 400,000
 3FTEs 3.00

4 The Iowa lottery board and the state racing and
 5 gaming commission shall cooperate with the gamblers
 6 assistance program to incorporate information
 7 regarding the gamblers assistance program and its
 8 toll-free telephone number in printed materials
 9 distributed. The commission may require licensees to
 10 have the information available in a conspicuous place
 11 as a condition of licensure.

12 Sec. 133. REQUIREMENTS RELATING TO PERSONS WITH
 13 DISABILITIES. Subject to the limitations of the
 14 appropriations in this Act for the state mental health
 15 institutes and for the state hospital-schools, the
 16 department of human services shall modify staffing
 17 structures at the state hospital-schools and the state
 18 mental health institutes consistent with accreditation
 19 and certification requirements and the findings of the
 20 study on staffing commissioned by the general assembly
 21 in order to improve the level of direct staffing,
 22 reduce or simplify the levels of organizational
 23 authority where appropriate, and reduce the use of
 24 overtime. If, after review of the study
 25 recommendations, the department of human services
 26 decides to establish the position of "human resource
 27 specialist" at the state hospital-schools, the
 28 positions shall be established within the department
 29 of personnel and the department of human services may
 30 transfer to the department of personnel the associated
 31 full-time equivalent positions and moneys equal to the
 32 salary costs for the positions. The maintenance of
 33 sufficient direct care staff to assure worker and
 34 patient safety is of highest priority. The department
 35 shall work with all levels of affected employees in
 36 carrying out this staff restructuring. The department
 37 shall work to assure that vacant positions in direct
 38 care are filled promptly and expeditiously.

39 Sec. 134. FULL-TIME EQUIVALENT LIMIT NOTIFICATION.
 40 The Iowa veterans home, the state mental health
 41 institutes, and the state hospital-schools may exceed
 42 the number of full-time equivalent positions
 43 authorized in this division if the additional
 44 positions are specifically related to licensing,
 45 certification, or accreditation standards or
 46 citations. The department shall notify the co-
 47 chairpersons and ranking members of the joint human
 48 services appropriations subcommittee and the
 49 legislative fiscal bureau if the specified number is
 50 exceeded. The notification shall include an estimate

Page 38

1 of the number of full-time equivalent positions added
2 and the fiscal effect of the addition.

3 Sec. 135. COMPUTERIZATION — ASSESSMENT OF
4 FINANCIAL IMPACT. In order to assess the financial
5 impact of computerizing functions within the
6 department of human services, the department of
7 general services, information services division, shall
8 monitor the utilization of the central processing unit
9 resources maintained by the division, and shall
10 provide quarterly reports to the legislative fiscal
11 committee of the legislative council and the
12 legislative fiscal bureau. The quarterly reports
13 shall contain an analysis of the central processing
14 unit resources utilized by the department of human
15 services by each computerized application within the
16 department. The reports shall also contain
17 information on computerized applications which are
18 under development, and shall project the central
19 processing unit utilization which will occur in 6, 12,
20 18, and 24 months. The reports shall be designed to
21 enable the legislative fiscal committee and the
22 legislative fiscal bureau to assess the fiscal impact
23 of various computerized applications, with emphasis
24 upon the need for the division to purchase additional
25 computer hardware.

26 Sec. 136. Section 99E.10, subsection 1, paragraph
27 a, Code 1991, is amended by adding the following new
28 unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
30 provisions of this lettered paragraph, directing that
31 a portion of gross lottery revenues be deposited into
32 the gamblers assistance fund or the provisions of
33 section 99F.11 directing that a portion of the
34 adjusted gross receipts under chapter 99F be deposited
35 into the gamblers assistance fund, for the fiscal
36 period beginning July 1, 1991, and ending June 30,
37 1993, moneys that were to be deposited into the
38 gamblers assistance fund pursuant to this lettered
39 paragraph and section 99F.11, subsection 3, shall be
40 deposited into the general fund of the state.

41 Sec. 137. Section 135C.2, subsection 5, paragraph
42 b, Code 1991, is amended to read as follows:

43 b. A facility must be located in an area zoned for
44 single or multiple-family housing or in an
45 unincorporated area and must be constructed in
46 compliance with applicable local housing codes and the
47 rules adopted for the special classification by the
48 state fire marshal in accordance with the concept of
49 the least restrictive environment for the facility
50 residents. The rules adopted by the state fire

Page 39

1 marshal for the special classification shall be no
2 more restrictive than the rules adopted by the state
3 fire marshal for demonstration waiver project
4 facilities pursuant to 1986 Iowa Acts, chapter 1246,
5 section 206, subsection 2. Local housing codes shall
6 not be more restrictive than the rules adopted for the
7 special classification by the state fire marshal and
8 the state building code requirements for single or
9 multiple-family housing.

10 Sec. 138. Section 230.11, Code 1991, is amended to
11 read as follows:

12 230.11 RECOVERY OF COSTS FROM STATE.

13 Costs and expenses attending the taking into
14 custody, care, and investigation of a person who has
15 been admitted or committed to a state hospital,
16 veterans administration hospital or other agency of
17 the United States government, for the mentally ill
18 under chapter 229 and who has no legal settlement in
19 this state or whose legal settlement is unknown,
20 including cost of commitment, if any, shall be paid
21 out of any money in the state treasury not otherwise
22 appropriated, on itemized vouchers executed by the
23 auditor of the county which has paid them, and
24 approved by the administrator.

25 Sec. 139. EMERGENCY RULES. If specifically
26 authorized by a provision of this division, the
27 department of human services may adopt administrative
28 rules under section 17A.4, subsection 2, and section
29 17A.5, subsection 2, paragraph "b", to implement the
30 provisions and the rules shall become effective
31 immediately upon filing, unless a later effective date
32 is specified in the rules. In addition, the
33 department may adopt administrative rules in
34 accordance with the provisions of this section as
35 necessary to comply with federal requirements or to
36 adjust to a change in the level of federal funding
37 which affect refugee programs during the fiscal period
38 beginning July 1, 1990, and ending June 30, 1992. Any
39 rules adopted in accordance with the provisions of
40 this section shall also be published as notice of
41 intended action as provided in section 17A.4.

42 Sec. 140. EFFECTIVE DATE. Section 103, subsection
43 9, section 129, subsection 5, and section 139 of this
44 division, being deemed of immediate importance, take
45 effect upon enactment.

46 DIVISION II

47 DEPARTMENT OF EDUCATION

48 Sec. 201. There is appropriated from the general
49 fund of the state to the department of education for
50 the fiscal year beginning July 1, 1991, and ending

Page 40

1 June 30, 1992, the following amounts, or so much
2 thereof as may be necessary, to be used for the
3 purposes designated:

4 1. GENERAL ADMINISTRATION

5 For salaries, support, maintenance, miscellaneous
6 purposes, and for not more than the following full-
7 time equivalent positions:

8	\$	5,507,266
9	FTEs	137.25

10 2. CORRECTIONS EDUCATION PROGRAM

11 For educational programs at state penal
12 institutions:

13	\$	1,999,669
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14 As a condition, limitation, and qualification of
15 the appropriation in this subsection, the utilization
16 of educational technology in the prison education
17 system shall be expanded and a tracking system shall
18 be developed and implemented to provide information
19 regarding the effects of recidivism and employment
20 success.

21 Persons employed to provide instructional services
22 under this paragraph who were previously employed
23 through the department of corrections to provide
24 instructional services to inmates under programs under
25 the jurisdiction of the department of corrections
26 shall be given credit for all unused sick leave that
27 the persons accrued while employed through the
28 department of corrections.

29 3. BOARD OF EDUCATIONAL EXAMINERS

30 For salaries, support, maintenance, miscellaneous
31 purposes and for not more than the following full-time
32 equivalent positions:

33	\$	128,000
34	FTEs	2.00

35 4. SCHOOL FOOD SERVICE

36 For use as state matching funds for federal
37 programs which shall be disbursed according to federal
38 regulations, including salaries, support, maintenance,
39 miscellaneous purposes, and for not more than the
40 following full-time equivalent positions:

41	\$	3,056,205
42	FTEs	14.00

43 5. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

44 To provide funds for costs of providing textbooks
45 to each resident pupil who attends a nonpublic school
46 as authorized by section 301.1. The funding is
47 limited to \$20 per pupil and shall not exceed the
48 comparable services offered to resident public school
49 pupils:

50	\$	600,000
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Page 41

1 6. VOCATIONAL EDUCATION ADMINISTRATION

2 For salaries, support, maintenance, miscellaneous
 3 purposes, and for not more than the following full-
 4 time equivalent positions:

5\$ 923,149
 6FTEs 39.60

7 7. VOCATIONAL REHABILITATION DIVISION

8 a. For salaries, support, maintenance,
 9 miscellaneous purposes, and for not more than the
 10 following full-time equivalent positions:

11\$ 3,680,000
 12FTEs 319.50

13 b. For matching funds for programs to enable
 14 severely physically or mentally disabled persons to
 15 function more independently, including salaries and
 16 support, and for not more than the following full-time
 17 equivalent positions:

18\$ 21,303
 19FTEs 1.50

20 8. COMMUNITY COLLEGES

21 Notwithstanding chapter 286A, for general state
 22 financial aid to merged areas as defined in section
 23 280A.2, for vocational education programs in
 24 accordance with chapters 258 and 280A, to purchase
 25 instructional equipment for vocational and technical
 26 courses of instruction in community colleges, and for
 27 salary increases:

28\$ 89,328,644

29 The funds appropriated in this subsection shall be
 30 allocated as follows:

31 a. Merged Area I\$ 4,159,797
 32 b. Merged Area II\$ 5,046,985
 33 c. Merged Area III\$ 4,882,802
 34 d. Merged Area IV\$ 2,293,272
 35 e. Merged Area V\$ 4,839,917
 36 f. Merged Area VI\$ 4,559,628
 37 g. Merged Area VII\$ 6,256,844
 38 h. Merged Area IX\$ 7,860,684
 39 i. Merged Area X\$ 12,157,506
 40 j. Merged Area XI\$ 13,062,104
 41 k. Merged Area XII\$ 5,154,945
 42 l. Merged Area XIII\$ 5,308,611
 43 m. Merged Area XIV\$ 2,346,713
 44 n. Merged Area XV\$ 7,281,088
 45 o. Merged Area XVI\$ 4,117,747

46 9. COMMUNITY COLLEGE PERSONAL PROPERTY TAX
 47 REPLACEMENT

48 For general financial aid to merged areas in lieu
 49 of personal property tax replacement payments under
 50 section 427A.13:

Page 42

1	.....	\$	828,012
2	The funds appropriated in this subsection shall be		
3	allocated as follows:		
4	a. Merged Area I.....	\$	65,152
5	b. Merged Area II.....	\$	50,567
6	c. Merged Area III.....	\$	33,891
7	d. Merged Area IV.....	\$	23,204
8	e. Merged Area V.....	\$	60,042
9	f. Merged Area VI.....	\$	34,514
10	g. Merged Area VII.....	\$	57,884
11	h. Merged Area IX.....	\$	69,103
12	i. Merged Area X.....	\$	97,180
13	j. Merged Area XI.....	\$	142,463
14	k. Merged Area XII.....	\$	46,200
15	l. Merged Area XIII.....	\$	40,972
16	m. Merged Area XIV.....	\$	20,826
17	n. Merged Area XV.....	\$	55,026
18	o. Merged Area XVI.....	\$	30,988
19	Sec. 202. There is appropriated from the general		
20	fund of the state to the department of education for		
21	the fiscal year beginning July 1, 1992, and ending		
22	June 30, 1993, the following amounts, or so much		
23	thereof as is necessary, to be used for the purposes		
24	designated:		
25	1. Notwithstanding chapter 286A for state		
26	financial aid to merged areas to be accrued as income		
27	and used for expenditures incurred by the community		
28	colleges during the fiscal year beginning July 1,		
29	1991, and ending June 30, 1992:		
30	.....	\$	15,763,878
31	The funds appropriated in this section shall be		
32	allocated as follows:		
33	a. Merged Area I.....	\$	734,082
34	b. Merged Area II.....	\$	890,644
35	c. Merged Area III.....	\$	861,671
36	d. Merged Area IV.....	\$	404,695
37	e. Merged Area V.....	\$	854,103
38	f. Merged Area VI.....	\$	804,640
39	g. Merged Area VII.....	\$	1,104,149
40	h. Merged Area IX.....	\$	1,387,180
41	i. Merged Area X.....	\$	2,145,442
42	j. Merged Area XI.....	\$	2,305,077
43	k. Merged Area XII.....	\$	909,696
44	l. Merged Area XIII.....	\$	936,814
45	m. Merged Area XIV.....	\$	414,126
46	n. Merged Area XV.....	\$	1,284,898
47	o. Merged Area XVI.....	\$	726,661
48	2. Funds appropriated by this section shall be		
49	allocated pursuant to this section and paid on or		
50	about August 15, 1992.		

Page 43

1 Sec. 203. There is appropriated from the general
 2 fund of the state to the department of education for
 3 the fiscal year beginning July 1, 1992, and ending
 4 June 30, 1993, the following amounts, or so much
 5 thereof as is necessary, to be used for the purposes
 6 designated:

7 1. For general financial aid to merged areas in
 8 lieu of personal property tax replacement payments
 9 under section 427A.13 to be accrued as income and used
 10 for expenditures incurred by the community colleges
 11 during the fiscal year beginning July 1, 1991, and
 12 ending June 30, 1992:

13\$ 354,840

14 The funds appropriated in this subsection shall be
 15 allocated as follows:

16 a. Merged Area I	\$ 27,922
17 b. Merged Area II	\$ 21,671
18 c. Merged Area III	\$ 14,525
19 d. Merged Area IV	\$ 9,924
20 e. Merged Area V	\$ 25,732
21 f. Merged Area VI	\$ 14,792
22 g. Merged Area VII	\$ 24,807
23 h. Merged Area IX	\$ 29,615
24 i. Merged Area X	\$ 41,649
25 j. Merged Area XI	\$ 61,056
26 k. Merged Area XII	\$ 19,800
27 l. Merged Area XIII	\$ 17,559
28 m. Merged Area XIV	\$ 8,925
29 n. Merged Area XV	\$ 23,582
30 o. Merged Area XVI	\$ 13,281

31 2. Funds appropriated in subsection 1 shall be
 32 allocated pursuant to this section and paid on or
 33 about August 15, 1992.

34 Sec. 204. Moneys allocated to community colleges
 35 under section 201, subsections 8 and 9 of this
 36 division, for expenditures incurred during the fiscal
 37 year beginning July 1, 1991, and ending June 30, 1992,
 38 shall be paid by the department of revenue and finance
 39 in installments due on or about November 15, February
 40 15, and May 15 of that fiscal year. The installments
 41 shall be as nearly equal as possible as determined by
 42 the department of management, taking into
 43 consideration the relative budget and cash position of
 44 the state resources. The payments received by
 45 community colleges on or about August 15 under
 46 sections 202 and 203 of this division are accounts
 47 receivable for the previous fiscal year.

48 Sec. 205. Notwithstanding the appropriation
 49 provided in section 294A.25, subsection 1, there is
 50 appropriated from the general fund of the state to the

Page 44

1 department of education for the fiscal year beginning
2 July 1, 1991, and ending June 30, 1992, the following
3 amount, or so much thereof as may be necessary, to be
4 used for the purpose designated and for not more than
5 the following full-time equivalent position:

6 For the educational excellence program:

7\$ 91,662,500

8FTEs 1.00

9 As a condition, limitation, and qualification of
10 the funds appropriated in this section, and
11 notwithstanding the allocation specified for phase III
12 under section 294A.25, subsection 6, from the moneys
13 appropriated under this section and available for
14 expenditure for phase III, the department shall,
15 subject to the review of the chairpersons and ranking
16 members of the education committees of the general
17 assembly, expend \$250,000 to provide demonstration
18 projects in comprehensive school transformation in no
19 more than ten public school districts. The objective
20 of the projects shall be to demonstrate how public
21 schools can be transformed from corporate to collegial
22 learning environments for teachers, students, and
23 administrators for the purpose of maximizing student
24 learning and to diffuse information about the process
25 of transformation to neighboring schools. The
26 projects shall also demonstrate how phase III funds
27 can be used to promote school transformation by
28 providing focus to phase III efforts in such areas as
29 technology, individualization of instruction, and
30 decentralization of decision-making. However, funds
31 allocated to districts under this section shall not be
32 used to supplant funds available to a district under
33 phase III. Districts participating in a project may
34 use phase III funds to supplement the purposes and
35 activities of the project in the manner provided under
36 section 294A.14. Districts participating in a project
37 may also pool funds to provide conferences and to
38 contract with consultants and facilitators to provide
39 services to support the goals of the project.
40 Projects shall use the school building as the basic
41 administrative and clinical unit for demonstration.
42 The department may expend up to \$10,000 for purposes
43 of developing guidelines and administering the
44 selection, approval, and evaluation process for
45 proposed projects. In developing a selection process
46 for demonstration projects, the department of
47 education shall establish an eleven-member selection
48 committee, which shall include, but is not limited to,
49 licensed practitioners and ex officio nonvoting
50 members of the general assembly. A majority of the

Page 45

1 members of the committee shall consist of licensed
2 teachers and principals. The committee shall select
3 projects which give promise of accomplishing
4 comprehensive school transformation at the building
5 level during the time that the project is in place.
6 Each project shall contain an evaluation component,
7 which provides for self-evaluation by participating
8 districts and evaluation by the department of
9 education. The selection committee shall establish
10 criteria for ascertaining a particular district's
11 readiness for comprehensive change and give preference
12 in the project selection process to districts which
13 meet the readiness criteria. Each participating
14 district shall, at the conclusion of a project, submit
15 a copy of the district's self-evaluation in a report
16 to the department of education. The department shall
17 compile the reports, along with the department's
18 evaluations of each of the projects, and submit the
19 results in a report to the general assembly by March
20 1, 1994.

21 Sec. 206. There is appropriated from the general
22 fund of the state to the department of education for
23 the fiscal year beginning July 1, 1992, and ending
24 June 30, 1993, the following amounts, or so much
25 thereof as is necessary, to be used for the purposes
26 designated:

27 For expenditures incurred by school districts
28 during the previous fiscal year for vocational
29 education aid to secondary schools:

30\$ 3,666,360

31 Funds appropriated by this section shall be used
32 for expenditures made by school districts to meet the
33 standards set in sections 256.11, 258.4, and 280A.23
34 as a result of the enactment of 1989 Iowa Acts,
35 chapter 278. Funds shall be used as reimbursement for
36 vocational education expenditures made by secondary
37 schools in the manner provided by the department of
38 education for implementation of the standards set in
39 1989 Iowa Acts, chapter 278. The department shall
40 inform school districts by July 1, 1991, of the
41 criteria for reimbursement with funds appropriated
42 under this section.

43 COLLEGE STUDENT AID COMMISSION

44 Sec. 207. There is appropriated from the general
45 fund of the state to the college student aid
46 commission for the fiscal year beginning July 1, 1991,
47 and ending June 30, 1992, the following amounts, or so
48 much thereof as may be necessary, to be used for the
49 purposes designated:

50 1. GENERAL ADMINISTRATION

Page 46

1 For salaries, support, maintenance, miscellaneous
 2 purposes, and for not more than the following full-
 3 time equivalent positions:

4\$ 346,000
 5FTEs 8.05

6 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
 7 SCIENCES

8 a. For grants to juniors and seniors and for
 9 forgivable loans to freshmen and sophomores, who are
 10 Iowa students attending the university of osteopathic
 11 medicine and health sciences, under the grant program
 12 pursuant to section 261.18 and the forgivable loan
 13 program pursuant to section 261.19A:

14\$ 400,000

15 b. For the university of osteopathic medicine and
 16 health sciences for the admission and education of
 17 Iowa students in each of the 4 years of classes at the
 18 university of osteopathic medicine and health sciences
 19 pursuant to section 261.19:

20\$ 393,000

21 3. STUDENT AID PROGRAMS

22 For payments to students for student aid programs:

23\$ 1,866,112

24 As a condition, limitation, and qualification of
 25 the funds appropriated in this subsection, \$1,363,112
 26 shall be expended for an Iowa grant program, with
 27 funds to be allocated to institutions pursuant to
 28 section 261.93A.

29 4. NATIONAL GUARD LOAN REPAYMENT

30 For payments to students for the national guard
 31 loan repayment program in section 261.49:

32\$ 225,000

33 Sec. 208. There is appropriated from the loan
 34 reserve account to the college student aid commission
 35 for the fiscal year beginning July 1, 1991, and ending
 36 June 30, 1992, the following amount, or so much
 37 thereof as may be necessary, to be used for the
 38 purposes designated:

39 For operating costs of the Stafford loan program
 40 including salaries, support, maintenance,
 41 miscellaneous purposes, and for not more than the
 42 following full-time equivalent positions:

43\$ 3,671,016
 44FTEs 36.52

45 STATE BOARD OF REGENTS

46 Sec. 209. There is appropriated from the general
 47 fund of the state to the state board of regents for
 48 the fiscal year beginning July 1, 1991, and ending
 49 June 30, 1992, the following amounts, or so much
 50 thereof as may be necessary, to be used for the

Page 47

1 purposes designated:

2 1. OFFICE OF STATE BOARD OF REGENTS

3 a. For salaries, support, maintenance,
4 miscellaneous purposes, and for not more than the
5 following full-time equivalent positions:

6\$ 1,111,820
7FTEs 18.08

8 As a condition, limitation, and qualification of
9 the moneys appropriated in this paragraph, the state
10 board of regents shall not use reimbursements from the
11 institutions under the control of the state board of
12 regents for funding the office of the state board of
13 regents.

14 b. For allocation by the state board of regents to
15 the state university of Iowa, the Iowa state
16 university of science and technology, and the
17 university of northern Iowa to reimburse the
18 institutions for deficiencies in their operating funds
19 resulting from the pledging of tuitions, student fees
20 and charges, and institutional income to finance the
21 cost of providing academic and administrative
22 buildings and facilities and utility services at the
23 institutions:

24\$ 19,381,162

25 c. For funds to be allocated to the southwest Iowa
26 graduate studies center located in Council Bluffs:

27\$ 40,000

28 d. For funds to be allocated to the siouxland
29 interstate metropolitan planning council for the
30 tristate graduate center under section 262.9,
31 subsection 21:

32\$ 75,000

33 e. For funds to be allocated to the quad-cities
34 graduate studies center:

35\$ 145,000

36 2. STATE UNIVERSITY OF IOWA

37 a. General university, including lakeside
38 laboratory

39 For salaries, support, maintenance, equipment,
40 miscellaneous purposes, and for not more than the
41 following full-time equivalent positions:

42\$ 179,226,812
43FTEs 4,287.37

44 To the extent the appropriation made in this
45 paragraph is a reduction in the total amount budgeted
46 for the fiscal year beginning July 1, 1991, and ending
47 June 30, 1992, and the state university of Iowa
48 determines the amount is insufficient to fund all of
49 the university's budgetary units, consideration shall
50 be given to adjustments reducing budgetary units in

Page 48

1 the following order of priority:

2 (1) University administrative moneys.

3 (2) Equipment and maintenance.

4 (3) Short-term furloughs of administrative
5 personnel.

6 (4) Short-term furloughs of other personnel.

7 (5) Other operating budget expenditures.

8 (6) Force reduction.

9 As a condition, limitation, and qualification of
10 the funds appropriated in this paragraph, if the state
11 university of Iowa receives total funds in excess of
12 the amount projected to be received by the university
13 from federal support, interest, tuition fees,
14 reimbursement for indirect costs, sales and service,
15 and income sources other than state appropriations,
16 the university shall report the amount received, which
17 is in excess of the amount projected, to the
18 department of management and the legislative fiscal
19 bureau by August 1, 1991.

20 As a condition, limitation, and qualification of
21 moneys appropriated in this paragraph, from moneys
22 available to the state university of Iowa, \$50,000
23 shall be awarded to faculty members and teaching
24 assistants who have been recognized for exceptional
25 teaching. An exceptional teaching recognition award
26 is for a one-year period and is in addition to the
27 faculty member's or teaching assistant's salary. Not
28 later than December 15, 1991, the state board of
29 regents shall report the names of recipients of
30 teaching excellence awards, and the amounts of the
31 awards granted, to the joint education appropriations
32 subcommittee and to the legislative fiscal bureau.

33 b. Child care

34 For salaries for child care center directors:

35\$ 60,000

36 c. For funds to be allocated to the Iowa

37 consortium for substance abuse research and
38 evaluation:

39\$ 60,000

40 d. University hospitals

41 For salaries, support, maintenance, equipment,
42 miscellaneous purposes, and for not more than the
43 following full-time equivalent positions for medical
44 and surgical treatment of indigent patients as
45 provided in chapter 255:

46\$ 27,713,416

47FTEs 5,319.83

48 e. Psychiatric hospital

49 For salaries, support, maintenance, equipment,
50 miscellaneous purposes, and for not more than the

Page 49

1	following full-time equivalent positions and for the		
2	care, treatment, and maintenance of committed and		
3	voluntary public patients:		
4	.....	\$	6,881,244
5	.....FTEs		284.57
6	f. Hospital-school		
7	For salaries, support, maintenance, miscellaneous		
8	purposes, and for not more than the following full-		
9	time equivalent positions:		
10	.....	\$	5,432,176
11	.....FTEs		184.44
12	g. Oakdale campus		
13	For salaries, support, maintenance, miscellaneous		
14	purposes, and for not more than the following full-		
15	time equivalent positions:		
16	.....	\$	2,891,083
17	.....FTEs		67.55
18	h. State hygienic laboratory		
19	For salaries, support, maintenance, miscellaneous		
20	purposes, and for not more than the following full-		
21	time equivalent positions:		
22	.....	\$	3,011,225
23	.....FTEs		106.25
24	i. Family practice program		
25	For allocation by the dean of the college of		
26	medicine, with approval of the advisory board, to		
27	qualified participants, to carry out chapter 148D for		
28	the family practice program, including salaries and		
29	support, and for not more than the following full-time		
30	equivalent positions:		
31	.....	\$	1,808,874
32	.....FTEs		177.27
33	j. Child health care services		
34	For specialized child health care services,		
35	including childhood cancer diagnostic and treatment		
36	network programs; rural comprehensive care for		
37	hemophilia patients; and Iowa high-risk infant follow-		
38	up program, including salaries and support, and for		
39	not more than the following full-time equivalent		
40	positions:		
41	.....	\$	428,843
42	.....FTEs		12.51
43	k. Agricultural health and safety programs		
44	For agricultural health and safety programs:		
45	.....	\$	224,332
46	l. For the statewide tumor registry and for not		
47	more than the following full-time positions:		
48	.....	\$	189,934
49	.....FTEs		5.05
50	m. As a condition, limitation, and qualification		

Page 50

1 of the appropriation made in paragraph "d", the total
 2 quota allocated to the counties for indigent patients
 3 for the fiscal year commencing July 1, 1991, shall not
 4 be lower than the total quota allocated to the
 5 counties for the fiscal year commencing July 1, 1990.
 6 The total quota shall be allocated among the counties
 7 on the basis of the 1990 census pursuant to section
 8 255.16.

9 n. As a condition, limitation, and qualification
 10 of the appropriation made in paragraph "d", funds
 11 appropriated in that paragraph shall not be used to
 12 perform abortions except medically necessary
 13 abortions, and shall not be used to operate the early
 14 termination of pregnancy clinic except for the
 15 performance of medically necessary abortions. For the
 16 purpose of this paragraph, an abortion is the
 17 purposeful interruption of pregnancy with the
 18 intention other than to produce a live-born infant or
 19 to remove a dead fetus, and a medically necessary
 20 abortion is one performed under one of the following
 21 conditions:

22 (1) The attending physician certifies that
 23 continuing the pregnancy would endanger the life of
 24 the pregnant woman.

25 (2) The attending physician certifies that the
 26 fetus is physically deformed, mentally deficient, or
 27 afflicted with a congenital illness.

28 (3) The pregnancy is the result of a rape which is
 29 reported within 45 days of the incident to a law
 30 enforcement agency or public or private health agency
 31 which may include a family physician.

32 (4) The pregnancy is the result of incest which is
 33 reported within 150 days of the incident to a law
 34 enforcement agency or public or private health agency
 35 which may include a family physician.

36 (5) The abortion is a spontaneous abortion,
 37 commonly known as a miscarriage, wherein not all of
 38 the products of conception are expelled.

39 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

40 a. General university

41 For salaries, support, maintenance, equipment,
 42 miscellaneous purposes, and for not more than the
 43 following full-time equivalent positions:

44	\$ 145,905,846
45 .....FTEs	3,737.83

46 To the extent the appropriation made in this
 47 paragraph is a reduction in the total amount budgeted
 48 for the fiscal year beginning July 1, 1991, and ending
 49 June 30, 1992, and the Iowa state university of
 50 science and technology determines the amount is

Page 51

1 insufficient to fund all of the university's budgetary
 2 units, consideration shall be given to adjustments
 3 reducing budgetary units in the following order of
 4 priority:

5 (1) University administrative moneys.

6 (2) Equipment and deferred maintenance.

7 (3) Short-term furloughs of administrative
 8 personnel.

9 (4) Short-term furloughs of other personnel.

10 (5) Other operating budget expenditures.

11 (6) Force reduction.

12 As a condition, limitation, and qualification of
 13 the funds appropriated under this paragraph, if the
 14 Iowa state university of science and technology
 15 receives total funds in excess of the amount projected
 16 to be received by the university from federal support,
 17 interest, tuition fees, reimbursement for indirect
 18 costs, sales and service, and income sources other
 19 than state appropriations, the university shall report
 20 the amount received, which is in excess of the amount
 21 projected, to the department of management and the
 22 legislative fiscal bureau by August 1, 1991.

23 As a condition, limitation, and qualification of
 24 moneys appropriated in this paragraph, from moneys
 25 available to Iowa state university of science and
 26 technology, \$50,000 shall be awarded to faculty
 27 members and teaching assistants who have been
 28 recognized for exceptional teaching. An exceptional
 29 teaching recognition award is for a one-year period
 30 and is in addition to the faculty member or teaching
 31 assistant's salary. Not later than December 1, 1991,
 32 the state board of regents shall report the names of
 33 recipients of teaching excellence awards, and the
 34 amounts of the awards granted, to the joint education
 35 appropriations subcommittee and to the legislative
 36 fiscal bureau.

37 b. Child care

38 For subsidized evening child care:

39	\$	60,000
40	FTEs	2.00

41 c. Agricultural experiment station

42 For salaries, support, maintenance, miscellaneous
 43 purposes, and for not more than the following full-
 44 time equivalent positions:

45	\$	17,971,341
46	FTEs	546.92

47 d. Comprehensive agricultural research

48 For conducting the comprehensive agricultural
 49 research program:

50	\$	4,100,000
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Page 52

1 e. Cooperative extension service in agriculture
2 and home economics
3 For salaries, support, maintenance, miscellaneous
4 purposes, and for not more than the following full-
5 time equivalent positions:
6\$ 16,016,000
7FTEs 475.94
8 As a condition, limitation, and qualification of
9 the funds appropriated in this paragraph, \$25,000
10 shall be expended for a child farm safety program.

11 f. Fire service education
12 For salaries and support and for not more than the
13 following full-time equivalent positions:
14\$ 415,761
15FTEs 11.00
16 g. Leopold center
17 For agricultural research grants at Iowa state
18 university under section 266.39B:
19\$ 598,217

20 4. UNIVERSITY OF NORTHERN IOWA
21 a. For salaries, support, maintenance, equipment,
22 miscellaneous purposes, and for not more than the
23 following full-time equivalent positions:
24\$ 59,042,956
25FTEs 1,411.68

26 To the extent the appropriation made in this
27 paragraph is a reduction in the total amount budgeted
28 for the fiscal year beginning July 1, 1991, and ending
29 June 30, 1992, and the university of northern Iowa
30 determines the amount is insufficient to fund all of
31 the university's budgetary units, consideration shall
32 be given to adjustments reducing budgetary units in
33 the following order of priority:
34 (1) University administrative moneys.
35 (2) Equipment and deferred maintenance.
36 (3) Short-term furloughs of administrative
37 personnel.
38 (4) Short-term furloughs of other personnel.
39 (5) Other operating budget expenditures.
40 (6) Force reduction.

41 As a condition, limitation, and qualification of
42 the funds appropriated under this paragraph, if the
43 university of northern Iowa receives total funds in
44 excess of the amount projected to be received by the
45 university from federal support, interest, tuition
46 fees, reimbursement for indirect costs, sales and
47 service, and income sources other than state
48 appropriations, the university shall report the amount
49 received, which is in excess of the amount projected,
50 to the department of management and the legislative

Page 53

1 fiscal bureau by August 1, 1991.

2 As a condition, limitation, and qualification of
3 the funds appropriated in paragraph "a", from moneys
4 available for salaries at the university of northern
5 Iowa, the university shall expend \$25,000 for teaching
6 excellence awards to teaching faculty members and
7 teaching assistants. Teaching excellence awards shall
8 be granted to faculty members and teaching assistants
9 for excellence in the quality of classroom
10 instruction. Awards may either be built into a
11 faculty member's or teaching assistant's base salary
12 or given as a one-time award and shall not be in
13 conflict with a collective bargaining agreement
14 between an employee organization and the university.
15 Not later than December 1, 1991, the state board of
16 regents shall report the names of the recipients of
17 teaching excellence awards, and the amounts of the
18 awards granted to the joint education appropriations
19 subcommittee of the general assembly, and to the
20 legislative fiscal bureau.

21 b. Child care

22 For staff positions and building structure
23 modifications to meet state child care facility
24 standards:

25	\$	60,000
26	FTEs	1.50

27 5. STATE SCHOOL FOR THE DEAF

28 For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-
30 time equivalent positions:

31	\$	6,052,581
32	FTEs	131.53

33 6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:

37	\$	3,367,922
38	FTEs	92.45

39 Sec. 210. Reallocations of sums received under
40 section 209, subsections 2, 3, 4, 5, and 6, of this
41 division, including sums received for salaries, shall
42 be reported on a quarterly basis to the co-
43 chairpersons and ranking members of both the
44 legislative fiscal committee and the joint education
45 appropriations subcommittee.

46 Sec. 211. As a condition, limitation, and
47 qualification of the appropriations made to the state
48 board of regents and regents' institutions under this
49 division, for the fiscal years beginning July 1, 1991,
50 and July 1, 1992, the state board of regents shall use

Page 54

1 notes, bonds, or other evidences of indebtedness
 2 issued under section 262.48 to finance projects that
 3 will result in energy cost savings in an amount that
 4 will cause the state board to recover the cost of the
 5 projects within an average of 6 years.

6 DEPARTMENT OF CULTURAL AFFAIRS

7 Sec. 212. There is appropriated from the general
 8 fund of the state to the department of cultural
 9 affairs for the fiscal year beginning July 1, 1991,
 10 and ending June 30, 1992, the following amounts, or so
 11 much thereof as is necessary, to be used for the
 12 purposes designated:

13 1. ARTS DIVISION

14 For salaries, support, maintenance, miscellaneous
 15 purposes, including funds to match federal grants, and
 16 for not more than the following full-time equivalent
 17 positions:

18	\$	1,004,752
19	FTEs	13.00

20 2. HISTORICAL DIVISION

21 For salaries, support, maintenance, miscellaneous
 22 purposes, and for not more than the following full-
 23 time equivalent positions:

24	\$	2,531,092
25	FTEs	76.00

26 3. TERRACE HILL COMMISSION

27 For salaries, support, maintenance, miscellaneous
 28 purposes, for the operation of Terrace Hill and for
 29 not more than the following full-time equivalent
 30 positions:

31	\$	200,000
32	FTEs	5.75

33 4. LIBRARY DIVISION

34 For salaries, support, maintenance, miscellaneous
 35 purposes, and for not more than the following full-
 36 time equivalent positions:

37	\$	2,179,000
38	FTEs	42.00

39 5. REGIONAL LIBRARY SYSTEM

40 For state aid:

41	\$	1,502,698
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42 6. ADMINISTRATION DIVISION

43 For salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-
 45 time equivalent positions:

46	\$	427,000
47	FTEs	10.00

48 7. COMMUNITY CULTURAL GRANTS

49 For planning and programming for the community
 50 cultural grants program established under section

Page 55

1	303.89:	
2	.....	\$ 605,000
3	8. PUBLIC BROADCASTING DIVISION	
4	For salaries, support, maintenance, capital	
5	expenditures, miscellaneous purposes, and for not more	
6	than the following full-time equivalent positions:	
7	.....	\$ 6,365,000
8	..... FTEs	103.00

9 Sec. 213. The legislative council is requested to
 10 consider the recommendations of the higher education
 11 task force and other methods designed to focus the
 12 attention of the general assembly on higher education,
 13 to receive and discuss the strategic plans developed
 14 by the higher education strategic planning council,
 15 and to develop policies and address issues related to
 16 higher education.

17 Sec. 214. Notwithstanding section 8.33, funds
 18 appropriated in 1990 Iowa Acts, chapter 1272, section
 19 14, subsection 1, paragraph "b", remaining
 20 unencumbered or unobligated on June 30, 1991, shall
 21 not revert to the general fund of the state but shall
 22 be available for expenditure for the purposes listed
 23 in section 208, subsection 1, paragraph "b", of this
 24 division during the fiscal year beginning July 1,
 25 1991, and ending June 30, 1992.

26 Sec. 215. Notwithstanding sections 258.16 and
 27 282.7 effective July 1, 1992, community colleges,
 28 local education agencies, and area education agencies
 29 may establish by mutual agreement area vocational
 30 consortia to assume and exercise the duties and
 31 responsibilities established for regional vocational
 32 education planning boards under those sections.

33 Sec. 216. Section 261.25, subsections 1, 2, and 3,
 34 Code 1991, as amended by 1991 Iowa Acts, House File
 35 173, section 908, are amended to read as follows:

36 1. There is appropriated from the general fund of
 37 the state to the commission for each fiscal year the
 38 sum of thirty-two million six five hundred eight
 39 thirteen thousand seven hundred ninety-five three
 40 hundred twenty-eight dollars for tuition grants.

41 2. There is appropriated from the general fund of
 42 the state to the commission for each fiscal year the
 43 sum of eight hundred thirteen thousand eight hundred
 44 forty dollars for scholarships.

45 3. There is appropriated from the general fund of
 46 the state to the commission for each fiscal year the
 47 sum of one million three hundred fifteen thousand six
 48 hundred forty-seven dollars for vocational-technical
 49 tuition grants.

50 Sec. 217. Section 261.85, unnumbered paragraph 1,

Page 56

1 Code 1991, as amended by 1991 Iowa Acts, House File
2 173, section 909, is amended to read as follows:

3 There is appropriated from the general fund of the
4 state to the commission for each fiscal year the sum
5 of three million ~~eighty-five~~ fifty thousand six
6 hundred ~~eighty-four~~ dollars for the work-study
7 program.

8 Sec. 218. Notwithstanding the allocation of phase
9 III moneys under sections 294A.14 and 294A.25, for the
10 fiscal year beginning July 1, 1991, prior to the
11 allocation to school districts and area education
12 agencies, \$125,000 of the moneys allocated for phase
13 III shall be retained by the department of education
14 to continue to contract with the regional educational
15 laboratory for this state to establish and monitor an
16 independent evaluation of the operation of phase III
17 of the educational excellence program. The results of
18 the evaluation shall be reported to the department of
19 education and to the general assembly by January 1,
20 1992.

21 Sec. 219. Notwithstanding sections 302.1 and
22 302.1A, for the fiscal year beginning July 1, 1991,
23 and ending June 30, 1992, the portion of the interest
24 earned on the permanent school fund that is not
25 transferred to the credit of the first in the nation
26 in education foundation and not transferred to the
27 credit of the national center for gifted and talented
28 education shall be credited as a payment by the
29 historical division of the department of cultural
30 affairs of the principal and interest due on moneys
31 loaned to the historical division under section
32 303.18.

33 Sec. 220. Notwithstanding any restrictions on
34 allocations of funds under the historical resource
35 development program contained in section 303.16, and
36 funded under section 455A.19, subsection 1, paragraph
37 "F", of the moneys available for the historical
38 resource development program, \$50,000 shall be
39 allocated for grants to any national heritage museum
40 located or locating in the state, which obtains
41 matching funds in an amount equal to twice the total
42 amount of the grant.

43 Sec. 221. Section 11.6, subsection 1, unnumbered
44 paragraph 1, Code 1991, is amended to read as follows:

45 The financial condition and transactions of all
46 cities and city offices, counties, county hospitals
47 organized under chapters 347 and 347A, memorial
48 hospitals organized under chapter 37, entities
49 organized under chapter 28E having gross receipts in
50 excess of one hundred thousand dollars in a fiscal

Page 57

1 year, merged areas, area education agencies, and all
2 school offices in school districts, shall be examined
3 at least once each year, except that cities having a
4 population of seven hundred or more but less than two
5 thousand shall be examined at least once every four
6 years, and cities having a population of less than
7 seven hundred may be examined as otherwise provided in
8 this section. The examination shall cover the fiscal
9 year next preceding the year in which the audit is
10 conducted. The examination of school offices shall
11 include an audit of activity all school funds, the
12 certified annual financial report, and the certified
13 enrollment as provided in section 257.11.

14 Examinations of community colleges shall include an
15 audit of eligible and noneligible contact hours as
16 defined in section 286A.2. Eligible and noneligible
17 contact hours and the certified enrollment shall be
18 certified to the department of management.

19 Sec. 222. Section 73.17, Code 1991, is amended by
20 adding the following new unnumbered paragraph:

21 **NEW UNNUMBERED PARAGRAPH.** A community college or
22 area education agency shall, on a quarterly basis, and
23 a school district shall, on an annual basis, review
24 the community college's, area education agency's, or
25 school district's anticipated purchasing requirements.
26 A community college, area education agency, or school
27 district shall notify the department of education,
28 which shall report to the department of economic
29 development, of their anticipated purchases and
30 recommended procurements with unit quantities and
31 total costs for procurement contracts designated to
32 satisfy the targeted small business procurement goal
33 not later than August 15 of each fiscal year and
34 quarterly thereafter, except that school districts
35 shall report annually.

36 Sec. 223. Section 73.18, Code 1991, is amended to
37 read as follows:

38 **73.18 NOTICE OF SOLICITATION FOR BIDS —**
39 **IDENTIFICATION OF TARGETED SMALL BUSINESSES.**

40 The director of each agency or department releasing
41 a solicitation for bids or request for proposal under
42 the targeted small business procurement goal program
43 shall notify the director of the department of
44 economic development prior to or upon release of the
45 solicitation. A community college, area education
46 agency, or school district shall notify the department
47 of education which shall notify the department of
48 economic development prior to or upon release of the
49 release of the solicitation. The director of the
50 department of economic development shall notify the

Page 58

1 soliciting agency or department, or community college,
2 area education agency, or school district, of any
3 targeted small businesses which have been certified
4 pursuant to section 10A.104, subsection 8, and which
5 may be qualified to bid.

6 Sec. 224. Section 73.19, Code 1991, is amended to
7 read as follows:

8 **73.19 NEGOTIATED PRICE OR BID CONTRACT.**

9 In awarding a contract under the targeted small
10 business procurement goal program, a director of an
11 agency or department, or community college, area
12 education agency, or school district, having
13 purchasing authority may use either a negotiated price
14 or bid contract procedure. A director of an agency or
15 department, or community college, area education
16 agency, or school district, using a negotiated
17 contract shall consider any targeted small business
18 engaged in that business. The director of the
19 department of economic development or the director of
20 the department of management may assist in the
21 negotiation of a contract price under this section.
22 Surety bonds guaranteed by the United States small
23 business administration are acceptable security for a
24 construction award under this section.

25 Sec. 225. Section 255.1, Code 1991, is amended by
26 adding the following new unnumbered paragraph:

27 **NEW UNNUMBERED PARAGRAPH.** The county general
28 relief director shall ascertain from the local office
29 of human services if an applicant for the indigent
30 patient program would qualify for medical assistance
31 or the medically needy program under chapter 249A
32 without the spend-down provision required pursuant to
33 section 249A.3, subsection 2, paragraph "g". If the
34 applicant qualifies, the patient shall be certified
35 for medical assistance and shall not be counted under
36 chapter 255.

37 Sec. 226. Section 255.26, unnumbered paragraph 3,
38 Code 1991, is amended to read as follows:

39 The state auditor shall certify the total cost of
40 commitment, transportation and caring for each
41 indigent patient under the terms of this statute to
42 the county auditor of such patient's legal residence,
43 and such certificate shall be preserved by the county
44 auditor and shall be a debt due from the patient or
45 the persons legally responsible for the patient's
46 care, maintenance or support; and whenever in the
47 judgment of the board of supervisors the same or any
48 part thereof shall be collectible, the said board may
49 in its own name collect the same and is hereby
50 authorized to institute suits for such purpose; and

Page 59

1 after deducting the county's share of such cost shall
2 cause the balance to be paid into the state treasury
3 to reimburse the university hospital fund.

4 Transportation shall be provided at no charge to a
5 patient who is certified for medical assistance under
6 chapter 249A, and shall be reimbursed from the
7 university hospital fund.

8 Sec. 227. Section 257.37, subsection 2, as enacted
9 by 1991 Iowa Acts, Senate File 141, section 2, is
10 amended by striking the subsection and inserting in
11 lieu thereof the following:

12 2. Twenty-eight percent of the budget of an area
13 for media services shall be expended for media
14 resource material which shall only be used for the
15 purchase or replacement of material required in
16 section 273.6, subsection 1. Funds shall be paid to
17 area education agencies as provided in section 257.35.

18 Sec. 228. Section 261.19, unnumbered paragraph 2,
19 Code 1991, is amended to read as follows:

20 The college student aid commission shall determine
21 a subvention amount per resident student by dividing
22 the funds appropriated for this section by a number
23 equal to the total of twenty-two percent of the total
24 students enrolled. If fewer than twenty-two percent
25 of the total number of students enrolled are Iowa
26 residents, the college student aid commission shall
27 deduct from the funds appropriated subvention amount
28 for total Iowa students enrolled an amount equal to
29 the product of two times the product of the subvention
30 amount per resident student multiplied by the number
31 of students required to equal twenty-two percent of
32 the total students enrolled.

33 Sec. 229. Section 261.19A, unnumbered paragraph 2,
34 Code 1991, is amended to read as follows:

35 An eligible student is eligible for loan
36 forgiveness in the amount of three thousand five
37 hundred dollars per year of practice in the state of
38 Iowa for up to a maximum of four years. If a student
39 fails to complete a year of practice in the state, as
40 practice is defined by the college student aid
41 commission, the loan amount for that year shall not be
42 forgiven. Forgivable loans to eligible students shall
43 not become due, for repayment purposes, until after
44 the student has completed the student's residency.

45 Sec. 230. Section 261.38, subsection 5, Code 1991,
46 is amended to read as follows:

47 5. The treasurer of state shall invest any funds,
48 including those in the loan reserve account, and the
49 interest income earned shall be credited back to the
50 loan reserve account. The treasurer may invest up to

Page 60

1 forty percent of the funds in the loan reserve account
2 in tax-exempt investments issued by an agency of the
3 state of Iowa. If any of the tax-exempt investments
4 are for purposes of financing the construction or
5 improvement of state facilities, the executive
6 council, established under chapter 19, shall review
7 and approve the proposed construction or improvement
8 prior to the investment of loan reserve account funds
9 in the tax-exempt investments.

10 Sec. 231. Section 261.50, subsection 3, Code 1991,
11 is amended to read as follows:

12 3. Agrees to practice in an eligible community of
13 fewer than five thousand population for a minimum
14 period of four consecutive years or is practicing in a
15 federally approved community health center or health
16 manpower shortage area.

17 Sec. 232. NEW SECTION. 261.93A APPROPRIATION —
18 PERCENTAGES.

19 Of the funds appropriated to the college student
20 aid commission to be allocated for the Iowa grant
21 program for each fiscal year, thirty-seven and six-
22 tenths percent shall be reserved for students
23 attending regents' institutions, twenty-five and nine-
24 tenths percent shall be reserved for students
25 attending community colleges, and thirty-six and five-
26 tenths percent shall be reserved for students
27 attending private colleges and universities. Funds
28 appropriated for the Iowa grant program shall be used
29 to supplement, not supplant, funds appropriated for
30 other existing programs at the eligible institutions.

31 Sec. 233. Section 262.9, Code 1991, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 27. Develop and adopt a policy
34 that shall govern any future asset sale of the Iowa
35 state university of science and technology's
36 television station, WOI-TV. The policy shall provide
37 for the sale of the station only if anticipated
38 revenues from the sale exceed the benefits of
39 continued operation and the cost for the university to
40 purchase or acquire comparable services to those that
41 are being provided to the university by the station at
42 the time of any sale. The policy shall further
43 provide that the revenues received from the sale shall
44 be placed in an endowment to be held and managed by
45 the university. The proceeds from the endowment shall
46 be used only for the specifically stated missions of
47 the university.

48 a. "Station" shall be defined to include the li-
49 cense, any share of a transmission facility, any
50 programming contracts, any booked sales revenues, and

Page 61

1 the network affiliation agreement.

2 b. "Comparable services" shall be defined to
3 include, but not be limited to, use of modern
4 communications equipment by faculty, staff, and
5 students; access to trained communications
6 specialists; availability to internships by and
7 employment opportunities for students; and provision
8 for antenna location, transmission line placement, and
9 transmitter space for the university's radio stations.

10 Sec. 234. NEW SECTION. 262.9A PROHIBITION ON
11 CONTROLLED SUBSTANCES.

12 The state board of regents shall adopt a policy
13 that prohibits unlawful possession, use, or
14 distribution of controlled substances by students and
15 employees on property owned or leased by an
16 institution or in conjunction with activities
17 sponsored by an institution governed by the board.
18 Each institution shall provide information about the
19 policy to all students and employees. The policy
20 shall include a clear statement of sanctions for
21 violation of the policy and information about
22 available drug or alcohol counseling and
23 rehabilitation programs. In carrying out this policy,
24 the institutions shall provide substance abuse
25 prevention programs for students and employees.

26 Sec. 235. NEW SECTION. 263A.14 INDIGENT PATIENT
27 PROGRAM REPORT.

28 Funds shall not be allocated to the university
29 hospital fund until the superintendent of the
30 university of Iowa hospitals and clinics has filed
31 with the department of revenue and finance and the
32 legislative fiscal bureau a quarterly report
33 containing the account required in section 255.24.
34 The report shall include information required in
35 section 255.24 for patients by the type of service
36 provided.

37 Sec. 236. NEW SECTION. 268.5 IOWA ACADEMY OF
38 SCIENCE APPROPRIATION LIMITATIONS.

39 The university shall use no more than twenty
40 percent of the funds allocated to the university for
41 the Iowa academy of science for administrative
42 purposes for the Iowa academy of science or for
43 publication of the Iowa academy of science journal.
44 The university shall expend the remainder of the
45 moneys appropriated for research projects and studies
46 awarded by the Iowa academy of science. The Iowa
47 academy of science shall permit all grant recipients
48 to publish the results of the recipients' research
49 projects and studies in the Iowa academy of science
50 journal at no cost to the grant recipient.

Page 62

1 Sec. 237. NEW SECTION. 279.48 EQUIPMENT
2 PURCHASES — NOTES — BOARD RESOLUTION — SCHOOLHOUSE
3 FUND.

4 1. The board of directors of a school corporation
5 may purchase equipment, including transportation
6 equipment and recreational equipment, and may enter
7 into a contract and issue a note to pay for this
8 equipment. The note must mature within five years and
9 bear interest at a rate to be determined by the board
10 of directors in the manner provided in section 74A.3,
11 subsection 1. The board of directors shall provide,
12 by resolution, for the form contract and note.
13 Principal and interest on the note must be payable
14 from budgeted receipts in the current budget for each
15 year of a period up to five years. The equipment
16 shall be security for the balance due.

17 2. A board of directors may, by resolution,
18 restrict the use of money in the general fund or the
19 schoolhouse fund as a reserve for the purchase of
20 equipment from the general fund or schoolhouse fund.
21 If the board, by resolution, restricts the use of
22 money in a fund for such a purchase, the use is
23 restricted and unavailable for any other purpose until
24 the board removes the restriction. The removal is not
25 effective until all obligations of the restriction
26 have been satisfied or the next fiscal year, whichever
27 occurs later.

28 Sec. 238. Section 279.51, subsection 1, paragraph
29 f, Code 1991, is amended by adding the following new
30 unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. In succeeding fiscal
32 years, notwithstanding section 256A.3, subsection 6,
33 of the amount appropriated for a fiscal year, less the
34 amount allocated under paragraph "a", three and
35 thirty-three hundredths percent may be used for
36 administrative costs. However, if the amount
37 appropriated for the fiscal year, less the amount
38 allocated under paragraph "a", times three and thirty-
39 three hundredths percent is greater than the amount
40 received for use for administrative costs during the
41 fiscal year beginning July 1, 1990, then the amount to
42 be used for administrative costs shall be reduced to
43 equal the amount received during the fiscal year
44 beginning July 1, 1990.

45 Sec. 239. Section 280A.34, Code 1991, is amended
46 to read as follows:

47 280A.34 CERTAIN USES OF FUNDS PROHIBITED.

48 Funds obtained pursuant to section 280A.17;
49 subsections 3, 4, and 5 of section 280A.18; section
50 280A.19; and section 280A.22 shall not be used for the

Page 63

1 construction or maintenance of athletic buildings or
2 grounds but may be used for a project under section
3 280A.56.

4 Sec. 240. NEW SECTION. 280A.40 PROHIBITION ON
5 CONTROLLED SUBSTANCES.

6 Each merged area school shall adopt a policy that
7 prohibits unlawful possession, use, or distribution of
8 controlled substances by students and employees on
9 property owned or leased by the merged area school or
10 in conjunction with activities sponsored by a merged
11 area school. Each merged area school shall provide
12 information about the policy to all students and
13 employees. The policy shall include a clear statement
14 of sanctions for violation of the policy and
15 information about available drug or alcohol counseling
16 and rehabilitation programs. In carrying out this
17 policy, the merged area school shall provide substance
18 abuse prevention programs for students and employees.

19 Sec. 241. Section 280A.56, subsection 3, Code
20 1991, is amended to read as follows:

21 3. "Project" means the acquisition by purchase,
22 lease in accordance with section 280A.38, or
23 construction of buildings for use as student residence
24 halls and dormitories, including dining and other
25 incidental facilities therefor, and additions to such
26 buildings, the reconstruction, completion, equipment,
27 improvement, repair or remodeling of residence halls,
28 dormitories, or additions or incidental facilities,
29 and the acquisition of property of every kind and
30 description, whether real, personal, or mixed, by
31 gift, purchase, lease, condemnation, or otherwise and
32 the improvement of the property.

33 Sec. 242. Section 280A.56, Code 1991, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 4. "Bonds or notes" means revenue
36 bonds or revenue notes which are payable solely from
37 net rents, profits, and other income derived from the
38 operation of residence halls, dormitories, incidental
39 facilities, and additions.

40 Sec. 243. Section 280A.58, unnumbered paragraph 1,
41 Code 1991, is amended to read as follows:

42 To pay all or any part of the cost of carrying out
43 any project at any institution the board is authorized
44 to borrow money and to issue and sell negotiable bonds
45 or notes and to refund and refinance bonds or notes
46 issued for any project or for refunding purposes at a
47 lower rate, the same rate, or a higher rate or rates
48 of interest and from time to time as often as the
49 board shall find it to be advisable and necessary so
50 to do. Bonds or notes issued to refund other bonds or

Page 64

1 notes issued by the board for residence hall or
2 dormitory purposes at any institution, including
3 dining or other facilities and additions, or issued
4 for refunding purposes, may either be sold in the
5 manner specified for the selling of certificates under
6 section 280B.6 and the proceeds applied to the payment
7 of the obligations being refunded, or the refunding
8 bonds or notes may be exchanged for and in payment and
9 discharge of the obligations being refunded. A
10 finding by the board in the resolution authorizing the
11 issuance of the refunding bonds or notes, that the
12 bonds or notes being refunded were issued for a
13 purpose specified in this division and constitute
14 binding obligations of the board, shall be conclusive
15 and may be relied upon by any holder of any refunding
16 bond or note issued under the provisions of this
17 division. The refunding bonds or notes may be sold or
18 exchanged in installments at different times or an
19 entire issue or series may be sold or exchanged at one
20 time. Any issue or series of refunding bonds or notes
21 may be exchanged in part or sold in parts in
22 installments at different times or at one time. The
23 refunding bonds or notes may be sold or exchanged at
24 any time on, before, or after the maturity of any of
25 the outstanding notes, bonds or other obligations to
26 be refinanced thereby and may be issued for the
27 purpose of refunding a like or greater principal
28 amount of bonds or notes, except that the principal
29 amount of the refunding bonds or notes may exceed the
30 principal amount of the bonds or notes to be refunded
31 to the extent necessary to pay any premium due on the
32 call of the bonds or notes to be refunded or, to fund
33 interest in arrears or about to become due, or to
34 allow for sufficient funding of the escrow account on
35 the bonds to be refunded.

36 Sec. 244. Section 280A.59, Code 1991, is amended
37 to read as follows:

38 280A.59 RATES AND TERMS OF BONDS OR NOTES.

39 The bonds or notes may bear a date or dates, may
40 bear interest at such rate or rates, payable
41 semiannually, may mature at such time or times, may be
42 in such form, carry such registration privileges, may
43 be payable at such place or places, may be subject to
44 such terms of redemption prior to maturity with or
45 without premium, if so stated on the face of the
46 bonds, and may contain any terms and covenants as may
47 be provided by the resolution of the board authorizing
48 the issuance of the bonds or notes. In addition to
49 the estimated cost of construction, the cost of the
50 project shall be deemed to include interest upon the

Page 65

1 bonds or notes during construction and for six months
2 after the estimated completion date, the compensation
3 of a fiscal agent or adviser, any underwriter
4 discount, and engineering, administrative and legal
5 expenses. The bonds or notes shall be executed by the
6 president of the board of trustees and attested by the
7 secretary and the coupons attached to the bonds or
8 notes shall be executed with the original or facsimile
9 signatures of said president and secretary. Any bonds
10 or notes bearing the signatures of officers in office
11 on the date of the signing shall be valid and binding
12 for all purposes, notwithstanding that before delivery
13 of the bonds or notes any or all persons whose
14 signatures appear on the bonds or notes shall have
15 ceased to be officers. Each bond or note shall state
16 upon its face the name of the institution on behalf of
17 which it is issued, that it is payable solely and only
18 from the net rents, profits and income derived from
19 the operation of residence halls or dormitories,
20 including dining and other incidental facilities, at
21 the institution named, and that it does not constitute
22 a charge against the state of Iowa within the meaning
23 or application of any constitutional or statutory
24 limitation or provision. The issuance of bonds or
25 notes shall be recorded in the office of the treasurer
26 of the institution on behalf of which the bonds or
27 notes are issued, and a certificate by such treasurer
28 to this effect shall be printed on the back of each
29 such bond or note.

30 Sec. 245. Section 280A.60, Code 1991, is amended
31 to read as follows:

32 **280A.60 REFUNDING ISSUANCE RESOLUTION.**

33 Upon the determination by the board to undertake
34 and carry out any project or to refund outstanding
35 bonds or notes, the board shall adopt a resolution
36 generally describing the contemplated project and
37 setting forth the estimated cost, or describing the
38 obligations to be refunded, fixing the amount of bonds
39 or notes to be issued, the maturity or maturities, the
40 interest rate or rates and all details of the project.
41 The resolution shall contain any covenants as may be
42 determined by the board as to the issuance of
43 additional bonds or notes that may be issued payable
44 from the net rents, profits and income of the
45 residence halls or dormitories, the amendment or
46 modification of the resolution authorizing the
47 issuance of any bonds or notes, the manner, terms and
48 conditions and the amount or percentage of assenting
49 bonds or notes necessary to effectuate the amendment
50 or modification, and any other covenants as may be

Page 66

1 deemed necessary or desirable. In the discretion of
2 the board any bonds or notes issued under the terms of
3 this division may be secured by a trust indenture by
4 and between the board and a corporate trustee, which
5 may be any trust company or bank having the powers of
6 a trust company within or without the boundaries of
7 the state of Iowa; but no such trust indenture shall
8 convey or mortgage the buildings or facilities or any
9 part of the buildings or facilities. The provisions
10 of this division and of any resolution or other
11 proceedings authorizing the issuance of bonds or notes
12 and providing for the establishment and maintenance of
13 adequate rates, fees or rentals and the application of
14 the proceeds thereof shall constitute a contract with
15 the holders of the bonds or notes.

16 Sec. 246. Section 286A.11, Code 1991, is amended
17 by adding the following new subsection:

18 **NEW SUBSECTION. 5.** Thirty-eight thousand dollars
19 if the northwest Iowa technical college has filed a
20 request with the department of education for the
21 lease, purchase, or lease-purchase of equipment for
22 the heavy equipment program.

23 Sec. 247. Section 286A.14A, unnumbered paragraph
24 1, Code 1991, is amended to read as follows:

25 The department of education shall provide for the
26 establishment of a community college excellence 2000
27 account in the office of the treasurer of state for
28 deposit of moneys appropriated to the account for
29 purposes of funding quality instructional centers and
30 program and administrative sharing agreements under
31 sections 280A.45 and 280A.46. There is appropriated
32 from the general fund of the state to the department
33 of education, for the fiscal year beginning July 1,
34 1991, one million two hundred thousand dollars. There
35 is appropriated from the general fund of the state to
36 the department of education for the fiscal year
37 beginning July 1, 1992, an amount equal to two and
38 five-tenths percent of the total state general aid
39 generated for all community colleges during the budget
40 year under this chapter for deposit in the community
41 college excellence 2000 account. In the next
42 succeeding two fiscal years, the percent multiplier
43 shall be increased in equal increments until the
44 multiplier reaches seven and one-half percent of the
45 total state general aid generated for all community
46 colleges during the budget year.

47 Sec. 248. Section 294A.14, unnumbered paragraph 6,
48 Code 1991, is amended to read as follows:

49 For school districts, a performance-based pay plan
50 may provide for additional salary for individual

Page 67

1 teachers, for teachers assigned to a specific
2 discipline, or for all teachers assigned to an
3 attendance center. For area education agencies, a
4 performance-based pay plan may provide for additional
5 salary for individual teachers, for additional salary
6 for all teachers assigned to a specific discipline
7 within an area education agency, or for additional
8 salary for individual teachers assigned to a
9 multidisciplinary team within an area education
10 agency. If the plan provides additional salary for
11 all teachers assigned to an attendance center,
12 specific discipline, or multidisciplinary team, the
13 receipt of additional salary by those teachers shall
14 be determined on the basis of whether that attendance
15 center, specific discipline, or multidisciplinary team
16 meets specific objectives adopted for that attendance
17 center, specific discipline, or multidisciplinary
18 team. For school districts, the objectives may
19 include, but are not limited to, decreasing the
20 dropout rate, increasing the attendance rate, or
21 accelerating the achievement growth of students
22 enrolled in that attendance center through use of
23 learning techniques which may include, but are not
24 limited to, reading instruction using phonics
25 techniques.

26 Sec. 249. Section 298.3, subsection 3, Code 1991,
27 is amended to read as follows:

28 3. The purchase of buildings and the purchase of a
29 single unit of equipment exceeding five thousand
30 dollars in value.

31 Sec. 250. Section 298.3, Code 1991, is amended by
32 adding the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
34 291.13, unencumbered funds collected prior to July 1,
35 1991, from the levy previously authorized under
36 section 297.5, may be expended for the purposes listed
37 in this section.

38 Sec. 251. Section 298.4, Code 1991, is amended by
39 adding the following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
41 291.13, unencumbered funds collected from the levies
42 authorized in sections 96.13, 279.46, and 296.7 prior
43 to July 1, 1991, may be expended for the purposes
44 listed in subsections 1, 3, and 5.

45 Sec. 252. Section 298.16, Code 1991, is amended to
46 read as follows:

47 298.16 JUDGMENT TAX.

48 If the proper fund is not sufficient, then, unless
49 its board has provided by the issuance of bonds for
50 raising the amount necessary to pay a judgment, the

Page 68

1 cost of the judgment shall be included in the district
 2 management levy or, if the school corporation is an
 3 area education agency or a community college, the
 4 board of the school corporation shall levy a tax on
 5 the property of the school corporation for purposes of
 6 payment of the judgment costs.

7 Sec. 253. Section 303.3, subsection 3, Code 1991,
 8 is amended by striking the subsection and inserting in
 9 lieu thereof the following:

10 3. Notwithstanding section 8.33, moneys committed
 11 to grantees under contract that remain unexpended on
 12 June 30 of any fiscal year shall not revert but shall
 13 be available for expenditure for purposes of the
 14 contract until August 30 of the succeeding fiscal
 15 year.

16 Sec. 254. Section 286A.19, Code 1991, is repealed.

17 Sec. 255. Sections 206 and 214 of this division,
 18 being deemed of immediate importance, take effect upon
 19 enactment.

DIVISION III

21 ECONOMIC DEVELOPMENT APPROPRIATIONS

22 Sec. 301. There is appropriated from the general
 23 fund of the state to the department of economic
 24 development for the fiscal year beginning July 1,
 25 1991, and ending June 30, 1992, the following amounts,
 26 or so much thereof as is necessary, to be used for the
 27 purposes designated:

28 1. ADMINISTRATIVE SERVICES DIVISION

29 a. General administration

30 For salaries, support, maintenance, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions:

33	\$	915,000
34	FTEs	23.00

35 b. Rural resource coordination

36 For salaries, support, maintenance, miscellaneous
 37 purposes, and for not more than the following full-
 38 time equivalent positions for rural resource
 39 coordination, rural community leadership, and the
 40 rural enterprise fund:

41	\$	740,000
42	FTEs	2.50

43 As a condition, limitation, and qualification of
 44 the appropriation under this subsection, \$425,000
 45 shall be allocated to the rural enterprise fund, and
 46 \$140,000 shall be allocated for rural community
 47 leadership.

48 c. Primary research and computer center

49 For salaries, support, maintenance, miscellaneous
 50 purposes, and for not more than the following full-

Page 69

1	time equivalent positions:		
2	.....	\$	350,000
3	..... FTEs		6.50
4	d. Film office		
5	For salaries, support, maintenance, miscellaneous		
6	purposes, and for not more than the following full-		
7	time equivalent positions:		
8	.....	\$	190,000
9	..... FTEs		2.00
10	2. BUSINESS DEVELOPMENT DIVISION		
11	a. Business development operations		
12	For salaries, support, maintenance, miscellaneous		
13	purposes, and for not more than the following full-		
14	time equivalent positions:		
15	.....	\$	225,586
16	..... FTEs		4.50
17	As a condition, limitation, and qualification of		
18	the appropriation made by this paragraph, the		
19	department shall establish a marketing initiative to		
20	assist Iowa companies producing recycling or		
21	reclamation equipment or services to expand into		
22	national markets.		
23	b. Small business programs		
24	For salaries, support, maintenance, miscellaneous		
25	purposes, and for not more than the following full-		
26	time equivalent positions for the small business		
27	program and the small business advisory council:		
28	.....	\$	235,000
29	..... FTEs		4.50
30	c. Federal procurement office		
31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-		
33	time equivalent positions:		
34	.....	\$	100,000
35	..... FTEs		3.00
36	d. Incubators:		
37	.....	\$	70,000
38	The department may establish criteria to provide		
39	funding beyond the initial three-year start-up period		
40	to existing small business and rural incubators. The		
41	department shall consider the incubator's progress		
42	toward becoming self-sufficient during the initial		
43	award period and the incubator's plan to become self-		
44	sufficient from the need for further grants.		
45	e. Strategic investment fund		
46	For deposit in the strategic investment fund		
47	created in section 15.313 and for salaries and support		
48	for not more than the following full-time equivalent		
49	positions:		
50	.....	\$	4,481,456

Page 70

1	.....	FTEs	9.40
2	f. Targeted small business program		
3	For the salary, support, maintenance, miscellaneous		
4	purposes, and for not more than the following full-		
5	time equivalent position:		
6	.....	\$	50,000
7	.....	FTEs	1.00
8	3. COMMUNITY AND RURAL DEVELOPMENT DIVISION		
9	a. Community development block grant		
10	For administration and related federal housing and		
11	urban development grant administration for salaries,		
12	support, maintenance, miscellaneous purposes, and for		
13	not more than the following full-time equivalent		
14	positions:		
15	.....	\$	320,855
16	.....	FTEs	14.00
17	b. Rural community 2000 program		
18	For salaries, support, maintenance, miscellaneous		
19	purposes, and for not more than the following full-		
20	time equivalent positions:		
21	.....	\$	1,600,000
22	.....	FTEs	1.25
23	Notwithstanding section 15.283, subsection 4, for		
24	the fiscal year beginning July 1, 1991, and ending		
25	June 30, 1992, all funds allocated under this		
26	paragraph shall be used for traditional and new		
27	infrastructure and planning as specified under		
28	sections 15.284, 15.285, and 15.286A.		
29	As a condition, limitation, and qualification of		
30	the appropriation under this paragraph, not more than		
31	\$300,000 shall be allocated for the planning category.		
32	c. Community progress		
33	For salaries, support, maintenance, miscellaneous		
34	purposes, and for not more than the following full-		
35	time equivalent positions for administration of the		
36	community economic preparedness program, the Iowa		
37	community betterment program, and the city development		
38	board:		
39	.....	\$	467,350
40	.....	FTEs	7.50
41	d. Councils of governments		
42	To provide to Iowa's councils of governments funds		
43	for planning and technical assistance funds to assist		
44	local governments to develop community development		
45	strategies for addressing long-term and short-term		
46	community needs:		
47	.....	\$	300,000
48	e. Main street/rural main street program		
49	For salaries and support for not more than the		
50	following full-time equivalent positions:		

Page 71

1	.....	\$	365,000
2	.....	FTEs	3.00
3	Notwithstanding section 8.33, moneys committed to		
4	grantees under contract that remain unexpended on June		
5	30 of any fiscal year shall not revert to any fund but		
6	shall be available for expenditure for purposes of the		
7	contract during the succeeding fiscal year.		
8	The legislative council is requested to establish		
9	an interim study committee to develop recommendations		
10	on how to more efficiently deliver regional economic		
11	development assistance to businesses and communities.		
12	4. INTERNATIONAL DIVISION		
13	a. International trade operations		
14	For salaries, support, maintenance, miscellaneous		
15	purposes, and for not more than the following full-		
16	time equivalent positions:		
17	.....	\$	500,000
18	.....	FTEs	6.00
19	b. European trade office		
20	For salaries, support, maintenance, miscellaneous		
21	purposes, and for not more than the following full-		
22	time equivalent positions:		
23	.....	\$	335,000
24	.....	FTEs	2.50
25	c. Asian trade office		
26	For salaries, support, maintenance, miscellaneous		
27	purposes, and for not more than the following full-		
28	time equivalent positions:		
29	.....	\$	255,000
30	.....	FTEs	2.00
31	d. Japan trade office		
32	For salaries, support, maintenance, miscellaneous		
33	purposes, and for not more than the following full-		
34	time equivalent positions:		
35	.....	\$	300,000
36	.....	FTEs	2.00
37	e. Export trade activities program		
38	For export trade activities, including a program to		
39	encourage and increase participation in trade shows		
40	and trade missions by providing financial assistance		
41	to businesses for a percentage of their costs of		
42	participating in trade shows and trade missions, by		
43	providing for the lease/sublease of showcase space in		
44	existing world trade centers, by providing temporary		
45	office space for foreign buyers, international		
46	prospects, and potential reverse investors, and by		
47	providing other promotional and assistance activities,		
48	including salaries and support for not more than the		
49	following full-time equivalent position:		
50	.....	\$	350,000

Page 72

1	.....	FTEs	0.25
2	f. Agricultural product advisory council		
3	For support, maintenance, and miscellaneous		
4	purposes:		
5	.....	\$	4,000
6	g. Partner state program:		
7	.....	\$	100,000
8	The department may contract with private groups or		
9	organizations which are the most appropriate to		
10	administer this program. The groups and organizations		
11	participating in the program shall, to the fullest		
12	extent possible, provide the funds to match the		
13	appropriation made in this paragraph.		
14	h. Peace institute		
15	For allocation to the Iowa peace institute		
16	established in chapter 38:		
17	.....	\$	200,000
18	5. TOURISM DIVISION		
19	a. Tourism operations		
20	For salaries, support, maintenance, miscellaneous		
21	purposes, and for not more than the following full-		
22	time equivalent positions:		
23	.....	\$	745,000
24	.....	FTEs	15.97
25	As a condition, limitation, and qualification of		
26	the appropriation made in this paragraph, the		
27	appropriation shall not be used for advertising		
28	placements for in-state and out-of-state tourism		
29	marketing.		
30	b. Tourism advertising		
31	For contracting exclusively for tourism advertising		
32	for in-state and out-of-state tourism marketing		
33	services, tourism promotion programs, electronic		
34	media, print media, and printed materials:		
35	.....	\$	2,940,000
36	As a condition, limitation, and qualification of		
37	the appropriation made in this paragraph, the		
38	department shall develop public-private partnerships		
39	with Iowa businesses in the tourism industry, Iowa		
40	tour groups, Iowa tourism organizations, and political		
41	subdivisions in this state to assist in the		
42	development of advertising efforts. The department		
43	shall, to the fullest extent possible, develop		
44	cooperative efforts for advertising with contributions		
45	from other sources.		
46	c. Welcome center program:		
47	.....	\$	350,000
48	Notwithstanding section 8.33, moneys committed to		
49	grantees under contract that remain unexpended on June		
50	30 of any fiscal year shall not revert to any fund but		

Page 73

1 shall be available for expenditure for purposes of the
2 contract during the succeeding fiscal year.

3 As a condition, limitation, and qualification of
4 the appropriations made in this subsection, moneys
5 appropriated shall be used for implementation of the
6 recommendations of the statewide long-range plan for
7 developing and operating welcome centers throughout
8 the state.

9 Notwithstanding section 8.33, pursuant to 1990 Iowa
10 Acts, chapter 1255, section 37, subsection 1, as
11 amended by 1991 Iowa Acts, House File 173, section
12 1001, the amount of \$275,000 shall be available for
13 the fiscal year beginning July 1, 1991, for completion
14 of contract negotiations for the establishment of the
15 welcome center in the Council Bluffs area.

16 d. Mississippi river parkway commission

17 For support, maintenance, and miscellaneous
18 purposes:

19\$ 19,000

20 6. WORK FORCE DEVELOPMENT DIVISION

21 a. Youth work force programs

22 For purposes of the conservation corps, including
23 salary, support, maintenance, miscellaneous purposes,
24 and for not more than the following full-time
25 equivalent positions:

26\$ 1,261,614

27FTEs 1.90

28 Notwithstanding section 8.33, moneys committed to
29 grantees under contract that remain unexpended on June
30 30 of any fiscal year shall not revert to any fund but
31 shall be available for expenditure for purposes of the
32 contract during the succeeding fiscal year.

33 b. Iowa corps

34 For purposes of the Iowa corps, including salary,
35 support, maintenance, miscellaneous purposes, and for
36 not more than the following full-time equivalent
37 positions:

38\$ 107,500

39FTEs 1.00

40 Notwithstanding section 8.33, moneys obligated for
41 the payment of tuition credits under this program but
42 not expended at the end of the fiscal year shall not
43 revert to any fund but shall be available for
44 expenditure during succeeding fiscal years.

45 c. Job retraining program

46 To the Iowa employment retraining fund created in
47 section 15.298 including salaries and support for not
48 more than the following full-time equivalent
49 positions:

50\$ 1,000,000

Page 74

1	.....	FTEs	1.60
2	d. Work force investment program including		
3	salaries and support for not more than the following		
4	full-time equivalent position:		
5	.....	\$	1,000,000
6	.....	FTEs	0.90

7 This program shall be administered through the
8 department of economic development in consultation
9 with the state job training coordinating council. The
10 program shall be operated on a competitive grant basis
11 and funds shall be available for projects that
12 increase Iowa's pool of available labor via training
13 and support services. \$300,000 of the amount
14 appropriated in this paragraph shall be available
15 specifically for displaced homemaker programs.

16 e. Labor management councils

17 For salaries, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-
19 time equivalent positions:

20	.....	\$	202,320
21	.....	FTEs	1.05

22 As a condition, limitation, and qualification of
23 the funds appropriated in this subsection, \$50,000
24 shall be allocated for productivity enhancement
25 projects.

26 As a condition, limitation, and qualification of
27 receiving a grant from funds appropriated by this
28 paragraph, grantees shall facilitate the active
29 participation of labor as members of labor management
30 councils. Grantees shall make a good faith effort to
31 either schedule meetings during nonworking hours, or
32 obtain voluntary agreements with employers to allow
33 employees time off to attend labor management council
34 meetings with no loss of pay or other benefits.

35 Notwithstanding section 8.33, moneys committed to
36 grantees under contract that remain unexpended on June
37 30 of any fiscal year shall not revert to any fund but
38 shall be available for expenditure for purposes of the
39 contract during the succeeding fiscal year.

40 Notwithstanding section 8.33, pursuant to 1990 Iowa
41 Acts, chapter 1255, section 37, subsection 1, as
42 amended by 1991 Iowa Acts, House File 173, section
43 1001, moneys remaining unencumbered or unobligated
44 shall be available for expenditure for the fiscal year
45 beginning July 1, 1991, for the same purposes.

46 Sec. 302. Notwithstanding section 28.120,
47 subsections 5 and 6, there is appropriated from the
48 Iowa community development loan fund to the department
49 of economic development for the fiscal year beginning
50 July 1, 1991, and ending June 30, 1992, the following

Page 75

1 amount, or so much thereof as is necessary, to be used
2 for the purposes designated:

3 RURAL DEVELOPMENT FINANCING:

4\$ 50,000

5 Notwithstanding section 8.39, funds appropriated by
6 this section shall not be subject to transfer.

7 Sec. 303. Notwithstanding section 15.251,

8 subsection 2, there is appropriated from the job
9 training fund created in the office of the treasurer
10 of state to the department of economic development for
11 the fiscal year beginning July 1, 1991, and ending
12 June 30, 1992, the following amount, or so much
13 thereof as is necessary, to be used for the purposes
14 designated:

15 1. For administration of chapter 280B, including
16 salaries, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-
18 time equivalent positions:

19\$ 125,000

20FTEs 2.40

21 2. For payment to the community colleges to
22 supplement the coordination and instruction of
23 apprentice related instruction, and instructional
24 equipment for apprenticeship programs as provided in
25 section 280A.44:

26\$ 125,000

27 As a condition, limitation, and qualification of
28 the appropriation under this subsection, funds shall
29 be allocated to each community college on the basis of
30 the percentage of total contact hours enrolled in
31 apprenticeship training at community colleges as of
32 July 1, 1991.

33 3. For the target alliance program if funds remain
34 in the job training fund after the appropriations in
35 subsections 1 and 2 are made:

36\$ 30,000

37 Sec. 304. There is appropriated from the general
38 fund of the state to the Iowa finance authority for
39 the fiscal year beginning July 1, 1991, and ending
40 June 30, 1992, the following amounts, or so much
41 thereof as is necessary, to be used for the purposes
42 designated:

43 1. HOMELESS SHELTER PROGRAM

44 To be deposited in the housing trust fund, for the
45 operation, construction, and rehabilitation of
46 homeless shelters under section 220.100, subsection 2,
47 paragraph "a":

48\$ 1,000,000

49 a. Of the amount appropriated in this subsection,
50 as nearly as practicable, \$675,000 shall be used for

Page 76

1 operating costs, including utilities, maintenance,
 2 food, clothing, and other supplies, or staff support
 3 services for homeless shelters; \$225,000 shall be used
 4 for construction and rehabilitation of homeless
 5 shelters; and \$100,000 shall be used for assistance to
 6 homeless shelters that are facing closure. If the
 7 moneys allocated for any purposes in this paragraph
 8 are not used or dedicated by February 1 of the fiscal
 9 year, the moneys may be reallocated for the other
 10 purposes in this paragraph that have the most need as
 11 determined by the Iowa finance authority.

12 b. As a condition, limitation, and qualification
 13 of the \$1,000,000 appropriation to the housing trust
 14 fund in this subsection and notwithstanding section
 15 220.100, subsection 6, from the moneys available for
 16 operating costs of and staff support services for
 17 homeless shelters in paragraph "a", the Iowa finance
 18 authority shall contract with a nongovernmental entity
 19 to administer the funds available for operating costs
 20 of and staff support services for homeless shelters.

21 2. HOUSING ASSISTANCE PROGRAM

22 a. To provide mortgage and finance assistance to
 23 individuals for the purchase or acquisition of homes:

24\$ 900,000

25 b. Of the amount appropriated in paragraph "a", an
 26 amount not to exceed 10 percent shall be used to
 27 finance the purchase or acquisition, in communities
 28 with a population of less than 10,000, of manufactured
 29 homes as defined in 42 U.S.C. § 5403.

30 c. Funds provided under paragraph "a" shall not be
 31 restricted to first-time home buyers but shall be for
 32 lower income and very low income families as defined
 33 in section 220.1. The assistance provided shall
 34 include at least one of the following kinds of
 35 assistance:

36 (1) Closing costs assistance.

37 (2) Down payment assistance.

38 (3) Home maintenance and repair assistance.

39 (4) Loan processing assistance through a loan
 40 endorser review contractor who would act on behalf of
 41 the authority in assisting lenders in processing loans
 42 that will qualify for government insurance or
 43 guarantee or for financing under the authority's
 44 mortgage revenue bond program.

45 (5) Mortgage insurance program.

46 Not more than 50 percent of the assistance provided
 47 by the authority shall be provided under subparagraphs
 48 (4) and (5). So long as at least one of the kinds of
 49 assistance described in subparagraphs (1) through (5)
 50 are provided, additional assistance not described in

Page 77

1 subparagraphs (1) through (5) may also be provided.
 2 d. Assistance provided under paragraph "a" shall
 3 be limited to mortgages under \$55,000, except in those
 4 areas of the state where the median price of homes
 5 exceeds the state average.

6 3. RURAL COMMUNITY 2000 PROGRAM:

7\$ 342,457

8 Notwithstanding section 15.283, subsection 4, for
 9 the fiscal year beginning July 1, 1991, and ending
 10 June 30, 1992, all funds allocated under this
 11 paragraph shall be used for the housing category as
 12 specified under section 15.286.

13 Sec. 305. There is appropriated from the general
 14 fund of the state to the Wallace technology transfer
 15 foundation for the fiscal year beginning July 1, 1991,
 16 and ending June 30, 1992, the following amount, or so
 17 much thereof as is necessary, to be used for the
 18 purposes designated:

19 1. For salaries, support, maintenance, and other
 20 operational purposes, for funding the small business
 21 innovation research program, and for funding
 22 activities as provided in section 28.158:
 23\$ 2,660,000

24 2. For transfer to the Iowa product development
 25 corporation fund established in section 28.89:
 26\$ 1,000,000

27 Sec. 306. There is appropriated from the general
 28 fund of the state to INTERNET for the fiscal year
 29 beginning July 1, 1991, and ending June 30, 1992, the
 30 following amount, or so much thereof as is necessary,
 31 to be used for the purposes designated:

32 For deposit in the international network on trade
 33 fund created by the INTERNET board:
 34\$ 465,000

35 As a condition, limitation, and qualification of
 36 the appropriation under this section, \$90,000 shall be
 37 allocated to the department of economic development
 38 for the Iowa international development foundation for
 39 the salaries and support for not more than the
 40 following full-time equivalent positions:

41FTEs 1.50

42 The full-time equivalent positions receiving moneys
 43 from the allocation for the Iowa international
 44 development foundation are employees of the department
 45 of economic development.

46 Sec. 307. There is appropriated from the general
 47 fund of the state to the following named institutions
 48 for the fiscal year beginning July 1, 1991, and ending
 49 June 30, 1992, the following amounts, or so much
 50 thereof as is necessary, to be used for the purposes

Page 78

1 designated:

2 1. To the university of northern Iowa for the
3 applied technology program:

4\$ 300,000

5 2. To the university of northern Iowa for the
6 decision-making science institute:
7\$ 575,000

8 3. To the Iowa state university of science and
9 technology for funding the small business development
10 centers:
11\$ 1,190,000

12 4. To the Iowa state university of science and
13 technology for the institute for physical research and
14 technology:
15\$ 500,000

16 5. To the state university of Iowa for the center
17 for biocatalysis:
18\$ 396,000

19 Sec. 308. There is appropriated from the community
20 college job training fund created in section 280C.6,
21 subsection 1, as amended by 1991 Iowa Acts, Senate
22 File 90, to the department of economic development for
23 the fiscal year beginning July 1, 1991, and ending
24 June 30, 1992, the following amount, or so much
25 thereof as is necessary, to be used for the purposes

26 designated:

27 For salaries, support, maintenance, and
28 miscellaneous purposes for the administration of the
29 Iowa small business new jobs training Act, and for not
30 more than the following full-time equivalent position:
31\$ 38,954
32FTEs .70

33 Sec. 309. Section 99E.31, subsection 2, Code 1991,
34 is amended by striking the subsection.

35 Sec. 310. Section 99E.32, subsection 2, Code 1991,
36 is amended by striking the subsection.

37 Sec. 311. Section 15.241, unnumbered paragraphs 1
38 and 2, Code 1991, are amended to read as follows:

39 The department shall establish, contingent upon the
40 availability of funds authorized for the program,
41 There is established a "self-employment loan program,
42 account" within the strategic investment fund created
43 in section 15.313 to provide funding for the self-
44 employment loan program which program is to be
45 conducted in coordination with the job training
46 partnership program and other programs administered
47 under section 15.108, subsection 6, paragraph "c".
48 The department may contract with local community
49 action agencies or other local entities in
50 administering the program, and shall work with the

Page 79

1 department of employment services and the department
2 of human services in developing the program.

3 The self-employment loan program shall administer a
4 low-interest loan program to provide loans to low-
5 income persons for the purpose of establishing or
6 expanding small business ventures. The terms of the
7 loans shall be determined by the department, but shall
8 not be in excess of five thousand dollars to any
9 single applicant or at a rate to exceed five percent
10 simple interest per annum. A self-employment loan
11 program revolving loan fund shall be established
12 within the department. The department shall maintain
13 records of all loans approved and the effectiveness of
14 those loans in establishing or expanding small
15 business ventures.

16 Sec. 312. Section 15.241, Code 1991, is amended by
17 adding the following new unnumbered paragraph:
18 NEW UNNUMBERED PARAGRAPH. Payments of interest and
19 repayments of moneys awarded under this program shall
20 be deposited into the strategic investment fund.

21 Sec. 313. Section 15.247, subsections 2 and 3,
22 Code 1991, are amended to read as follows:

23 2. The department shall establish, contingent upon
24 the availability of funds authorized for the program,
25 There is established a "targeted small business
26 financial assistance program account" within the
27 strategic investment fund created in section 15.313,
28 to provide for loans, loan guarantees, revolving
29 loans, loans secured by accounts receivable, or grants
30 to targeted small businesses. A targeted small
31 business in any year shall receive under this program
32 not more than twenty-five thousand dollars in a loan
33 or grant, and not more than forty thousand dollars in
34 a guarantee, or a combination of loans, grants, or
35 guarantees. The program shall provide guarantees not
36 to exceed seventy-five percent for loans made by
37 qualified lenders. The department shall establish a
38 financial assistance reserve account from funds
39 provided for this allocated to the program account,
40 from which any default on a guaranteed loan under this
41 section shall be paid. In administering the program
42 the department shall not guarantee loan values in
43 excess of the amount credited to the reserve account
44 and only moneys set aside in the loan reserve account
45 may be used for the payment of a default.

46 3. All moneys designated for the targeted small
47 business financial assistance program shall be
48 credited to the financial assistance reserve program
49 account. The department shall also establish an
50 administrative account from which the operating costs

Page 80

1 of the program shall be paid. The department may
2 transfer moneys between the reserve and the
3 administrative accounts except that not more than
4 twenty-five percent of the moneys shall be used to
5 administer the fund. The department shall determine
6 the actuarially sound reserve requirement for the
7 amount of guaranteed loans outstanding.

8 Sec. 314. Section 15.247, Code 1991, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 6. Payments of interest and
11 repayments of moneys awarded under this program shall
12 be deposited into the strategic investment fund.

13 Sec. 315. Section 15.287, Code 1991, is amended to
14 read as follows:

15 15.287 REVOLVING FUND.

16 The Iowa finance authority shall establish a
17 revolving fund for the program and shall transfer to
18 the department moneys to be administered by the
19 department. The moneys in the revolving fund are
20 appropriated for purposes of the program.
21 Notwithstanding section 8.33, moneys in the fund at
22 the end of a fiscal year shall not revert to any other
23 fund but shall remain in the revolving fund. The fund
24 shall consist of all appropriations, grants, or gifts
25 received by the authority or the department
26 specifically for use under this part and all
27 repayments of loans or grants made under this part.
28 However, loan repayments from loans made under section
29 28.120, which are not allocated to another program,
30 shall be deposited in the revolving fund and shall be
31 available for allocation by the director for
32 categories administered by the department.

33 Sec. 316. NEW SECTION. 15.311 STRATEGIC
34 INVESTMENT FUND.

35 This part shall be known as the "Iowa Strategic
36 Investment Fund" program.

37 Sec. 317. NEW SECTION. 15.312 PURPOSE.

38 The purpose of this part shall be to provide a
39 mechanism for funding those programs listed in section
40 15.313, subsection 2, in order to more efficiently
41 meet the needs identified within those individual
42 programs.

43 Sec. 318. NEW SECTION. 15.313 STRATEGIC
44 INVESTMENT FUND.

45 1. There is created an "Iowa strategic investment
46 fund". The fund is a revolving fund and consists of
47 any money appropriated by the general assembly for
48 that purpose and any other moneys available to and
49 obtained or accepted by the department from the
50 federal government or private sources for placement in

Page 81

1 the fund. The fund shall also include:

2 a. All unencumbered and unobligated funds from the
3 special community economic betterment program fund
4 created under 1990 Iowa Acts, chapter 1262, section 1,
5 subsection 18, remaining on June 30, 1991, and all
6 repayments of loans or other awards made under the
7 community economic betterment account or under the
8 community economic betterment program during the
9 preceding fiscal years beginning July 1, 1985, and
10 subsequent fiscal years.

11 b. All unencumbered and unobligated funds from the
12 self-employment loan program, the targeted small
13 business financial assistance program, the
14 microenterprise development revolving fund, and the
15 value-added agricultural products and processes
16 financial assistance fund remaining on June 30, 1991,
17 and all repayments of loans or other awards made under
18 these programs during the fiscal year beginning July
19 1, 1991, and subsequent fiscal years.

20 2. The assets of the fund shall be used by the
21 department for carrying out the purposes of the
22 following programs:

23 a. The community economic betterment program
24 created in sections 15.315 through 15.320.

25 b. The value-added agricultural products and
26 processes financial assistance program created in
27 sections 28.111 through 28.112.

28 c. The business development finance corporation
29 created in sections 28.131 through 28.149.

30 d. The self-employment loan program created in
31 section 15.241.

32 e. The targeted small business financial
33 assistance program created in section 15.247.

34 3. All grants, loans, and forgivable loans awarded
35 under subsection 2, paragraphs "a" and "b", shall be
36 approved by the board.

37 4. Annually the director shall submit to the
38 economic development board at a regular or special
39 meeting preceding the beginning of the fiscal year
40 planned allocations to be made for that fiscal year to
41 the community economic betterment program, the value-
42 added agricultural products and processes financial
43 assistance program, the business development finance
44 corporation, the self-employment loan program, and the
45 targeted small business financial assistance program.
46 Plans may provide for increased or decreased
47 allocations if the demand in a program indicates that
48 the need exceeds the allocation for that program. The
49 director shall report to the board on the status of
50 the funds on a monthly basis and may present proposed

Page 82

1 revisions for approval by the board in January and
2 April of each year. Unobligated and unencumbered
3 moneys remaining in the strategic investment fund or
4 any of its accounts on June 30 of each year shall be
5 considered part of the fund for purposes of the next
6 year's allocation.

7 5. Notwithstanding section 8.33, moneys in this
8 fund at the end of each fiscal year shall not revert
9 to any other fund but shall remain in this strategic
10 investment fund.

11 Sec. 319. NEW SECTION. 15.315 COMMUNITY ECONOMIC
12 BETTERMENT PROGRAM.

13 This part shall be known as the "Community Economic
14 Betterment Program."

15 Sec. 320. NEW SECTION. 15.316 PURPOSE.

16 The purpose of this program is to assist
17 communities and rural areas of the state with their
18 economic development efforts and to increase
19 employment opportunities for Iowans by increasing the
20 level of economic activity and development within the
21 state.

22 Sec. 321. NEW SECTION. 15.317 PROGRAM.

23 1. The department shall establish a program to
24 effectuate the purposes of this part by providing
25 financial assistance for small business gap financing,
26 new business opportunities, and new product and
27 entrepreneurial development. These purposes may be
28 accomplished by providing the following types of
29 assistance:

- 30 a. Principal buy-down program to reduce the
31 principal of a business loan.
- 32 b. Interest buy-down program to reduce the
33 interest of a business loan.
- 34 c. Loans or forgivable loans to aid in economic
35 development.
- 36 d. Loan guarantees for business loans made by
37 commercial lenders.
- 38 e. Equity-like investments.

39 2. Only a political subdivision of this state may
40 apply to receive funds for any of the above purposes.
41 The political subdivision shall make application to
42 the department of economic development specifying the
43 purpose for which the funds will be used.

44 3. The department shall not provide more than one
45 million dollars for any project, unless at least two-
46 thirds of the members of the economic development
47 board vote for providing more.

48 Sec. 322. NEW SECTION. 15.318 RATING FACTORS AND
49 CRITERIA.

50 In ranking applications for funds, the department

Page 83

1 shall consider a variety of factors including, but not
2 limited to:

3 1. The proportion of local match to be provided.

4 2. The proportion of private contribution to be
5 provided, including the involvement of financial
6 institutions.

7 3. The total number of jobs to be created or
8 retained.

9 4. The size of the business receiving assistance.
10 The department shall award more points to small
11 businesses as defined by the United States small
12 business administration.

13 5. The potential for future growth in the industry
14 represented by the business being considered for
15 assistance.

16 6. The need of the business for financial
17 assistance from governmental sources. More points
18 shall be awarded to a business for which the
19 department determines that governmental assistance is
20 most necessary to the success of the project.

21 7. The quality of the jobs to be created. In
22 rating the quality of the jobs the department shall
23 award more points to those jobs that have a higher
24 wage scale, have a lower turnover rate, are full-time
25 or career-type positions, provide comprehensive health
26 benefits, or have other related factors which could be
27 considered to be higher in quality. Businesses that
28 have wage scales substantially below that of existing
29 Iowa businesses in that area should be rated as
30 providing the lowest quality of jobs and should
31 therefore be given the lowest ranking for providing
32 such assistance.

33 8. The level of need of the political subdivision.

34 9. The impact of the proposed project on the
35 economy of the political subdivision.

36 10. The impact of the proposed project on other
37 businesses in competition with the business being
38 considered for assistance. The department shall make
39 a good faith effort to identify existing Iowa
40 businesses within an industry in competition with the
41 business being considered for assistance. The
42 department shall make a good faith effort to determine
43 the probability that the proposed financial assistance
44 will displace employees of the existing businesses.
45 In determining the impact on businesses in competition
46 with the business being considered for assistance,
47 jobs created as a result of other jobs being displaced
48 elsewhere in the state shall not be considered direct
49 jobs created.

50 11. The impact to the state of the proposed

Page 84

1 project. In measuring the economic impact the
2 department shall award more points for projects which
3 have greater consistency with the state strategic
4 plan, such as the following:

5 a. A business with a greater percentage of sales
6 out-of-state or of import substitution.

7 b. A business with a higher proportion of in-state
8 suppliers.

9 c. A project which would provide greater
10 diversification of the state economy.

11 d. A business with fewer in-state competitors.

12 e. A potential for future job growth.

13 f. A project which is not a retail operation.

14 12. If the business has a record of violations of
15 the law over a period of time that tends to show a
16 consistent pattern, the business shall be given the
17 lowest ranking for providing assistance. The
18 department shall make a good faith effort to compile
19 this information.

20 13. If a business has, within three years of
21 application for assistance, acquired or merged with an
22 Iowa corporation or company, the business shall make a
23 good faith effort to hire the workers of the acquired
24 or merged company.

25 14. To be eligible for assistance a business shall
26 provide for a preference for hiring residents of the
27 state or the economic development area, except for
28 out-of-state employees offered a transfer to Iowa or
29 the economic development area.

30 15. All known required environmental permits must
31 be granted and regulations met before moneys are
32 released.

33 Sec. 323. NEW SECTION. 15.319 MONITORING OF JOB
34 CREATION AND RETENTION.

35 1. The department shall develop definitions for
36 the terms "job creation" and "job retention" to
37 measure and identify the actual number of permanent,
38 full-time positions which the businesses actually
39 create or retain and which can be documented by
40 comparison of the payroll reports during the twenty-
41 four month period after the award.

42 2. The department shall document the actual job
43 creation and retention effects of all businesses
44 receiving financial assistance from the program in the
45 context of the employer contribution and payroll
46 reports filed by the business.

47 3. The department shall require businesses which
48 receive assistance from the program to submit
49 historical copies of the employer contributions and
50 payroll reports with the application for funds,

Page 85

1 require businesses to submit the reports after an
2 award on a timely basis, and require businesses to
3 estimate the expected job creation and retention
4 effects for the twelve-month and twenty-four month
5 periods after an award in terms of the number of
6 employees and total wages as displayed in the payroll
7 reports.

8 Sec. 324. NEW SECTION. 15.320 COMMUNITY ECONOMIC
9 BETTERMENT PROGRAM ACCOUNT.

10 1. A community economic betterment program account
11 is established within the strategic investment fund to
12 be used by the department of economic development for
13 the community economic betterment program. The
14 account shall consist of all appropriations, grants,
15 or gifts received by the department specifically for
16 use under this part and any moneys allocated to the
17 community economic betterment program account from the
18 strategic investment fund.

19 2. Payments of interest or repayments of moneys
20 awarded under the community economic betterment
21 program shall be deposited into the strategic
22 investment fund.

23 Sec. 325. Section 28.111, subsection 3, unnumbered
24 paragraph 1, Code 1991, is amended to read as follows:

25 The director of the department of economic
26 development may grant financial or technical
27 assistance to a person eligible to receive assistance
28 under this section, upon review and evaluation of the
29 person's application by the agricultural products
30 advisory council as established in section 15.203.
31 The council shall make recommendations to approve or
32 disapprove an application to the department. The
33 department director shall consider the recommendations
34 council's evaluation in granting or denying
35 assistance. The department director shall not approve
36 an application for assistance under this section to
37 refinance an existing loan, or to finance traditional
38 agricultural operations. An application is eligible
39 for consideration if the application seeks assistance
40 for any of the following purposes:

41 Sec. 326. Section 28.112, subsection 1, Code 1991,
42 is amended to read as follows:

43 1. The department may establish There is
44 established a value-added agricultural products and
45 processes financial assistance fund account within the
46 strategic investment fund created in section 15.313.
47 The fund account shall be a revolving fund composed
48 consist of any money appropriated by the general
49 assembly for that purpose, moneys allocated to the
50 account from the strategic investment fund, any other

Page 86

1 moneys available to and obtained or accepted by the
2 department from the federal government or private
3 sources for placement in the fund; and any earned
4 interest account. Except as otherwise provided in
5 subsection 2, the assets of the fund account shall be
6 used by the department only for carrying out the
7 purposes of section 28.111.

8 Sec. 327. Section 28.112, subsection 2, Code 1991,
9 is amended by adding the following new paragraph:

10 NEW PARAGRAPH. d. Payments of interest or
11 repayments of moneys awarded under the value-added
12 agricultural products and processes financial
13 assistance program shall be deposited into the
14 strategic investment fund.

15 Sec. 328. Section 28.120, Code 1991, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 8. Loan repayments made under
18 this section and unallocated in the special account in
19 subsection 5, shall be allocated to the revolving
20 account of the rural community 2000 program created in
21 section 15.287.

22 Sec. 329. Section 28.143, subsection 1, paragraph
23 e, Code 1991, is amended to read as follows:

24 e. The superintendent of savings and loans credit
25 unions.

26 Sec. 330. Section 28.144, Code 1991, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 28.144 PRESIDENT OF THE CORPORATION.

30 The director of the department shall appoint the
31 president of the corporation from the division within
32 the department that administers business financial
33 assistance programs. Administrative and staff support
34 shall be furnished by the department.

35 Sec. 331. Section 28.148, Code 1991, is amended to
36 read as follows:

37 28.148 STATE ASSISTANCE FUND.

38 There is created in the treasurer of state's office
39 a "business development finance corporation assistance
40 fund". The fund shall consist of all appropriations,
41 grants, or gifts received by the treasurer
42 specifically for assistance under this division and
43 moneys allocated from the strategic investment fund
44 created in section 15.313. Moneys in this fund are
45 appropriated to the corporation for the purposes
46 stated in this division. Moneys allocated to this
47 fund for purposes of the capital access program and
48 repayments of moneys from the capital access program
49 which remain unobligated at the end of a fiscal year
50 may be returned to the strategic investment fund upon

Page 87

1 approval of the board of directors of the business
 2 development finance corporation of Iowa.

3 Sec. 332. Notwithstanding the provision in section
 4 15.313 granting the director of the department of
 5 economic development discretion in the allocation of
 6 the moneys to the various accounts in the strategic
 7 investment fund, for the fiscal year beginning July 1,
 8 1991, a minimum of \$500,000 shall be allocated to the
 9 targeted small business financial assistance program
 10 account and a minimum of \$220,000 shall be allocated
 11 to the self-employment loan program account. However,
 12 any amounts of those two minimum allocations that have
 13 not been committed on January 15, 1992, may be
 14 reallocated to the other accounts in the strategic
 15 investment fund.

16 Sec. 333. Section 15.286A, subsection 2, as
 17 enacted by 1991 Iowa Acts, Senate File 254, section 9,
 18 is amended to read as follows:

19 2. A city, cluster of cities, county, group of
 20 counties, ~~unincorporated community, group of~~
 21 ~~unincorporated communities, council of governments, or~~
 22 ~~regional planning commission, or one of these entities~~
 23 on behalf of an unincorporated community or group of
 24 unincorporated communities, is eligible to apply for
 25 loans or grants from this category for planning
 26 efforts related to the community builder program.

27 Sec. 334. Sections 15.232 and 15.240, Code 1991,
 28 are repealed.

DIVISION IV

JUSTICE SYSTEMS APPROPRIATIONS

31 Sec. 401. There is appropriated from the general
 32 fund of the state to the department of justice for the
 33 fiscal year beginning July 1, 1991, and ending June
 34 30, 1992, the following amounts, or so much thereof as
 35 is necessary, to be used for the purposes designated:

36 1. For the general office of attorney general for
 37 salaries, support, maintenance, miscellaneous
 38 purposes, and for not more than the following full-
 39 time equivalent positions:

40	\$	4,944,996
41	FTEs	176.00

42 2. Prosecuting attorney training program for
 43 salaries, support, maintenance, miscellaneous
 44 purposes, and for not more than the following full-
 45 time equivalent positions:

46	\$	191,898
47	FTEs	4.75

48 3. In addition to the funds appropriated under
 49 subsection 1, there is appropriated from the general
 50 fund of the state to the department of justice for the

Page 88

1 fiscal year beginning July 1, 1991, and ending June
 2 30, 1992, an amount not exceeding \$95,000 to be used
 3 for the enforcement of the Iowa competition law under
 4 chapter 553. The expenditure of the funds
 5 appropriated under this subsection is contingent upon
 6 receipt by the general fund of the state of an amount
 7 at least equal to either the expenditures from damages
 8 awarded to the state or a political subdivision of the
 9 state by a civil judgment under chapter 553, if the
 10 judgment authorizes the use of the award for
 11 enforcement purposes or costs or attorneys fees
 12 awarded the state in state or federal antitrust
 13 actions.

14 4. In addition to funds appropriated under
 15 subsection 1, there is appropriated from the general
 16 fund of the state to the department of justice for the
 17 fiscal year beginning July 1, 1991, and ending June
 18 30, 1992, an amount not exceeding \$50,000 to be used
 19 for public education relating to consumer fraud and
 20 for enforcement of section 714.16, and \$25,000 for
 21 investigation, prosecution, and consumer education
 22 relating to consumer and criminal fraud against older
 23 Iowans. The expenditure of the funds appropriated
 24 under this subsection is contingent upon receipt by
 25 the general fund of the state of an amount at least
 26 equal to the expenditures from damages awarded to the
 27 state or a political subdivision of the state by a
 28 civil consumer fraud judgment, if the judgment
 29 authorizes the use of the award for public education
 30 on consumer fraud. Notwithstanding section 8.33,
 31 funds received in a previous fiscal year which have
 32 not been expended shall be credited to this fiscal
 33 year.

34 5. For the farm mediation service program:
 35\$ 100,000

36 6. For the legal assistance for farmers program:
 37\$ 100,000

38 7. For victim assistance grants:
 39\$ 1,071,782

40 As a condition, limitation, and qualification of
 41 this appropriation, \$880,000 shall be used to provide
 42 grants to care providers providing services to crime
 43 victims of domestic abuse, and \$191,782 shall be used
 44 to provide grants to care providers providing services
 45 to crime victims of rape and sexual assault.

46 8. For the GASA prosecuting attorney program:
 47\$ 103,400
 48FTEs 1.00

49 9. The balance of the fund created under section
 50 321J.17 may be used to provide salary and support of

Page 89

1 not more than 6 FTEs and to provide maintenance for
 2 the victim compensation functions of the department of
 3 justice.

4 10. The department of justice shall submit monthly
 5 financial statements to the legislative fiscal bureau
 6 and the department of management containing all
 7 appropriated accounts in the same manner as provided
 8 in the monthly financial status reports and personal
 9 services usage reports of the department of revenue
 10 and finance. The monthly financial statements shall
 11 include comparisons of the moneys and percentage spent
 12 of budgeted to actual revenues and expenditures on a
 13 cumulative basis for full-time equivalent positions
 14 and available moneys.

15 Sec. 402. There is appropriated from the general
 16 fund to the office of consumer advocate of the
 17 department of justice for the fiscal year beginning
 18 July 1, 1991, and ending June 30, 1992, the following
 19 amount, or so much thereof as is necessary, to be used
 20 for the purposes designated:

21 For salaries, support, maintenance, miscellaneous	
22 purposes, and for not more than the following full-	
23 time equivalent positions:	
24	\$ 2,054,783
25 .....FTEs	32.00

26 Sec. 403. There is appropriated from the general
 27 fund of the state to the board of parole for the
 28 fiscal year beginning July 1, 1991, and ending June
 29 30, 1992, the following amount, or so much thereof as
 30 is necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous	
32 purposes, and for not more than the following full-	
33 time equivalent positions:	
34	\$ 781,894
35 .....FTEs	18.00

36 As a condition, limitation, and qualification of
 37 this appropriation the board of parole shall maintain
 38 an automated docket and shall maintain the board's
 39 automated risk assessment model.

40 As a condition, limitation, and qualification of
 41 the appropriation the board of parole shall employ 2
 42 statistical research analysts to assist with the
 43 application of the risk assessment model in the parole
 44 decision-making process. The board of parole shall
 45 also require the board's administrative staff to be
 46 cross-trained to assure that each individual on that
 47 staff is familiar with all tasks performed by the
 48 staff.

49 It is the intent of the general assembly that the
 50 department of corrections and the board of parole

Page 90

1 shall review, and implement as necessary, the findings
 2 and recommendations contained in the final report
 3 prepared by the consultant and presented to the
 4 corrections system review task force which was
 5 established by 1988 Iowa Acts, chapter 1271, as they
 6 relate to the department of corrections and the board
 7 of parole. The board shall report to the justice
 8 system appropriations subcommittee during the 1992
 9 legislative session, at the request of the
 10 subcommittee, steps taken to implement any of those
 11 recommendations, or the reasons for failing to
 12 implement such recommendations.

13 Sec. 404. There is appropriated from the general
 14 fund of the state to the department of corrections for
 15 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 purposes
 18 designated:

19 1. For the operation of adult correctional
 20 institutions, to be allocated as follows:

21 a. For the operation of the Fort Madison
 22 correctional facility, including salaries, support,
 23 maintenance, miscellaneous purposes, and for not more
 24 than the following full-time equivalent positions:

25	\$	21,829,312
26	FTEs	502.50

27 As a condition, limitation, and qualification of
 28 this appropriation, the facility shall employ 310
 29 correctional officers.

30 b. For the operation of the Anamosa correctional
 31 facility, including salaries, support, maintenance,
 32 miscellaneous purposes, and for not more than the
 33 following full-time equivalent positions:

34	\$	16,153,646
35	FTEs	356.00

36 (1) As a condition, limitation, and qualification
 37 of this appropriation, the facility shall employ 211
 38 correctional officers and a part-time chaplain of a
 39 minority race.

40 (2) Of the funds appropriated, the department's
 41 budget for Anamosa shall include funding for 2 full-
 42 time substance abuse counselors for the Luster Heights
 43 facility, for the purpose of certification of a
 44 substance abuse program at that facility.

45 c. For the operation of the Oakdale correctional
 46 facility, including salaries, support, maintenance,
 47 miscellaneous purposes, and for not more than the
 48 following full-time equivalent positions:

49	\$	13,998,174
50	FTEs	309.64

Page 91

1 As a condition, limitation, and qualification of
 2 this appropriation, the facility shall employ 151.50
 3 correctional officers.

4 d. For the operation of the Newton correctional
 5 facility, including salaries, support, maintenance,
 6 miscellaneous purposes, and for not more than the
 7 following full-time equivalent positions:

8	\$	4,347,830
9	FTEs	94.03

10 As a condition, limitation, and qualification of
 11 this appropriation, the facility shall employ 39.02
 12 correctional officers.

13 e. For the operation of the Mt. Pleasant
 14 correctional facility, including salaries, support,
 15 maintenance, miscellaneous purposes, and for not more
 16 than the following full-time equivalent positions:

17	\$	11,606,136
18	FTEs	267.15

19 As a condition, limitation, and qualification of
 20 this appropriation, the facility shall employ 141
 21 correctional officers, and a full-time chaplain to
 22 provide religious counseling at the Oakdale and Mt.
 23 Pleasant correctional facilities.

24 f. For the operation of the Rockwell City
 25 correctional facility, including salaries, support,
 26 maintenance, miscellaneous purposes, and for not more
 27 than the following full-time equivalent positions:

28	\$	4,031,837
29	FTEs	81.75

30 As a condition, limitation, and qualification of
 31 this appropriation, the facility shall employ 44.51
 32 correctional officers.

33 g. For the operation of the Clarinda correctional
 34 facility, including salaries, support, maintenance,
 35 miscellaneous purposes, and for not more than the
 36 following full-time equivalent positions:

37	\$	5,213,089
38	FTEs	133.20

39 As a condition, limitation, and qualification of
 40 this appropriation, the facility shall employ 68
 41 correctional officers.

42 h. For the operation of the Mitchellville
 43 correctional facility, including salaries, support,
 44 maintenance, miscellaneous purposes, and for not more
 45 than the following full-time equivalent positions:

46	\$	4,885,117
47	FTEs	112.40

48 As a condition, limitation, and qualification of
 49 this appropriation, the facility shall employ 62.02
 50 correctional officers.

Page 92

1 2. The department of corrections shall provide a
 2 report to the co-chairpersons and ranking members of
 3 the justice system appropriations subcommittee and the
 4 legislative fiscal bureau on or before January 15,
 5 1992, outlining the implementation of the centralized
 6 education program for the correctional system. The
 7 report shall include a listing of the educational
 8 institutions that are involved, the amount of any
 9 federal funds received for use with these programs,
 10 and any other pertinent information.

11 3. If the inmate tort claim fund for inmate claims
 12 of less than \$50 is exhausted during the fiscal year,
 13 sufficient funds shall be transferred from the
 14 institutional budgets to pay approved tort claims for
 15 the balance of the fiscal year. The warden or
 16 superintendent of each institution or correctional
 17 facility shall designate an employee to receive,
 18 investigate, and recommend whether to pay any properly
 19 filed inmate tort claim for less than the above
 20 amount. The designee's recommendation shall be
 21 approved or denied by the warden or superintendent and
 22 forwarded to the department of corrections for final
 23 approval and payment. The amounts appropriated to
 24 this fund pursuant to 1987 Iowa Acts, chapter 234,
 25 section 304, subsection 2, are not subject to
 26 reversion under section 8.33.

27 Tort claims denied at the institution shall be
 28 forwarded to the state appeal board for their
 29 consideration as if originally filed with that body.
 30 This procedure shall be used in lieu of chapter 25A
 31 for inmate tort claims of less than \$50.

32 Sec. 405. There is appropriated from the general
 33 fund of the state to the department of corrections for
 34 the fiscal year beginning July 1, 1991, and ending
 35 June 30, 1992, the following amounts, or so much
 36 thereof as is necessary, to be used for the purposes
 37 designated:

38 1. For general administration, including salaries,
 39 support, maintenance, miscellaneous purposes, and for
 40 not more than the following full-time equivalent
 41 positions:

42	\$	2,263,459
43	FTEs	43.52

44 As a condition, limitation, and qualification of
 45 this appropriation the department shall employ an
 46 education director and clerk to administer a
 47 centralized education program for the correctional
 48 system.

49 The department shall monitor the use of the
 50 classification model by the judicial district

Page 93

1 departments of correctional services and has the
2 authority to override a district department's decision
3 regarding classification of community-based clients.
4 The department shall notify a district department of
5 the reasons for the override.

6 2. For reimbursement of counties for temporary
7 confinement of work release and parole violators, as
8 provided in sections 246.908, 901.7, and 906.17 and
9 for offenders confined pursuant to section 246.513:
10\$ 250,000

11 3. For federal prison reimbursement and
12 miscellaneous contracts:
13\$ 360,000

14 The department of corrections shall use funds
15 appropriated by this subsection to continue to
16 contract for the service of a Muslim imam.

17 4. For salaries, support, maintenance,
18 miscellaneous purposes, and for not more than the
19 following full-time equivalent positions at the
20 correctional training center at Mt. Pleasant:
21\$ 391,342
22FTEs 8.22

23 5. For annual payment relating to the financial
24 arrangement for the construction of expansion in
25 prison capacity as provided in 1989 Iowa Acts, chapter
26 316, section 7, subsection 6:
27\$ 625,860

28 6. For annual payment relating to the financial
29 arrangement for the construction of expansion in
30 prison capacity as provided in 1990 Iowa Acts, chapter
31 1257, section 24:
32\$ 3,143,250

33 7. For the capital design and construction of a
34 192 bed prison facility at a site specified by the
35 general assembly by reference to this appropriation:
36\$ 1,000,000

37 Sec. 406.

38 1. There is appropriated from the general fund of
39 the state to the department of corrections for the
40 fiscal year beginning July 1, 1991, and ending June
41 30, 1992, the following amounts, or so much thereof as
42 is necessary, to be allocated as follows:

43 a. For the first judicial district department of
44 correctional services, the following amount, or so
45 much thereof as is necessary:
46\$ 5,662,589

47 The district department shall continue the
48 intensive supervision program established within the
49 district in 1988 Iowa Acts, chapter 1271, section 6,
50 subsection 1, paragraph "a", and the sex offender

Page 94

1 treatment program established within the district in
2 1989 Iowa Acts, chapter 316, section 8, subsection 1,
3 paragraph "a".

4 The district department, in cooperation with the
5 chief judge of the judicial district, shall continue
6 the implementation of a plan to divert low-risk
7 offenders to the least restrictive sanction available.

8 b. For the second judicial district department of
9 correctional services, the following amount, or so
10 much thereof as is necessary:

11\$ 3,975,633

12 The district department shall continue the sex
13 offender treatment program established within the
14 district in 1988 Iowa Acts, chapter 1271, section 6,
15 subsection 1, paragraph "b".

16 The district department, in cooperation with the
17 chief judge of the judicial district, shall continue
18 the implementation of a plan to divert low-risk
19 offenders to the least restrictive sanction available.

20 c. For the third judicial district department of
21 correctional services, the following amount, or so
22 much thereof as is necessary:

23\$ 2,488,959

24 The district department shall continue the sex
25 offender treatment program established within the
26 district in 1988 Iowa Acts, chapter 1271, section 6,
27 subsection 1, paragraph "c", and the intensive
28 supervision program established within the district in
29 1990 Iowa Acts, chapter 1268, section 6, subsection 3,
30 paragraph "d".

31 The district department, in cooperation with the
32 chief judge of the judicial district, shall continue
33 the implementation of a plan to divert low-risk
34 offenders to the least restrictive sanction available.

35 d. For the fourth judicial district department of
36 correctional services, the following amount, or so
37 much thereof as is necessary:

38\$ 1,968,221

39 The district department shall continue the sex
40 offender treatment program established within the
41 district in 1988 Iowa Acts, chapter 1271, section 6,
42 subsection 1, paragraph "d".

43 The district department, in cooperation with the
44 chief judge of the judicial district, shall continue
45 the implementation of a plan to divert low-risk
46 offenders to the least restrictive sanction available.

47 e. For the fifth judicial district department of
48 correctional services, the following amount, or so
49 much thereof as is necessary:

50\$ 7,066,072

Page 95

1 The district department shall continue the
2 intensive supervision program established within the
3 district in 1988 Iowa Acts, chapter 1271, section 6,
4 subsection 1, paragraph "e", and shall continue to
5 provide for the rental of electronic monitoring
6 equipment.

7 The district department, in cooperation with the
8 chief judge of the judicial district, shall continue
9 the implementation of a plan to divert low-risk
10 offenders to the least restrictive sanction available.

11 f. For the sixth judicial district department of
12 correctional services, the following amount, or so
13 much thereof as is necessary:

14\$ 5,668,432

15 The district department shall continue the
16 intensive supervision program established within the
17 district in 1988 Iowa Acts, chapter 1271, section 6,
18 subsection 1, paragraph "f", and the sex offender
19 treatment program established within the district in
20 1989 Iowa Acts, chapter 316, section 8, subsection 1,
21 paragraph "f".

22 The district department, in cooperation with the
23 chief judge of the judicial district, shall continue
24 the implementation of a plan to divert low-risk
25 offenders to the least restrictive sanction available.

26 g. For the seventh judicial district department of
27 correctional services, the following amount, or so
28 much thereof as is necessary:

29\$ 3,913,619

30 The district department shall continue the
31 intensive supervision program established within the
32 district in 1988 Iowa Acts, chapter 1271, section 6,
33 subsection 1, paragraph "g", and shall continue the
34 sex offender treatment program established within the
35 district in 1989 Iowa Acts, chapter 316, section 8,
36 subsection 1, paragraph "g".

37 The district department, in cooperation with the
38 chief judge of the judicial district, shall continue
39 the implementation of a plan to divert low-risk
40 offenders to the least restrictive sanction available.

41 h. For the eighth judicial district department of
42 correctional services, the following amount, or so
43 much thereof as is necessary:

44\$ 3,171,958

45 The district department shall continue the
46 intensive supervision program established within the
47 district in 1988 Iowa Acts, chapter 1271, section 6,
48 subsection 1, paragraph "h", and shall continue the
49 sex offender treatment program established within the
50 district in 1989 Iowa Acts, chapter 316, section 8,

Page 96

1 subsection 1, paragraph "h".

2 The district department, in cooperation with the
3 chief judge of the judicial district, shall continue
4 the implementation of a plan to divert low-risk
5 offenders to the least restrictive sanction available.

6 i. For the department of corrections for the
7 assistance and support of each judicial district
8 department of correctional services, the following
9 amount, or so much thereof as is necessary:

10\$ 104,754

11 2. The department of corrections shall continue
12 the OWI facilities established in 1986 Iowa Acts,
13 chapter 1246, section 402, in compliance with the
14 conditions specified in that section.

15 3. The department of corrections shall continue to
16 contract with a judicial district department of
17 correctional services to provide for the rental of
18 electronic monitoring equipment which shall be
19 available statewide.

20 4. Each judicial district department of
21 correctional services and the department of
22 corrections shall continue the treatment alternatives
23 to street crime programs established in 1989 Iowa
24 Acts, chapter 225, section 9.

25 5. The first, sixth, and eighth judicial district
26 departments of correctional services and the
27 department of corrections shall continue the job
28 training and development grant programs established in
29 1989 Iowa Acts, chapter 316, section 7, subsection 2.

30 6. The department of corrections shall not make an
31 intradepartmental transfer of moneys appropriated to
32 the department, unless the department complies with
33 section 8.39. The notice shall include information on
34 the department's rationale for making the transfer and
35 details concerning the work load and performance
36 measures upon which the transfers are based.

37 Sec. 407. There is appropriated from the general
38 fund of the state to the judicial department for the
39 fiscal year beginning July 1, 1991, and ending June
40 30, 1992, the following amounts, or so much thereof as
41 is necessary, to be used for the purposes designated:

42 1. For salaries of supreme court justices,
43 appellate court judges, district court judges,
44 district associate judges, judicial magistrates and
45 staff, state court administrator, clerk of the supreme
46 court, district court administrators, clerks of the
47 district court, juvenile court officers, board of law
48 examiners and board of examiners of shorthand
49 reporters and judicial qualifications commission,
50 receipt and disbursement of child support payments,

Page 97.

1 and maintenance, equipment, and miscellaneous
2 purposes:

3\$ 73,956,679

4 As a condition, limitation, and qualification of
5 this appropriation, the department shall reimburse the
6 auditor of state for expenses incurred in completing
7 audits of the offices of the clerks of the district
8 court during the fiscal year beginning July 1, 1991.

9 Notwithstanding section 602.5205, the judicial
10 department shall provide for the expenses of the
11 judges of the court of appeals located outside the
12 seat of government.

13 As a condition, limitation, and qualification of
14 this appropriation, the judicial department, except
15 for purposes of internal processing, shall use the
16 current state budget system, the state payroll system,
17 and the Iowa finance and accounting system in
18 administration of programs and payments for services,
19 and shall not duplicate the state payroll, accounting,
20 and budgeting systems.

21 The judicial department shall submit monthly
22 financial statements to the legislative fiscal bureau
23 and the department of management containing all
24 appropriated accounts in the same manner as provided
25 in the monthly financial status reports and personal
26 services usage reports of the department of revenue
27 and finance. The monthly financial statements shall
28 include a comparison of the dollars and percentage
29 spent of budgeted versus actual revenues and
30 expenditures on a cumulative basis for full-time
31 equivalent positions and dollars.

32 Of the funds appropriated under this subsection,
33 not more than \$1,800,000 may be transferred into the
34 revolving fund established pursuant to section
35 602.1302, subsection 3, to be used for the payment of
36 jury and witness fees and mileage.

37 2. For the juvenile victim restitution program:

38\$ 100,000

39 Sec. 408. There is appropriated from the general
40 fund of the state to the judicial department for the
41 fiscal year beginning July 1, 1991, and ending June
42 30, 1992, the following amount, or so much thereof as
43 is necessary, to be used for the purpose designated:

44 For the Iowa court information system:

45\$ 903,000

46 As a condition, limitation, and qualification of
47 this appropriation, the judicial department, except
48 for purposes of internal processing, shall use the
49 current state budget system, the state payroll system,
50 and the Iowa finance and accounting system in

Page 98

1 administration of programs and payments for services,
2 and shall not duplicate the state payroll, accounting,
3 and budgeting systems.

4 The judicial department shall not change the
5 appropriations from the amounts appropriated under
6 this section, unless the department complies with
7 section 8.39. The notice shall include information on
8 the department's rationale for making the changes and
9 details concerning the work load and performance
10 measures upon which the changes are based.

11 Sec. 409. The department of corrections, judicial
12 district departments of correctional services, board
13 of parole, and the judicial department shall continue
14 to develop an automated data system for use in the
15 sharing of information between the department of
16 corrections, judicial district departments of
17 correctional services, board of parole, and the
18 judicial department. The information to be shared
19 shall concern any individual who may, as the result of
20 an arrest or infraction of any law, be subject to the
21 jurisdiction of the department of corrections,
22 judicial district departments of correctional
23 services, or board of parole.

24 Sec. 410. Section 13.15, unnumbered paragraph 2,
25 Code 1991, is amended to read as follows:

26 The rules shall provide for an hourly mediation fee
27 not to exceed twenty-five dollars per hour per party
28 fifty dollars for the borrower and one hundred dollars
29 for the creditor. The hourly mediation fee may be
30 waived for any party demonstrating financial hardship
31 upon application to the farm mediation service.

32 Sec. 411. NEW SECTION. 13.26 FARM ASSISTANCE
33 FUND ESTABLISHED.

34 A farm assistance fund is established as a separate
35 fund in the state treasury under the control of the
36 department of justice. It is the intent of the
37 general assembly that the moneys deposited in the fund
38 shall be used for legal assistance to financially
39 distressed farmers. These funds shall be used only to
40 the extent appropriated by the general assembly.
41 Notwithstanding section 8.33, any balance in the fund
42 on June 30 of any fiscal year shall not revert to any
43 fund but shall remain in the fund for the subsequent
44 fiscal year.

45 Sec. 412. Section 356.26, unnumbered paragraph 3,
46 Code 1991, is amended to read as follows:

47 The district court may also grant by order to any
48 person sentenced to a county jail the privilege of a
49 sentence of in-home detention where the county sheriff
50 has certified to the court that the jail has an in-

Page 99

1 home detention program. The department of corrections
2 shall report to the legislative fiscal bureau on a
3 semiannual basis concerning utilization of in-home
4 detention, including the counties which have
5 established such programs and the number of prisoners
6 allowed in-home detention privileges.

7 Sec. 413. Section 654.18, subsection 1, paragraph
8 d, Code 1991, is amended to read as follows:

9 d. The mortgagor and mortgagee shall file a
10 jointly executed document with the county recorder in
11 the county where the real property is located stating
12 that the mortgagor and mortgagee have elected to
13 follow the alternative voluntary foreclosure
14 procedures pursuant to this section. In addition to
15 the fee collected pursuant to section 331.604, the
16 recorder shall collect a fee of sixty dollars for
17 filing the document, and shall remit the sixty-dollar
18 fee to the treasurer of state for deposit in the farm
19 assistance fund established in section 13.26.

20 Sec. 414. Section 654.19, Code 1991, is amended to
21 read as follows:

22 654.19 DEED IN LIEU OF FORECLOSURE — AGRICULTURAL
23 LAND.

24 In lieu of a foreclosure action in court due to
25 default on a recorded mortgage or deed of trust of
26 real property, if the subject property is agricultural
27 land used for farming, as defined in section 172C.1,
28 the mortgagee and mortgagor may enter into an
29 agreement in which the mortgagor agrees to transfer
30 the agricultural land to the mortgagee in satisfaction
31 of all or part of the mortgage obligation as agreed
32 upon by the parties. The agreement may grant the
33 mortgagor a right to purchase the agricultural land
34 for a period not to exceed five years, and may entitle
35 the mortgagor to lease the agricultural land. The
36 agreement shall be recorded with the deed transferring
37 title to the mortgagee. In addition to the fee
38 collected pursuant to section 331.604, the recorder
39 shall collect a fee of sixty dollars for recording the
40 agreement and deed, and shall remit the sixty-dollar
41 fee to the treasurer of state for deposit in the farm
42 assistance fund established in section 13.26. A

43 transfer of title and agreement pursuant to this
44 section does not constitute an equitable mortgage.

45 Sec. 415. Section 655A.7, Code 1991, is amended to
46 read as follows:

47 655A.7 PROOF AND RECORD OF SERVICE.

48 If the terms and conditions as to which there is
49 default are not performed within the thirty days, the
50 party serving the notice or causing it to be served

Page 100

1 shall file for record in the office of the county
2 recorder a copy of the notice with proofs of service
3 required under section 655A.4 attached or endorsed on
4 it and, in case of service by publication, a personal
5 affidavit that personal service could not be made
6 within this state, and when those documents are filed
7 and recorded, the record is constructive notice to all
8 parties of the due foreclosure of the mortgage. In
9 addition to the fee collected pursuant to section
10 331.604, the recorder shall collect a fee of sixty
11 dollars for recording the documents required by this
12 section, and shall remit the sixty dollar fee to the
13 treasurer of state for deposit in the farm assistance
14 fund established in section 13.26.

15 Sec. 416. Section 656.5, Code 1991, is amended to
16 read as follows:

17 656.5 PROOF AND RECORD OF SERVICE.

18 If the terms and conditions as to which there is
19 default are not performed within said thirty days, the
20 party serving said notice or causing the same to be
21 served, may file for record in the office of the
22 county recorder a copy of the notice aforesaid with
23 proofs of service attached or endorsed thereon (and,
24 in case of service by publication, a personal
25 affidavit that personal service could not be made
26 within this state), and when so filed and recorded,
27 the said record shall be constructive notice to all
28 parties of the due forfeiture and cancellation of said
29 contract. In addition to the fee collected pursuant
30 to section 331.604, the recorder shall collect a fee
31 of sixty dollars for filing the notice, and shall
32 remit the sixty-dollar fee to the treasurer of state
33 for deposit in the farm assistance fund established in
34 section 13.26.

35 Sec. 417. Section 905.4, subsection 5, Code 1991,
36 is amended to read as follows:

37 5. Arrange for, by contract or on such alternative
38 basis as may be mutually acceptable, and equip
39 suitable quarters at one or more sites in the district
40 as may be necessary for the district department's
41 community-based correctional program, provided that
42 the board shall to the greatest extent feasible
43 utilize existing facilities and shall keep capital
44 expenditures for acquisition, renovation and repair of
45 facilities to a minimum. The district board shall not
46 enter into lease-purchase agreements for the purposes
47 of constructing, renovating, expanding, or otherwise
48 improving a community-based correctional facility or
49 office unless express authorization has been granted
50 by the general assembly, and current funding is

Page 101

1 adequate to meet the lease-purchase obligation.

2 Sec. 418. 1990 Iowa Acts, chapter 1224, section 1,
3 unnumbered paragraph 1, is amended to read as follows:

4 In order to implement this Act, the department of
5 human services and the judicial department shall
6 mutually agree on a schedule to complete the transfer
7 of support payment collection and disbursement
8 responsibilities from the collection services center
9 to the clerks of the district court. The schedule
10 shall provide for the completion of the transfer of
11 the responsibilities for all affected orders by June
12 30, 1991 1993. The following procedure shall be used
13 for any order affected by the initial transfer of
14 responsibilities.

15 Sec. 419. 1990 Iowa Acts, chapter 1257, section
16 24, subsection 4, unnumbered paragraph 2, is amended
17 to read as follows:

18 As a condition, limitation, and qualification of
19 this appropriation, the beds shall be used for a 30-
20 to-60-day shock revocation program for parole and
21 probation violators who are male offenders. The beds
22 shall be administered by the state department of
23 corrections.

24 Sec. 420. 1990 Iowa Acts, chapter 1268, section 5,
25 subsection 2, is amended to read as follows:

26 2. For reimbursement of counties for temporary
27 confinement of work release and parole violators, as
28 provided in sections 246.908, 901.7, and 906.17 and
29 for offenders confined pursuant to section 246.513:

30\$ 215,000

31 Sec. 421. EFFECTIVE DATE AND RETROACTIVE
32 APPLICABILITY PROVISIONS.

33 1. Section 417 of this division takes effect on
34 January 1, 1992.

35 2. Sections 418 and 420 of this division, being
36 deemed of immediate importance, take effect upon
37 enactment. Section 420 of the division applies
38 retroactively to July 1, 1990.

39 DIVISION V
40 TAXATION

41 Sec. 501. Section 422.9, subsection 1, Code 1991,
42 is amended to read as follows:

43 1. An optional standard deduction, after deduction
44 of federal income tax, equal to one thousand two
45 hundred thirty dollars for a married person who files
46 separately or a single person or equal to three
47 thousand thirty dollars for a husband and wife who
48 file a joint return, a surviving spouse, or an
49 unmarried head of household. The optional standard
50 deduction shall not exceed the amount remaining after

Page 102

1 deduction of the federal income tax. The amount of
2 the federal income tax deducted shall not exceed the
3 amount as computed under subsection 2, paragraph "b".

4 Sec. 502. Section 422.9, subsection 2, paragraph
5 b, Code 1991, is amended by striking the paragraph and
6 inserting in lieu thereof the following:

7 b. Add the amount of federal income taxes paid or
8 accrued, as the case may be, for the tax year. Also
9 add the amount of federal income taxes paid with the
10 federal return or as a result of an adjustment to a
11 federal return during the tax year for a prior year.
12 However, the amount of federal income taxes deducted
13 for the tax year shall not exceed twenty-five thousand
14 dollars, except that any additional taxes paid with
15 the federal return or as a result of an adjustment to
16 a federal return during tax years ending prior to
17 January 1, 1991, are not subject to the twenty-five
18 thousand dollar limitation. Subtract the amount of
19 federal income tax refunds received for the tax year
20 to the extent that the federal income tax was deducted
21 in a previous year. Married persons who file separate
22 returns or file separately on combined return forms
23 shall be limited to a federal income tax deduction for
24 federal income taxes paid during the tax year not to
25 exceed twenty-five thousand dollars in total for both
26 spouses. The amount of the federal income tax
27 deduction shall be divided between each spouse by the
28 ratio of the net income of each spouse to total net
29 income of both spouses unless they can show that
30 another method more accurately reflects the amount of
31 federal income tax to be paid by each.

32 Sec. 503. Sections 501 and 502 apply retroactively
33 to January 1, 1991, for tax years beginning on or
34 after that date.

DIVISION VI

SCHOOL FOUNDATION AID

36 Sec. 601. Section 257.1, subsection 2, unnumbered
37 paragraph 2, Code 1991, is amended to read as follows:

38 For the budget year commencing July 1, 1991, and
39 for each succeeding budget year the regular program
40 foundation base per pupil is eighty-three and five-
41 tenths percent of the regular program state cost per
42 pupil. For each succeeding budget year, the regular
43 program foundation base shall increase twenty-five
44 hundredths percent per year until the regular program
45 foundation base reaches eighty-five percent of the
46 regular program state cost per pupil, except that the
47 regular program foundation base per pupil for the
48 portion of weighted enrollment that is additional
49 enrollment because of special education is seventy-
50

Page 103

1 nine percent of the regular program state cost per
2 pupil. For the budget year commencing July 1, 1991,
3 and for each succeeding budget year the special
4 education support services foundation base is eighty-
5 three and five-tenths seventy-nine percent of the
6 special education support services state cost per
7 pupil. It shall increase at the same rate as the
8 regular program foundation base. The combined
9 foundation base is the sum of the regular program
10 foundation base and the special education support
11 services foundation base.

12 Sec. 602. Section 257.2, subsection 12, Code 1991,
13 is amended by striking the subsection.

14 Sec. 603. Section 257.15, subsection 1, Code 1991,
15 is amended by adding the following new unnumbered
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. For purposes of this
18 subsection, in computing the amount of revenues
19 generated by the foundation property tax and the
20 additional property tax under chapter 442, Code 1989,
21 the computation shall be based on a regular program
22 foundation base per pupil of eighty-three percent of
23 the regular program state cost per pupil except that
24 for the portion of weighted enrollment that is
25 additional enrollment because of special education the
26 regular program foundation base per pupil shall be
27 seventy-nine percent of the regular program state cost
28 per pupil. The special education support services
29 foundation base shall be seventy-nine percent of the
30 special education support services state cost per
31 pupil.

32 Sec. 604. Section 257.31, subsections 6 and 11,
33 Code 1991, are amended by striking the subsections.

34 Sec. 605. Section 442.3, unnumbered paragraph 1,
35 Code 1991, is amended to read as follows:

36 The state foundation base for the school year
37 beginning July 1, 1986 is eighty percent of the state
38 cost per pupil. The state foundation base for the
39 school year beginning July 1, 1987 is eighty-one and
40 one-half percent of the state cost per pupil. For
41 each succeeding school year, the state foundation base
42 shall be increased by the amount of one-half percent
43 of the state cost per pupil, up to a maximum of
44 ~~eighty-five~~ eighty-three percent of the state cost per
45 pupil. The district foundation base is the larger of
46 the state foundation base or the amount per pupil
47 which the district will receive from foundation
48 property tax and state school foundation aid.

49 Sec. 606. Sections 601, 603, and 605 of this
50 division, being deemed of immediate importance, take

Page 104

1 effect upon enactment.

2 DIVISION VII
3 PROPERTY TAX

4 Sec. 701. Section 425A.1, Code 1991, is amended to
5 read as follows:

6 425A.1 FAMILY FARM TAX CREDIT FUND.

7 The family farm tax credit fund is created in the
8 office of the treasurer of state. There is
9 appropriated to the fund from funds in the general
10 fund not otherwise appropriated the sum of ten million
11 dollars. Moneys appropriated to the agricultural land
12 credit fund and transferred to the family farm credit
13 fund as provided in section 426.1 shall be used for
14 purposes of this chapter. Any balance in the fund on
15 June 30 shall revert to the general fund.

16 Sec. 702. Section 426.1, Code 1991, is amended to
17 read as follows:

18 426.1 AGRICULTURAL LAND CREDIT FUND.

19 There is hereby created as a permanent fund in the
20 office of the treasurer of state a fund to be known as
21 the agricultural land credit fund, and for the purpose
22 of establishing and maintaining said this fund for
23 each fiscal year there is appropriated thereto to this
24 fund from funds in the general fund not otherwise
25 appropriated the sum of forty-three million five
26 hundred thousand dollars. Any balance in said the
27 fund on June 30 shall revert to the general fund. Of
28 the amount appropriated for each fiscal year, ten
29 million dollars shall be transferred for each fiscal
30 year to the family farm tax credit fund created in
31 section 425A.1.

32 Sec. 703. Section 135D.22, subsection 1, paragraph
33 b, Code 1991, is amended by adding the following new
34 unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
36 effective date provision in 1990 Iowa Acts, chapter
37 1250, section 21, this lettered paragraph is effective
38 for mobile home tax claims filed on or after January
39 1, 1993, and any claims filed under this lettered
40 paragraph before that date shall not be allowed.

41 Sec. 704. Section 425.23, subsection 1, paragraph
42 b, Code 1991, is amended by adding the following new
43 unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
45 effective date provisions in 1990 Iowa Acts, chapter
46 1250, section 21, this lettered paragraph is effective
47 for property tax claims filed on or after January 1,
48 1993, and for rent reimbursement claims filed on or
49 after January 1, 1994, and all such claims filed under
50 this lettered paragraph before such dates shall not be

Page 105

1 allowed.

2 Sec. 705. Sections 703 and 704 of this division,
3 being deemed of immediate importance, take effect upon
4 enactment and apply retroactively to January 1, 1991.

5 Sec. 706. Sections 701 and 702 are effective July
6 1, 1991.

7
8 DIVISION VIII
MISCELLANEOUS

9 Sec. 801. The general assembly shall develop a
10 budget reform program with the objective of holding
11 state spending within specified limits. The reform
12 program shall provide criteria for determining the
13 specific spending limitations. The budget reform
14 program shall be enacted by July 1, 1991.

15 DIVISION IX
16 STANDING APPROPRIATIONS

17 Sec. 901. Notwithstanding the standing
18 appropriations in the following designated sections
19 for the fiscal year beginning July 1, 1991, the amount
20 appropriated from the general fund of the state
21 pursuant to those sections for the following
22 designated purposes shall not exceed the following
23 amounts:

24 1. To reimburse counties for the loss of property
25 tax revenues for machinery and computer equipment tax
26 replacement under section 427B.13:

27\$ 0

28 If the amounts of calculated county reimbursement
29 exceed the amount specified in this subsection the
30 director of revenue and finance shall prorate the
31 amount available.

32 2. For deposit into the state communications
33 network fund under section 18.137:

34\$ 3,000,000

35 3. For programs for at-risk children under section
36 279.51, subsection 1:

37\$ 8,700,000

38 DIVISION X
39 GENERAL REDUCTIONS

40 Sec. 1001. REDUCTIONS. Notwithstanding the
41 specific appropriations made in this Act, all
42 appropriations from the general fund of the state made
43 in this Act except for appropriation amounts relating
44 to reimbursements of social services providers under
45 division I shall be reduced by 0.5 percent.

46 DIVISION XI
47 CIGARETTE AND TOBACCO TAX."

48 2. By striking page 106, line 24 through page
49 108, line 25.

50 3. Page 108, line 37, by inserting after the word

Page 106

- 1 "tax," the following: "delaying the effective date of
- 2 certain tax rate reductions, credits, or rent
- 3 reimbursements, relating to the amount of federal
- 4 income taxes deductible for the state income tax,".

Hammond of Story offered the following amendment H—3896, to amendment H—3873, to the Senate amendment H—3734, filed by her and moved its adoption:

H—3896

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479 as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 15, by striking the figure
- 5 "41,356,571" and inserting the following:
- 6 "41,456,571".
- 7 2. Page 1, by inserting after line 42 the
- 8 following:
- 9 "6. As a condition, limitation, and qualification
- 10 of the funds appropriated in this section, the
- 11 department shall continue to contract for services in
- 12 developing and monitoring a demonstration waiver
- 13 program to facilitate providing assistance in self-
- 14 employment investment to aid to dependent children
- 15 families. The demonstration waiver program shall be
- 16 provided for the fiscal period beginning July 1, 1991,
- 17 and ending June 30, 1993, or for as long as federal
- 18 approval of the program continues. Of the funds
- 19 appropriated in this section, up to \$99,592 shall be
- 20 used to provide technical assistance for aid to
- 21 dependent children families seeking self-employment.
- 22 The technical assistance may be provided through the
- 23 department or through a contract with the division of
- 24 job training of the Iowa department of economic
- 25 development and through a contract with the
- 26 corporation for enterprise development.
- 27 7. As a condition, limitation, and qualification
- 28 of the funds appropriated in this section, the
- 29 department shall apply the self-employment investment
- 30 demonstration waiver project statewide during the
- 31 fiscal period delineated in the federal waiver
- 32 submitted to operate the waiver project statewide,
- 33 provided training is available to a recipient through
- 34 a recognized self-employment training program.
- 35 However, if the application for the federal waiver is
- 36 denied and funding is available, the department may
- 37 determine the counties in which it is feasible to
- 38 operate the project and shall provide the project in
- 39 those counties. The department may adopt emergency

40 rules to implement the provisions of this subsection."

41 3. Page 12, by inserting after line 3 the
42 following:

43 "5. Of the funds allocated in this section for the
44 JOBS program, \$445,000 is allocated to the family
45 development and self-sufficiency grant program as
46 provided under section 217.12. This funding shall
47 extend current grantee funding from December 31, 1991,
48 to June 30, 1992.

49 a. No more than 5 percent of the funds allocated
50 in this subsection shall be used for administration of

Page 2

1 the program and this percentage shall be determined
2 for the entire fiscal year rather than on a 6-month
3 basis. Federal financial participation received by
4 the department for the family development and self-
5 sufficiency grant program shall be used for the grant
6 program or the JOBS program.

7 b. Based upon the annual evaluation report
8 concerning each grantee funded by this allocation, the
9 family development and self-sufficiency council may
10 use funds allocated to renew grants. Grant renewals
11 shall be awarded on or before January 1, 1992, for a
12 6-month extension to June 30, 1992."

Amendment H—3896 was adopted.

Hammond of Story offered the following amendment H—3898, to amendment H—3873, to the Senate amendment H—3734, filed by her and Jochum of Dubuque and moved its adoption:

H—3898

1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 1, line 30, by striking the figure
5 "239.1" and inserting the following: "234.1".

6 2. Page 17, line 23, by striking the figure
7 "239.1" and inserting the following: "234.1".

Amendment H—3898 was adopted.

Brown of Lucas offered the following amendment H—3918, to amendment H—3873, to the Senate amendment H—3734, filed from the floor by Brown, Mertz, Carpenter, Hammond, Beatty, Murphy, Jesse, Dvorsky, Bernau, Teaford, Nielsen, Wissing and Dickinson and moved its adoption:

H—3918

1 Amend the amendment, H—3873, to Senate amendment,
2 H—3734, to House File 479, as amended, passed, and
3 reprinted by the House, as follows:

4 1. Page 2, line 40, by striking the figure
5 "241,176,470" and inserting the following:
6 "241,116,470".

7 2. Page 8, by inserting after line 18 the
8 following:

9 "Sec. _____. HIV-AIDS HEALTH AND SUPPORT SERVICES.

10 There is appropriated from the general fund of the
11 state to the department of human services for the
12 fiscal year beginning July 1, 1991, and ending June
13 30, 1992, the following amount, or so much thereof as
14 is necessary, to be used for the purpose designated:

15 For HIV-AIDS health and support services:
16\$ 60,000

17 1. The funds appropriated in this section shall be
18 used to provide health and support services to persons
19 with human immunodeficiency virus infection (HIV) or
20 acquired immune deficiency syndrome (AIDS).

21 2. The department of human services shall
22 establish an AIDS services committee to distribute the
23 moneys appropriated in this section. The committee
24 shall remain active until the completion of the duties
25 required under this section. Members of the committee
26 are entitled to actual and necessary expenses in the
27 performance of their official duties. However,
28 expense reimbursements shall not exceed three percent
29 of the amount appropriated in this section. The
30 committee shall consist of persons who are
31 knowledgeable concerning HIV infection or AIDS. The
32 committee may consist of persons representing the
33 following: licensed physicians and social workers,
34 hospice organizations, home health care agencies, the
35 homosexual community, persons with HIV infection or
36 AIDS, and a representative of an AIDS coalition funded
37 by the Iowa department of public health. To the
38 extent possible, the committee members shall be the
39 same persons who served as members of the AIDS
40 services task force established pursuant to 1990 Iowa
41 Acts, chapter 1259, section 6, subsection 3. The
42 department and the committee shall cooperate with the
43 Iowa department of public health in distributing the
44 funds appropriated in this section.

45 3. The committee shall distribute the funds to
46 regional HIV care consortia established pursuant to
47 Title II of the federal Ryan White Comprehensive AIDS
48 Resources Emergency Act, Pub. L. No. 101-381. The
49 funds shall be used to provide health and support
50 services to persons with HIV infection or AIDS living

Page 2

1 within the consortia area, as authorized by the
2 federal Act and approved by the committee. The
3 services may include, but are not limited to, case
4 management, benefits advocacy, client basic emergency
5 need grants, support groups, individual support
6 programs, home health care, respite care, and
7 attendant care.

8 4. A consortia receiving funding under this
9 section shall include representatives of agencies or
10 organizations providing health and support services to
11 persons with HIV infection or AIDS who reside within
12 the consortia area and of affected persons. In
13 addition, the consortia shall provide reasonable
14 services to affected persons in both urban and rural
15 portions of the consortia area with preference given
16 to underserved rural areas. At least 10 percent of
17 the funds provided to a consortia shall be used to
18 provide services to women, children, and families of
19 persons with HIV infection or AIDS. Moneys provided
20 to a consortia under this section shall not be used to
21 pay for an individual's services which are covered by
22 private insurance or a publicly funded program.

23 5. A consortia receiving funds under this section
24 shall provide information required by the committee or
25 the department which shall include but is not limited
26 to all of the following:

27 a. The number of persons with HIV infection or
28 AIDS in the consortia area.

29 b. Demographic information concerning the persons
30 identified, including age, race, and gender
31 distributions.

32 c. The type and quantity of health and support
33 services needs of the persons identified.

34 d. The type and quantity of health and support
35 services provided by the consortia.

36 e. The type and quantity of health and support
37 services the consortia is unable to provide due to
38 lack of funding or other barrier to providing
39 services."

Amendment H—3918 was adopted.

Murphy of Dubuque offered the following amendment H—3925,
to amendment H—3873, to the Senate amendment H—3734, filed by
him from the floor and moved its adoption:

H—3925 .

1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House, as follows:

- 4 1. Page 4, by inserting after line 45 the
5 following:
6 "100. As a condition, limitation, and
7 qualification of the funds appropriated in this
8 section, notwithstanding the adoption of an
9 administrative rule limiting coverage of organ
10 transplants under the medical assistance program, the
11 department shall continue to provide medical
12 assistance coverage for organ transplants of the
13 pancreas and the liver until the department
14 establishes criteria for the coverage of these
15 transplants. The criteria shall include but are not
16 limited to health status and anticipated outcomes,
17 including expected quality of life. The department
18 may adopt emergency rules to implement the provisions
19 of this subsection."
20 2. Page 39, lines 42 and 43 by striking the word
21 and figure "subsection 9" and inserting the following:
22 "subsections 9 and 100".

Amendment H—3925 was adopted.

Hammond of Story offered the following amendment H—3916, to amendment H—3873, to the Senate amendment H—3734, filed by her from the floor and moved its adoption:

H—3916

- 1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House as follows:
4 1. Page 5, by inserting after line 36, the
5 following:
6 "_____. As a condition, limitation, and
7 qualification of the funds appropriated in this
8 section, if the department is implementing the medical
9 assistance program through a contract with a health
10 maintenance organization, the department shall ensure
11 that a medical assistance recipient enrolled in a
12 health maintenance organization is authorized to
13 receive enhanced maternal or prenatal health services
14 from a state supported maternal health center and that
15 the center receives reasonable reimbursement for
16 provision of the services. The enhanced services
17 include but are not limited to nutritional and psycho-
18 social counseling and medical case management."
19 2. Page 39, by inserting after line 24 the
20 following:
21 "Sec. _____. Section 230.12, Code 1991, is amended
22 to read as follows:
23 230.12 ACTION TO DETERMINE LEGAL SETTLEMENT.
24 1. When a dispute arises between different

25 counties or between the administrator and a county as
26 to the legal settlement of a person admitted or
27 committed to a state hospital for the mentally ill,
28 the attorney general, at the request of the
29 administrator, shall, without the advancement of fees,
30 cause an action to be brought in the district court of
31 any county where such dispute exists, to determine
32 such the legal settlement. Said This action may be
33 brought at any time when it appears that said the
34 dispute cannot be amicably settled. All counties
35 which may be the place of such the legal settlement,
36 so far as known, shall be made defendants and the
37 allegation of such the settlement may be in the
38 alternative. Said The action shall be tried as in
39 equity.

40 2. If the action involves a dispute between
41 counties, the county determined to be the county of
42 legal settlement shall reimburse a county for the
43 amount of costs paid by that county on behalf of the
44 person and for interest on this amount in accordance
45 with section 535.3. In addition, the court may order
46 the county determined to be the county of legal
47 settlement to reimburse any other county involved in
48 the dispute for the other county's reasonable legal
49 costs related to the dispute and may tax the
50 reasonable legal costs as court costs. The court may

Page 2

1 order the county determined to be the county of legal
2 settlement to pay a penalty to the other county, in an
3 amount which does not exceed twenty percent of the
4 total amount of reimbursement and interest."
5 3. By renumbering as necessary.

Amendment H—3916 was adopted.

Doderer of Johnson asked and received unanimous consent to defer action on amendment H—3897.

Mertz of Kossuth offered the following amendment H—3900, to amendment H—3873, to the Senate amendment H—3734, filed by her and Krebsbach of Mitchell and moved its adoption:

H—3900

1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 23, line 50, by striking the figure
5 "29,522,461" and inserting the following:
6 "29,722,461".
7 2. Page 24, line 1, by striking the figure

- 8 "821.80" and inserting the following: "828.80".
 9 3. Page 24, by inserting after line 1, the
 10 following:
 11 "Of the moneys appropriated in this section,
 12 \$200,000 shall be used for 10 additional beds and for
 13 the salaries and support of 7.00 FTEs."
 14 4. Page 72, by striking lines 14 through 17.

Roll call was requested by Grubbs of Scott and Plasier of Sioux.

On the question "Shall amendment H—3900, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 63:

Banks	Bartz	Beaman	Beatty
Bennett	Bernau	Branstad	Brown
Burke	Corbett	Daggett	De Groot
Dickinson	Diemer	Eddie	Fogarty
Garman	Gill	Gipp	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hibbard	Hurley	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Petersen, D. F.	Plasier	Poncy
Rafferty	Renken	Royer	Shoning
Siegrist	Spear	Spenner	Svoboda
Van Maanen	Weidman	Wissing	

The nays were, 31:

Adams	Baker	Black	Brand
Carpenter	Chapman	Cohoon	Connors
Doderer	Dvorsky	Groninga	Hammond
Hatch	Haverland	Holveck	Jochum
McKinney	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Peterson, M. K.	Renaud
Schrader	Shearer	Sherzan	Shoultz
Teaford	Wise	Mr. Speaker	
		Arnould	

Absent or not voting, 6:

Bisignano	Blanshan	Brammer	Gruhn
Pavich	Tyrrrell		

Amendment H—3900 was adopted.

Hester of Pottawattamie offered the following amendment H—3930, to amendment H—3873, to the Senate amendment H—3734, filed by her and Hammond of Story from the floor and moved its adoption:

H-3930

- 1 Amend the amendment, H-3873, to the Senate
- 2 amendment, H-3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 24, line 21, by striking the figure
- 5 "6,575,503" and inserting the following: "7,680,470".
- 6 2. Page 24, by striking lines 23 through 25.

Amendment H-3930 lost.

Teaford of Black Hawk offered the following amendment H-3913, to amendment H-3873, to the Senate amendment H-3734, filed by Teaford, et al., and moved its adoption:

H-3913

- 1 Amend the amendment, H-3873, to the Senate
- 2 amendment, H-3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 33, line 2, by striking the figure
- 5 "9,187,673" and inserting the following: "9,256,818".
- 6 2. Page 33, line 3, by striking the figure
- 7 "352.95" and inserting the following: "354.45".
- 8 3. Page 34, by inserting after line 7, the
- 9 following:
- 10 "_____. As a condition, limitation, and
- 11 qualification of the funds appropriated in this
- 12 section, \$69,145 and 1.5 FTEs of the moneys
- 13 appropriated and positions authorized in this section
- 14 shall be used to implement section 217.9A,
- 15 establishing the commission on children, youth, and
- 16 families in the department pursuant to Senate File
- 17 479, if enacted by the Seventy-fourth General
- 18 Assembly, 1991 Session."
- 19 4. By renumbering as necessary.

Amendment H-3913 was adopted.

Holveck of Polk offered the following amendment H-3932, to amendment H-3873, to the Senate amendment H-3734, filed by him and Carpenter of Polk from the floor and moved its adoption:

H-3932

- 1 Amend the amendment, H-3873, to the Senate
- 2 amendment, H-3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 37, line 2, by striking the figure
- 5 "400,000" and inserting the following: "750,000".
- 6 2. Page 72, line 35, by striking the figure
- 7 "2,940,000" and inserting the following: "2,590,000".

Amendment H-3932 lost.

Peterson of Carroll offered the following amendment H—3906, to amendment H—3873, to the Senate amendment H—3734, filed by him and Hammond of Story and moved its adoption:

H—3906

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 39, by inserting after line 24 the
- 5 following:
- 6 "Sec. _____. NEW SECTION. 237A.27 CRISIS CHILD
- 7 CARE.
- 8 The department shall establish a special child care
- 9 registration or licensure classification for crisis
- 10 child care which is provided on a temporary emergency
- 11 basis to a child when there is reason to believe that
- 12 the child may be subject to abuse or neglect. The
- 13 special classification is not subject to the
- 14 definitional restrictions of child day care in this
- 15 chapter relating to the provision of child day care
- 16 for a period of less than twenty-four hours per day on
- 17 a regular basis. However, the provision of crisis
- 18 child care shall be limited to a period of not more
- 19 than seventy-two hours for a child during any single
- 20 stay. A person providing crisis child care must be
- 21 registered or licensed under this chapter and must be
- 22 participating in the federal crisis nursery pilot
- 23 project. The department shall adopt rules pursuant to
- 24 chapter 17A to implement this section."
- 25 2. By renumbering as necessary.

Amendment H—3906 was adopted.

Bartz of Worth offered the following amendment H—3909, to amendment H—3873, to the Senate amendment H—3734, filed by him and moved its adoption:

H—3909

- 1 Amend the House amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 39, by inserting after line 24, the
- 5 following:
- 6 "Sec. _____. Section 237A.3, subsection 1, Code
- 7 1991, is amended to read as follows:
- 8 1. A person who operates or establishes a family
- 9 day care home may apply to the department for
- 10 registration under this chapter. The department shall
- 11 issue a certificate of registration upon receipt of a
- 12 statement from the family day care home that the home

13 complies with rules adopted by the department. The
14 registration certificate shall be posted in a
15 conspicuous place in the family day care home, shall
16 state the name of the registrant, the number of
17 individuals who may be received for care at any one
18 time, and the address of the home, and shall include a
19 check list of registration compliances. No greater
20 number of children than is authorized by the
21 certificate shall be kept in the family day care home
22 at any one time. However, a registered or
23 unregistered family day care home may provide care for
24 more than six but less than twelve children at any one
25 time for a period of less than two hours, ~~but shall~~
26 ~~not do so unless the home does not provide care at any~~
27 ~~one time for more than provided that each child in~~
28 excess of six children who are not attending is
29 attending school full-time on a regular basis. In
30 determining the number of children cared for at any
31 one time in a registered or unregistered family day
32 care home, if the person who operates or establishes
33 the home is a child's parent, guardian, relative, or
34 custodian and the child is not attending school full-
35 time on a regular basis, the child shall be considered
36 to be receiving child day care from the person and
37 shall be counted as one of the children cared for in
38 the home. The registration process may be repeated on
39 an annual basis. A child day care provider or program
40 which is not a family day care home by reason of the
41 definition of child day care in section 237A.1,
42 subsection 7, but which provides care, supervision or
43 guidance to a child may be issued a certificate of
44 registration under this chapter."
45 2. Renumber as necessary.

Amendment H—3909 was adopted.

Ollie of Clinton offered the following amendment H—3915, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3915

1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 44, lines 32 and 33, by striking the
5 words "funds available to a district under phase III"
6 and inserting the following: "current phase III
7 expenditures".

Amendment H—3915 was adopted.

Maulsby of Calhoun offered the following amendment H—3922, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3922

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 47, line 42, by striking the figure
- 5 "179,226,812" and inserting the following:
- 6 "162,381,312".
- 7 2. Page 48, by inserting after line 32 the
- 8 following:
- 9 "_____. Maintenance
- 10 For maintenance at the university:
- 11\$ 16,845,500".
- 12 3. Page 50, line 44, by striking the figure
- 13 "145,905,846" and inserting the following:
- 14 "132,194,946".
- 15 4. Page 51, by inserting after line 36 the
- 16 following:
- 17 "_____. Maintenance
- 18 For maintenance at the university:
- 19\$ 13,710,900".
- 20 5. Page 52, line 24, by striking the figure
- 21 "59,042,956" and inserting the following:
- 22 "53,504,256".
- 23 6. Page 53, by inserting after line 20 the
- 24 following:
- 25 "_____. Maintenance
- 26 For maintenance at the university:
- 27\$ 5,538,700".
- 28 7. By relettering as necessary.

Amendment H—3922 lost.

Bisignano of Polk in the chair at 1:28 p.m.

Corbett of Linn offered the following amendment H—3936, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3936

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 48, line 3, by striking the words "and
- 5 maintenance".
- 6 2. Page 48, by inserting after line 8 the
- 7 following:
- 8 "(7) Maintenance."

- 9 3. Page 51, line 6, by striking the words "and
10 deferred maintenance".
11 4. Page 51, by inserting after line 11 the
12 following:
13 "(7) Maintenance."
14 5. Page 52, line 35, by striking the words "and
15 deferred maintenance".
16 6. Page 52, by inserting after line 40 the
17 following:
18 "(7) Maintenance."
19 7. By renumbering as necessary.

Amendment H—3936 was adopted.

Diemer of Black Hawk offered the following amendment H—3901, to amendment H—3873, to the Senate amendment H—3734, filed by him and Hanson of Black Hawk and moved its adoption:

H—3901

- 1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 53, by inserting after line 26, the
5 following:
6 "c. Enrollment growth
7 For payment of costs associated with increases in
8 enrollment, including, but not limited to, salaries
9 for additional faculty members:
10\$ 1,500,000"
11 2. By renumbering and correcting internal
12 references as necessary.

Amendment H—3901 lost.

Ollie of Clinton offered the following amendment H—3910, to amendment H—3873, to the Senate amendment H—3734, filed by him and Iverson of Wright and moved its adoption:

H—3910

- 1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 59, line 12, by striking the words
5 "Twenty-eight" and inserting the following: "Thirty".

Amendment H—3910 was adopted.

Peterson of Carroll offered the following amendment H—3907, to amendment H—3873, to the Senate amendment H—3734, filed by him and moved its adoption:

H—3907

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. By striking page 60, line 31 through page 61,
- 5 line 9.
- 6 2. By renumbering and changing internal
- 7 references as necessary.

Amendment H—3907 was adopted.

Daggett of Adams offered the following amendment H—3935, to amendment H—3873, to the Senate amendment H—3734, filed from the floor by Daggett, Kistler and Maulsby and moved its adoption:

H—3935

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 62, by striking lines 1 through 27.
- 5 2. By renumbering as necessary.

Roll call was requested by Iverson of Wright and Daggett of Adams.

Rule 75 was invoked.

On the question "Shall amendment H—3935, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 46:

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
Hibbard	Hurley	Iverson	Johnson
Kistler	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McKean	McNeal
Metcalf	Miller	Petersen, D. F.	Peterson, M. K.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 53:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Blanshan	Brand	Brown

Burke	Chapman	Cohoon	Connors
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Grubbs	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Holveck	Jay	Jesse
Jochum	Knapp	Lundby	McKinney
Mertz	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Bisignano			
Presiding			

Absent or not voting, 1:

Brammer

Amendment H—3935 lost.

Hatch of Polk offered the following amendment H—3914, to amendment H—3873, to the Senate amendment H—3734, filed by Hatch, et al., and moved its adoption:

H—3914

1 Amend the amendment, H—3873, to the Senate
 2 amendment, H—3734, to House File 479, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 66, line 47, by striking the word and
 5 figure "paragraph 6" and inserting the following:
 6 "paragraphs 1, 6, and 10".
 7 2. Page 66, line 48, by striking the word "is"
 8 and inserting the following: "are".
 9 3. Page 66, by inserting after line 48 the fol-
 10 lowing:
 11 "For each fiscal year, the department shall
 12 allocate the remainder of the moneys appropriated by
 13 the general assembly to the fund for phase III,
 14 subject to section 294A.18. If fifty million dollars
 15 is allocated for phase III, the payments for an
 16 approved plan for a school district shall be equal to
 17 the product of a district's certified enrollment and
 18 ninety-eight dollars and sixty-three cents, and for an
 19 area education agency shall be equal to the product of
 20 an area education agency's enrollment served and four
 21 dollars and sixty cents. If the moneys allocated for
 22 phase III are either greater than or less than fifty
 23 million dollars, the department of education shall
 24 adjust the amount for each student in certified
 25 enrollment and each student in enrollment served based
 26 upon the amount allocated for phase III. Of the
 27 moneys allocated for phase III, five hundred thousand

28. dollars shall be used for supplemental pay plans in
29 districts which provide for additional instructional
30 work assignments relating to college bound student
31 support programs for minority students."

32 4. Page 67, by inserting after line 25 the fol-
33 lowing:

34 "For school districts, additional instructional
35 work assignments may include but are not limited to
36 general curriculum planning and development, vertical
37 articulation of curriculum, horizontal curriculum
38 coordination, development of educational measurement
39 practices for the school district, attendance at
40 workshops and other programs for service as
41 cooperating teachers for student teachers, development
42 of plans for assisting beginning teachers during their
43 first year of teaching, attendance at summer staff
44 development programs, development of staff development
45 programs for other teachers to be presented during the
46 school year, participation in college bound student
47 support programs for minority students, and other
48 plans locally determined in the manner specified in
49 section 294A.15 and approved by the department of
50 education under section 294A.16 that are of equal

Page 2

1 importance or more appropriately meet the educational
2 needs of the school district.

3 Sec. _____. Section 294A.14, Code 1991, is amended
4 by adding the following new unnumbered paragraph:
5 NEW UNNUMBERED PARAGRAPH. For purposes of this
6 section, college bound student support programs for
7 minority students shall include one or more of the
8 following:

- 9 1. Self-esteem enhancement for minority students.
- 10 2. Mentoring for minority students.
- 11 3. Methods to provide greater involvement of
- 12 minority parents in the educational process.
- 13 4. Individual or group academic preparedness
- 14 coaching for minority students.
- 15 5. A continuum of academic tutorial services for
- 16 minority students.
- 17 6. Outreach programs which connect minority
- 18 students with higher education programs.
- 19 7. School and business partnerships which provide
- 20 direct support to minority students.

21 Sec. _____. Section 294A.16, unnumbered paragraph 3,
22 Code 1991, is amended to read as follows:

23 The department of education shall review each plan
24 and its budget and notify the department of management
25 of the names of school districts and area education
26 agencies with approved plans. In approving school

27 district supplemental pay plans which provide for
 28 additional instructional work assignments relating to
 29 college bound student support programs for minority
 30 students, the department shall give preference to
 31 plans which provide for the forming of consortia with
 32 local community colleges and community-based
 33 organizations."

34 5. By numbering and renumbering, and changing
 35 internal references as necessary.

Roll call was requested by Hatch of Polk and Baker of Polk.

On the question "Shall amendment H—3914, to amendment H—3873, to the Senate H—3734, be adopted?" (H.F. 479)

The ayes were, 56:

Adams	Arnould, Spkr.	Baker	Banks
Beatty	Bernau	Black	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cphoon	Connors	Corbett
Dickinson	Doderer	Eddie	Fogarty
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Lundby	McKean
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Teaford	Wissing	Bisignano
			Presiding

The nays were, 39:

Bartz	Beaman	Bennett	Branstad
Daggett	De Groot	Diemer	Dvorsky
Garman	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McNeal	Mertz
Metcalf	Millage	Miller	Petersen, D. F.
Renken	Royer	Spear	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 5:

Brammer	Plasier	Rafferty	Svoboda
Wise			

Amendment H—3914 was adopted.

Harbor of Mills offered the following amendment H—3905, to amendment H—3873, to the Senate amendment H—3734, filed by him and moved its adoption:

H—3905

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 69, by striking lines 15 and 16 and
- 5 inserting the following:
- 6 " \$ 1,010,000
- 7 FTEs 18.00".
- 8 2. Page 69, by inserting after line 22, the
- 9 following:
- 10 " Marketing advertising
- 11 For contracting exclusively for marketing and
- 12 promotion programs and services and advertising
- 13 contracts for business expansion and development
- 14 programs, for electronic media, print media, and
- 15 printed materials:
- 16 \$ 2,300,000".
- 17 3. Page 70, by striking lines 39 and 40 and
- 18 inserting the following:
- 19 " \$ 600,000
- 20 FTEs 10.00".

Amendment H—3905 lost.

Harbor of Mills offered the following amendment H—3899, to amendment H—3873, to the Senate amendment H—3734, filed by him and Wise of Lee and moved its adoption:

H—3899

- 1 Amend the amendment, H—3873, to Senate amendment,
- 2 H—3734, to House File 479, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 70, by striking line 1 and inserting the
- 5 following:
- 6 " FTEs 10.00"

Amendment H—3899 was adopted.

Poncy of Wapello asked and received unanimous consent to withdraw amendment H—3894, to amendment H—3873, to the Senate amendment H—3734, filed by Poncy, et al., on April 25, 1991.

Poncy of Wapello offered the following amendment H—3921, to amendment H—3873, to the Senate amendment H—3734, filed from the floor by Poncy, Wise, Fogarty, Mertz and Bartz and moved its adoption:

H—3921

- 1 Amend the amendment, H—3873, to Senate amendment,
- 2 H—3734, to House File 479, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 71, by inserting after line 7, the
- 5 following:
- 6 "f. Regional economic development centers
- 7 For competitive grants to regional economic
- 8 development centers:
- 9\$ 440,000
- 10 The chairpersons of the regional coordinating
- 11 councils shall accept grant applications from the
- 12 regional economic development centers and shall rank
- 13 the applications. The rankings shall be provided to
- 14 the department which shall make awards based upon the
- 15 recommendations of the regional coordinating
- 16 councils."
- 17 2. Page 72, by striking line 35 and inserting the
- 18 following:
- 19 "\$ 2,840,000".
- 20 3. Page 77, by striking line 7 and inserting the
- 21 following:
- 22 "\$ 2,457".
- 23 4. By renumbering as necessary.

Amendment H—3921 was adopted.

Wise of Lee offered the following amendment H—3908, to amendment H—3873, to the Senate amendment H—3734, filed by him and Harbor of Mills and moved its adoption:

H—3908

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 71, by striking lines 8 through 11.
- 5 2. Page 74, line 16, by inserting after the word
- 6 "councils" the following: "/productivity
- 7 enhancement".
- 8 3. Page 87, by inserting after line 28 the
- 9 following:
- 10 "Sec. _____. The legislative council is requested to
- 11 establish an interim study committee to develop
- 12 recommendations on how to more efficiently deliver
- 13 regional economic development assistance to businesses
- 14 and communities."
- 15 4. By renumbering as necessary.

Amendment H—3908 was adopted.

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.

Jesse of Jasper offered the following amendment H—3937, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3937

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House as follows:
- 4 1. Page 77, by inserting after line 23 the
- 5 following:
- 6 "Moneys appropriated in this subsection which are
- 7 used for funding activities as provided in section
- 8 28.158, shall be used to fund technology transfer and
- 9 are not to be used by the state board of regents'
- 10 institutions to fund university programs."

A non-record roll call was requested.

The ayes were 26, nays 47.

Amendment H—3937 lost.

Sherzan of Polk offered the following amendment H—3945, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3945

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 88, by striking lines 38 through 45, and
- 5 inserting the following:
- 6 "7. For victim assistance grants, as provided in
- 7 Senate File 444, if Senate File 444 is enacted by the
- 8 Seventy-fourth General Assembly, first regular
- 9 session, in a manner which raises certain court costs
- 10 and fees and deposits the resulting receipts either
- 11 directly into the general fund of the state, or into
- 12 the general fund of the state through the court
- 13 revenue distribution account:
- 14\$ 1,700,000
- 15 As a condition, limitation, and qualification of
- 16 this appropriation, no more than \$60,000 shall be
- 17 expended for the costs of the general office of the
- 18 attorney general's administrative duties pursuant to
- 19 Senate File 444, and \$100,000 shall be awarded to the

20 department of corrections for one-time costs
 21 associated with establishing batterers' treatment
 22 programs in the judicial district departments of
 23 correctional services, as set forth in Senate File
 24 444. The department of corrections shall award the
 25 \$100,000 on a competitive basis to the judicial
 26 district departments of correctional services. The
 27 remaining funds shall be used to provide grants to
 28 care providers providing services to crime victims of
 29 domestic abuse or to crime victims of rape and sexual
 30 assault.

31 However, if Senate File 444 is not enacted by the
 32 Seventy-fourth General Assembly, first regular
 33 session, in a manner which raises certain court costs
 34 and fees and deposits the resulting receipts either
 35 directly into the general fund, or into the general
 36 fund through the court revenue distribution account,
 37 there is appropriated from the general fund of the
 38 state to the department of justice for the fiscal year
 39 beginning July 1, 1991, and ending June 30, 1992, the
 40 following amount, or so much thereof as is necessary
 41 to be used for the purpose designated:

42 For victim assistance grants:

43\$ 1,071,782

44 As a condition, limitation, and qualification of
 45 this appropriation, the funds shall be used to provide
 46 grants to care providers providing services to crime
 47 victims of domestic abuse or to crime victims of rape
 48 and sexual assault."

Roll call was requested by Sherzan of Polk and Neuhauser of Johnson.

On the question "Shall amendment H—3945, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 60:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Black	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Hibbard	Holveck	Jochum	Knapp
Koenigs	Kremer	Lundby	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan

Shoning
Teaford

Siegrist
Wise

Spear
Wissing

Svoboda
Bisignano
Presiding

The nays were, 32:

Banks
Daggett
Gipp
Hanson, D. R.
Johnson
Maulsby
Miller
Royer

Beaman
De Groot
Grubbs
Harbor
Kistler
McNeal
Petersen, D. F.
Tyrrell

Bennett
Diemer
Hahn
Hurley
Krebsbach
Metcalf
Plasier
Van Maanen

Branstad
Garman
Hanson, D. E.
Iverson
Lageschulte
Millage
Renken
Weidman

Absent or not voting, 8:

Brammer
Jay

Eddie
Jesse

Haverland
Shultz

Hester
Spenner

Amendment H—3945 was adopted.

Eddie of Buena Vista offered the following amendment H—3929, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3929

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 99, line 14, by striking the word "In"
- 5 and inserting the following: "If the subject property
- 6 is agricultural land used for farming, as defined in
- 7 section 172C.1, in".
- 8 2. By striking page 99, line 45, through page
- 9 100, line 14.
- 10 3. Page 100, line 29, by striking the word "In"
- 11 and inserting the following: "If the subject property
- 12 is agricultural land used for farming, as defined in
- 13 section 172C.1, in".
- 14 4. By renumbering and correcting internal
- 15 references as necessary.

Amendment H—3929 was adopted.

Iverson of Wright offered the following amendment H—3938, to amendment H—3873, to the Senate amendment H—3734, filed by him and Jesse of Jasper from the floor and moved its adoption:

H—3938

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:

- 4 1. Page 101, by striking lines 15 through 23.
- 5 2. By renumbering and correcting internal
- 6 references as necessary.

A non-record roll call was requested.

The ayes were 37, nays 44.

Amendment H—3938 lost.

Iverson of Wright offered the following amendment H—3928, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3928

- 1 Amend amendment, H—3873, to Senate amendment, H—
- 2 3734, to House File 479, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. By striking page 101, line 39, through page
- 5 102, line 34.
- 6 2. Page 106, by striking lines 3 and 4 and
- 7 inserting the following: "reimbursements,""

Roll call was requested by Rafferty of Scott and Peterson of Carroll.

On the question "Shall amendment H—3928, to amendment H—3873, to the Senate amendment H—3734, 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	Metcalf
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Royer	Shoning	Siegrist
Tyrrell	Van Maanen	Weidman	

The nays were, 55:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	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.	Plasier	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Bisignano	
		Presiding	

Absent or not voting, 2:

Brammer Spenner

Amendment H—3928 lost.

Daggett of Adams offered the following amendment H—3926, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3926

- 1 Amend amendment, H—3873, to Senate amendment, H—
- 2 3734, to House File 479, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 102, lines 39 and 40, by striking the
- 5 words "and for each succeeding budget year".
- 6 2. Page 102, by striking lines 43 through 47, and
- 7 inserting the following: "pupil. For each succeeding
- 8 budget year, the regular program foundation base shall
- 9 increase twenty-five hundredths percent per year until
- 10 the regular program foundation base reaches eighty-
- 11 five percent of the regular program state cost per
- 12 pupil, except that the".
- 13 3. Page 103, line 21, by striking the words "on
- 14 a" and inserting the following: "on the".
- 15 4. Page 103, by striking lines 22 and 23, and
- 16 inserting the following: "foundation base per pupil
- 17 provided under section 257.1 except that".

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

On the question "Shall amendment H—3926, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 37:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McNeal	Mertz
Millage	Miller	Petersen, D. F.	Plasier

Renken
Weidman

Royer

Tyrrell

Van Maanen

The nays were, 58:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Gill	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	Lundby	McKinney	Metcalf
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Svoboda	Teaford	Wise
Wissing	Bisignano		
	Presiding		

Absent or not voting, 5:

Brammer
Spanner

Carpenter

Gruhn

Muhlbauer

Amendment H—3926 lost.

Daggett of Adams offered the following amendment H—3927, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3927

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 102, lines 39 and 40, by striking the
- 5 words “and for each succeeding budget year”.
- 6 2. By striking page 102, line 43 through page
- 7 103, line 3, and inserting the following: “pupil.
- 8 For each succeeding budget year, the regular program
- 9 foundation base shall increase twenty-five hundredths
- 10 percent per year until the regular program foundation
- 11 base reaches eighty-five percent of the regular
- 12 program state cost per pupil. For the budget year
- 13 commencing July 1, 1991, the special”.
- 14 3. Page 103, by striking lines 7 and 8, and
- 15 inserting the following: “pupil. It shall increase
- 16 at the same rate as the regular program foundation
- 17 base. The combined”.
- 18 4. Page 103, by striking lines 14 through 31.
- 19 5. By renumbering as necessary.

Roll call was requested by Bennett of Ida and McKean of Jones.

On the question "Shall amendment H—3927, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 40:

Banks	Bartz	Beaman	Bennett
Branstad	Brown	Carpenter	Corbett
Daggett	De Groot	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Maulsby	McKean	McNeal
Mertz	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Siegrist	Tyrrell	Van Maanen	Weidman

The nays were, 57:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Black	Blanshan	Brand
Burke	Chapman	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	Knapp
Koenigs	Lageschulte	Lundby	McKimney
Metcalf	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Bisignano			
Presiding			

Absent or not voting, 3:

Brammer	Muhlbauer	Spanner
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Amendment H—3927 lost.

Bartz of Worth offered the following amendment H—3944, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3944

- 1 Amend amendment, H—3873, to Senate amendment, H—
- 2 3734, to House File 479, as amended, passed, and
- 3 reprinted by the House, as follows:
- 4 1. Page 104, by inserting after line 15, the
- 5 following:

6 "Sec. _____. Section 425A.3, subsection 2, paragraph
 7 a, Code 1991, is amended to read as follows:
 8 a. The owner, owner's spouse, owner's child or
 9 stepchild, or owner's relative within the third degree
 10 of consanguinity or the spouse of the owner's child or
 11 stepchild or spouse of the owner's relative within the
 12 third degree of consanguinity."

Roll call was requested by Bartz of Worth and Krebsbach of Mitchell.

On the question "Shall amendment H—3944, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 40:

Banks	Bartz	Beaman	Bennett
Branstad	Brown	Carpenter	Daggett
De Groot	Diemer	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	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Siegrist	Tyrrell	Van Maanen	Weidman

The nays were, 55:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Black	Blanshan	Brand
Burke	Chapman	Cohoon	Connors
Corbett	Dickinson	Doderer	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Spear	Svoboda	Teaford
Wise	Wissing	Bisignano	
		Presiding	

Absent or not voting, 5:

Brammer	Dvorsky	Eddie	Shoultz
Spenner			

Amendment H—3944 lost.

Lageschulte of Bremer offered the following amendment H—3947, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3947

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 104, by inserting before line 16, the
- 5 following:
- 6 "Sec. _____. Section 425A.2, subsection 4, Code
- 7 1991, is amended to read as follows:
- 8 4. "Eligible tract" or "eligible tract of
- 9 agricultural land" means an area of agricultural land
- 10 not exceeding four hundred acres which is described on
- 11 the property tax list as subject to property taxes and
- 12 which meets the requirements of section 425A.3,
- 13 subsection 2."
- 14 2. By renumbering as necessary.

Amendment H—3947 was adopted.

Jochum of Dubuque offered the following amendment H—3881, to amendment H—3873, to the Senate amendment H—3734, filed by him and moved its adoption:

H—3881

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 104, line 32, by striking the word and
- 5 figure "subsection 1" and inserting the following:
- 6 "subsection 2".

Amendment H—3881 was adopted.

Halvorson of Clayton offered the following amendment H—3924, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor:

H—3924

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 105, by inserting after line 14 the
- 5 following:
- 6 "Sec. _____. Section 8.22A, Code 1991, is amended by
- 7 adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. By December 15, 1991,
9 and each succeeding fiscal year, the conference shall
10 agree to a general fund revenue estimate and a general
11 fund ending balance estimate for the fiscal year
12 ending the following June 30. These estimates shall
13 be used to calculate the state general fund
14 expenditure limitation under section 8.56.

15 Sec. _____. Section 8.55, subsections 2 and 3, Code
16 1991, are amended to read as follows:

17 2. The maximum balance of the Iowa economic
18 emergency fund is the amount equal to ten percent of
19 the funds appropriated from the general fund of the
20 state during the preceding fiscal year. There is
21 appropriated from any surplus existing in the general
22 fund of the state at the conclusion of the fiscal year
23 to the Iowa economic emergency fund for each fiscal
24 year an amount equal to the smaller of the amount of
25 the surplus or the amount necessary to achieve the
26 maximum balance, or one percent of the previous fiscal
27 year's general fund revenues, as determined by the
28 latest estimate of the revenue estimating conference
29 on or prior to December 15 of the previous fiscal
30 year.

31 3. The moneys in the Iowa economic emergency fund
32 may be appropriated by the general assembly only if at
33 least sixty percent of the members in each house vote
34 in favor of the bill, only in the fiscal year for
35 which the appropriation is made, and only for a
36 purpose for which the general assembly previously
37 appropriated funds for that fiscal year. However, the
38 balance in the Iowa economic emergency fund may be
39 used in determining the cash position of the general
40 fund of the state for the payment of state
41 obligations.

42 Sec. _____. NEW SECTION. 8.56 GENERAL FUND
43 EXPENDITURE LIMITATION.

44 1. There is created a state general fund
45 expenditure limitation for each fiscal year beginning
46 on or after July 1, 1990, calculated as provided in
47 this section.

48 2. The state general fund expenditure limitation
49 for a fiscal year equals the following:

50 a. The previous fiscal year's general fund

Page 2

1 revenues, as determined by the latest estimate of the
2 revenue estimating conference on or prior to December
3 15 of the previous fiscal year.

4 b. Plus the previous fiscal year's general fund
5 ending balance, as determined by the latest estimate
6 of the revenue estimating conference on or prior to

- 7 December 15 of the previous fiscal year.
8 c. Minus the product of the fiscal year's
9 percentage limitation, reduced by one percentage
10 point, and the amount in paragraph "a". However, this
11 subtraction shall not be made for the fiscal year
12 beginning July 1, 1990.
13 d. Minus the product of one percent and the amount
14 in paragraph "a". However, this subtraction shall not
15 be made for the fiscal year beginning July 1, 1990.
16 3. For purposes of the computation under
17 subsection 2, the fiscal year's percentage limitation,
18 as used in subsection 2, paragraph "c" is the
19 following:
20 a. For the fiscal year beginning July 1, 1990,
21 zero percent.
22 b. For the fiscal year beginning July 1, 1991, one
23 percent.
24 c. For the fiscal year beginning July 1, 1992, two
25 percent.
26 d. For the fiscal year beginning July 1, 1993,
27 three percent.
28 e. For the fiscal year beginning July 1, 1994,
29 four percent.
30 f. For the fiscal year beginning July 1, 1995, and
31 each subsequent fiscal year, five percent.
32 4. The state general fund expenditure limitation
33 provided for in this section shall be used by the
34 governor in the preparation of the budget under
35 section 8.22 and by the general assembly in the budget
36 process."
37 2. Page 106, line 4, by inserting after the word
38 "tax," the following: "setting limits on general fund
39 of the state expenditures,".

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—3924.

Miller of Cherokee offered the following amendment H—3942, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3942

- 1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 105, line 34, by striking the figure
5 "3,000,000" and inserting the following: "0".

Roll call was requested by Millage of Scott and De Groot of Lyon.

On the question "Shall amendment H—3942, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 59:

Banks	Bartz	Beaman	Beatty
Bennett	Black	Branstad	Carpenter
Daggett	De Groot	Dickinson	Diemer
Doderer	Eddie	Fogarty	Garman
Gill	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Holveck	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Maulsby	McKean
McNeal	Mertz	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renaud	Renken	Royer	Shoning
Siegrist	Spear	Svoboda	Tyrrell
Van Maanen	Weidman	Wissing	

The nays were, 37:

Adams	Arnould, Spkr.	Baker	Bernau
Blanshan	Brand	Brown	Burke
Chapman	Cphoon	Connors	Corbett
Dvorsky	Groninga	Hansen, S. D.	Hibbard
Jay	Jesse	Jochum	Knapp
Koenigs	Lundby	McKinney	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Schrader
Shearer	Sherzan	Teaford	Wise
Bisignano			
Presiding			

Absent or not voting, 4:

Brammer	Muhlbauer	Shoultz	Spenner
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Amendment H—3942 was adopted.

Ollie of Clinton offered the following amendment H—3911, to amendment H—3873, to the Senate amendment H—3734, filed by him and Hanson of Black Hawk:

H—3911

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House as follows:
- 4 1. Page 105, line 45, by inserting after the
- 5 following: "division I" the following: "and relating
- 6 to state school foundation aid,".

Speaker Arnould in the chair at 4:20 p.m.

Ollie of Clinton moved the adoption of amendment H—3911, to amendment H—3873, to the Senate amendment H—3734.

Roll call was requested by Rafferty of Scott and Miller of Cherokee.

On the question "Shall amendment H—3911, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 63:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Black
Branstad	Brown	Burke	Carpenter
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Dvorsky	Eddie
Garman	Gill	Gipp	Grubbs
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Haverland	Holveck
Hurley	Iverson	Jay	Johnson
Kistler	Krebsbach	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Ollie	Petersen, D. F.	Peterson, M. K.	Plasier
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Svoboda	Tyrrell
Van Maanen	Weidman	Wise	

The nays were, 34:

Bernau	Bisignano	Blanshan	Brand
Chapman	Connors	Doderer	Fogarty
Groninga	Gruhn	Hammond	Harbor
Hatch	Hester	Hibbard	Jochum
Knapp	Koenigs	Kremer	McKinney
Mertz	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Poncy	Sherzan	Teaford
Wissing	Mr. Speaker		
	Arnould		

Absent or not voting, 3:

Brammer	Jesse	Spenner
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Amendment H—3911 was adopted.

Jochum of Dubuque offered the following amendment H—3950, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3950

- 1 Amend amendment, H—3873, to Senate amendment, H—
- 2 3734, to House File 479, as amended, passed, and

3 reprinted by the House, as follows:

4 1. Page 105, by striking lines 40 through 45 and
5 inserting the following:

6 "Sec. 1001. REDUCTIONS. Notwithstanding the
7 specific appropriations made by the Seventy-fourth
8 General Assembly, 1991 Session, for the fiscal year
9 beginning July 1, 1991, and ending June 30, 1992, all
10 appropriations from the general fund of the state made
11 for this period except for appropriation amounts
12 relating to reimbursements of social services
13 providers under division I of this Act shall be
14 reduced by 0.5 percent."

Amendment H—3950 was adopted, placing out of order amendment H—3911, previously adopted, and found on page 1855 of the House Journal.

Grubbs of Scott offered the following amendment H—3934, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3934

1 Amend the amendment, H—3873, to the Senate
2 amendment, H—3734, to House File 479, as amended,
3 passed, and reprinted by the House, as follows:

4 1. Page 106, by inserting after line 4 the
5 following:

6 "DIVISION _____

7 FISCAL YEAR 1993 BUDGET REQUESTS

8 Sec. _____. It is the intent of the general assembly
9 that all departments and agencies of the state shall
10 submit budget requests for fiscal year 1993 that do
11 not exceed the full-time equivalent position
12 authorization limits set by the general assembly for
13 the fiscal year ending June 30, 1992. Departments and
14 agencies may make intradepartmental or intraagency
15 transfers of full-time equivalent positions in their
16 requests for the fiscal year ending June 30, 1993.
17 The general assembly may make interdepartmental or
18 interagency transfers of full-time equivalent
19 positions, provided that the total number of full-time
20 equivalent positions does not exceed the number of
21 positions authorized for the fiscal year ending June
22 30, 1992.

23 Departments and agencies of this state shall
24 provide recommendations to the general assembly for
25 changes in the Code necessary for them to meet the
26 intent of the general assembly for full-time
27 equivalent positions for the fiscal year ending June
28 30, 1993."

29 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 25, nays 51.

Amendment H—3934 lost.

Hammond of Story offered the following amendment H—3943, to amendment H—3873, to the Senate amendment H—3734, filed by her from the floor and moved its adoption:

H—3943

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House as follows:
- 4 1. Page 4, by striking line 1 and inserting the
- 5 following:
- 6 "5. Effective July 1, 1991, if a medical
- 7 assistance recipient is receiving".

Amendment H—3943 was adopted.

Halvorson of Clayton offered the following amendment H—3948, to amendment H—3873, to the Senate amendment H—3734, filed by him from the floor and moved its adoption:

H—3948

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 9, line 5, by striking the figure
- 5 "7,104,072" and inserting the following: "7,378,317".
- 6 2. Page 9, line 7, by striking the figure
- 7 "3,107,695" and inserting the following: "3,232,202".
- 8 3. Page 9, line 10, by striking the figure
- 9 "3,737,446" and inserting the following: "3,887,184".
- 10 4. Page 10, line 46, by striking the figure
- 11 "323,311" and inserting the following: "327,904".
- 12 5. Page 14, line 8, by striking the figure
- 13 "53,366,361" and inserting the following:
- 14 "55,453,077".
- 15 6. Page 19, line 6, by striking the figure
- 16 "19,414,903" and inserting the following:
- 17 "19,812,553".
- 18 7. Page 19, line 36, by striking the figure
- 19 "2,551,014" and inserting the following: "2,610,447".
- 20 8. Page 20, line 11, by striking the figure
- 21 "4,643,000" and inserting the following: "5,082,437".
- 22 9. Page 20, line 35, by striking the figure
- 23 "4,013,271" and inserting the following: "4,053,404".
- 24 10. Page 34, line 16, by striking the figure
- 25 "93,283" and inserting the following: "95,512".

26 11. Page 36, line 9, by striking the figure "2"
 27 and inserting the following: "3".

Roll call was requested by Van Maanen of Mahaska and Maulsby of Calhoun.

On the question "Shall amendment H—3948, to amendment H—3873, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Dickinson	Diemer	Dvorsky
Eddie	Garman	Gill	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
Miller	Petersen, D. F.	Plasier	Renken
Royer	Siegrist	Tyrrell	Van Maanen
Weidman			

The nays were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Doderer	Fogarty	Groninga
Gruhn	Hammond	Hansen, S. D.	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Mertz
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

Absent or not voting, 4:

Brammer	Hatch	Haverland	Spenner
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Amendment H—3948 lost.

Doderer of Johnson offered the following amendment H—3897, (previously deferred) to amendment H—3873, to the Senate amendment H—3734, filed by her and Hester of Pottawattamie and moved its adoption:

H—3897

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:

- 4 1. Page 17, line 25, by inserting after the word
- 5 "older" the following: "unless the persons are
- 6 pursuing a course of study leading to a high school
- 7 diploma or equivalent".

A non-record roll call was requested.

The ayes were 48, nays 26.

Amendment H—3897 was adopted.

Hammond of Story offered the following amendment H—3946, to amendment H—3873, to the Senate amendment H—3734, filed by her from the floor and moved its adoption:

H—3946

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 17, line 45, by striking the word "shall"
- 5 and inserting the following: "may".

Amendment H—3946 was adopted.

Jay of Appanoose offered the following amendment H—3949, to amendment H—3873, to the Senate amendment H—3734, filed from the floor by Jay, Neuhauser and Dvorsky and moved its adoption:

H—3949

- 1 Amend the amendment, H—3873, to the Senate
- 2 amendment, H—3734, to House File 479, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 44, line 6, by striking the word "For"
- 5 and inserting the following: "Notwithstanding section
- 6 294A.25, for".
- 7 2. Page 44, line 7, by striking the figure
- 8 "91,662,500" and inserting the following:
- 9 "90,362,500".
- 10 3. Page 105, line 37, by striking the figure
- 11 "8,700,000" and inserting the following:
- 12 "10,000,000".
- 13 4. Page 105, by inserting after line 37 the
- 14 following:
- 15 "As a condition, limitation, and qualification of
- 16 the funds appropriated in this section, and
- 17 notwithstanding the allocations under section 279.51,
- 18 from the moneys appropriated under this subsection for
- 19 the fiscal year beginning July 1, 1991, and ending
- 20 June 30, 1992, for expenditure for programs for at-
- 21 risk children under section 279.51, subsection 1, the
- 22 child development coordinating council shall expend an

23 additional \$780,000 for a total of \$5,405,000 for
24 grants awarded pursuant to section 279.51, subsection
25 1, paragraph "b", and the department of education
26 shall expend an additional \$520,000 for a total of
27 \$3,520,000 for grants awarded pursuant to section
28 279.51, subsection 1, paragraph "d". It is the intent
29 of the general assembly that all approved proposed at-
30 risk program grants be awarded if possible on a
31 prorated basis. However, the child development
32 coordinating council and the department of education
33 shall rank grant proposals in order of priority for
34 funding, and if the reduction in the amount
35 appropriated causes proposed low-priority grant
36 programs to no longer be feasible, the council and the
37 department shall not award grant moneys to low-
38 priority grant programs and shall redistribute the
39 funds among the remaining grant proposals which have
40 been assigned a higher priority."

Amendment H—3949 was adopted.

Muhlbauer of Crawford offered the following amendment H—3954, to amendment H—3873, to the Senate amendment H—3734, filed from the floor by Muhlbauer, Knapp, Mertz, Fogarty, Svoboda, Spear, Garman, Krebsbach, Hurley, Tyrrell, Plasier, Kremer, Corbett, Petersen of Muscatine, Branstad, Beaman, McKean, Eddie, Iverson, Daggett, Van Maanen, Maulsby, Johnson, Bartz, Gipp, Lundby, McNeal, Hanson of Black Hawk, Grubbs and Renken:

H—3954

1 Amend the amendment, H—3873, to Senate amendment,
2 H—3734, to House File 479, as amended, passed, and
3 reprinted by the House, as follows:

4 1. Page 19, line 17, by inserting after the word
5 "training," the following: "When training or
6 counseling is provided for adolescents regarding
7 termination of pregnancy, a parent or legal guardian
8 shall be notified as an essential component of family
9 preservation."

10 2. Page 39, by inserting after line 9 the
11 following:

12 "Sec. _____. NEW SECTION. 146A.1 NOTIFICATION OF
13 PARENT PRIOR TO PERFORMANCE OF ABORTION ON MINOR —
14 REQUIREMENTS — EXCEPTIONS.

15 1. A person shall not perform an abortion on a
16 pregnant minor until at least forty-eight hours prior
17 notification is provided to a parent of the minor.

18 2. The notification shall be provided in person or
19 by restricted certified mail to the parent of the
20 minor at the usual place of abode of the parent. For

21 the purposes of delivery by restricted certified mail,
22 the time of delivery is deemed to occur at twelve
23 o'clock noon on the next day on which regular mail
24 delivery takes place, subsequent to the mailing.

25 3. For the purposes of this section, unless the
26 context otherwise requires:

27 a. "Abortion" means the use of any means to
28 terminate the pregnancy of a woman known to be
29 pregnant with knowledge that the termination with
30 those means will, with reasonable likelihood, cause
31 the death of the fetus.

32 b. "Court" means the juvenile court.

33 c. "Minor" means minor as defined in chapter 599.

34 d. "Parent" means one parent of the pregnant minor
35 or the pregnant minor's guardian or custodian.

36 4. Notification shall not be required under this
37 section if any of the following conditions apply:

38 a. The attending physician certifies in the
39 pregnant minor's medical record that the abortion is
40 necessary to prevent the minor's death and there is
41 insufficient time to provide the required
42 notification. In such cases the attending physician
43 shall provide the notification to the parent of the
44 minor of the performance of the abortion as soon as is
45 reasonably possible after the abortion, unless
46 notification is not otherwise required.

47 b. The abortion is authorized in writing by a
48 parent entitled to notification.

49 c. The pregnant minor declares that the pregnant
50 minor is a victim of child abuse pursuant to section

Page 2

1 232.68, the person responsible for the care of the
2 child is a parent of the child, and the abuse has been
3 reported pursuant to the procedures prescribed in
4 chapter 232, division III, part two. The department
5 of human services shall make every reasonable effort
6 to maintain confidentiality under chapter 232
7 regarding the minor's pregnancy and abortion, if an
8 abortion is obtained.

9 d. The pregnant minor elects not to allow
10 notification of the pregnant minor's parent and a
11 court authorizes the attending physician to perform an
12 abortion on the pregnant minor following completion of
13 the proceedings prescribed under subsection 4.

14 5. a. If a pregnant minor elects not to allow the
15 notification of a parent prior to the performance of
16 an abortion on the pregnant minor, the pregnant minor
17 shall petition the court to authorize the performance
18 of the abortion. The court shall authorize the
19 attending physician to perform the abortion on the

20 pregnant minor if either of the following conditions
21 is met:

22 (1) The court determines that the pregnant minor
23 is mature and capable of giving informed consent to
24 the proposed abortion.

25 (2) The court determines that the pregnant minor
26 is not mature, or the pregnant minor does not claim
27 that the pregnant minor is mature, but the court
28 determines that the performance of an abortion upon
29 the pregnant minor without the notification of a
30 parent of the minor is in the best interest of the
31 pregnant minor.

32 b. The pregnant minor may participate in the
33 proceeding in the court on the pregnant minor's own
34 behalf and the court may appoint a guardian ad litem
35 for the pregnant minor. The court shall advise the
36 pregnant minor of the right to court-appointed counsel
37 and shall appoint counsel if the pregnant minor so
38 requests.

39 c. Proceedings under this section shall be
40 confidential and shall be given precedence over other
41 pending matters of the court so that a decision may be
42 expeditious and serve the best interest of the
43 pregnant minor. The court shall enter in the record
44 specific finding of fact and legal conclusions to
45 support the decision rendered.

46 d. An expedited, confidential appeal shall be
47 available to a pregnant minor for whom the court
48 denies an order authorizing an abortion without
49 notification. An order authorizing an abortion
50 without notification is not subject to appeal. A

Page 3

1 filing fee is not required of the pregnant minor at
2 any level of the proceedings. Access to the court
3 shall be afforded the pregnant minor twenty-four hours
4 per day, seven days a week.

5 6. A person who performs an abortion in violation
6 of this section is guilty of a serious misdemeanor. A
7 person is not liable under this section if the person
8 establishes through written evidence that the
9 provisions of this section have been met or that the
10 person has used reasonable diligence in attempting to
11 provide notification to the parent of the pregnant
12 minor.

13 7. The supreme court shall prescribe rules to
14 ensure the proceedings under this section are
15 performed in an expeditious and confidential manner.

16 8. If any provision, word, phrase, or clause of
17 this section or its application to any person or
18 circumstances is held invalid, such invalidity shall

19 not affect the provisions, words, phrases, clauses, or
 20 applications of this section which can be given effect
 21 without the invalid provision, word, phrase, clause,
 22 or application, and to this end the provisions, words,
 23 phrases, and clauses of this section are declared to
 24 be severable.

25 Sec. _____. NEW SECTION. 232.4 ABORTION PERFORMED
 26 ON A MINOR — PROCEEDINGS.

27 The court shall have exclusive jurisdiction over
 28 the authorization of an abortion on a minor pursuant
 29 to section 146A.1."

Jochum of Dubuque rose on a point of order that amendment H—3954 was not germane.

The Speaker ruled the point well taken and amendment H—3954 not germane.

Muhlbauer of Crawford asked for unanimous consent to consider amendment H—3954.

Objection was raised.

Garman of Story moved that the rules be suspended to consider amendment H—3954.

Roll call was requested by Garman of Story and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—3954?" (H.F. 479)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Brand	Branstad	Corbett	Daggett
De Groot	Eddie	Fogarty	Garman
Gipp	Grubbs	Halverson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Millage	Muhlbauer	Petersen, D. F.
Peterson, M. K.	Plasier	Rafferty	Renken
Royer	Svoboda	Tyrrell	Van Maanen
Weidman			

The nays were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Dickinson	Diemer	Doderer

Dvorsky	Gill	Groninga	Gruhn
Hahn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	McKinney
Metcalf	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Teaford	Wise	Wissing
Mr. Speaker Arnould			

Absent or not voting, 2:

Brammer Spenner

The motion to suspend the rules lost.

Garman of Story called up for consideration the motion to reconsider amendment H—3950 filed by her from the floor and moved to reconsider the vote by which amendment H—3950 (found on pages 1856 and 1857 of the House Journal) to amendment H—3873, to the Senate amendment H—3734, was adopted by the House on April 26, 1991.

Roll call was requested by Hammond of Story and Halvorson of Clayton.

On the question "Shall the motion to reconsider amendment H—3950 prevail?" (H.F. 479)

The ayes were, 47:

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

The nays were, 50:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohon
Connors	Doderer	Dvorsky	Fogarty
Groninga	Gruhn	Hammond	Hansen, S. D.

Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	Kremer	McKinney	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Teaford
Wissing	Mr. Speaker		
	Arnould		

Absent or not voting, 3:

Brammer Spenner Wise

The motion to reconsider lost.

Jochum of Dubuque moved the adoption of amendment H—3873, as amended, to the Senate amendment H—3734.

A non-record roll call was requested.

The ayes were 46, nays 43.

Amendment H—3873, as amended, was adopted placing out of order the following amendments, to the Senate amendment H—3734, all filed April 25, 1991:

H—3780 filed by Mertz, et al.

H—3841 filed by McNeal of Hardin.

H—3861 filed by Diemer of Black Hawk and Hanson of Black Hawk.

H—3865 filed by Ollie of Clinton and Iverson of Wright.

H—3867 filed by Hanson of Black Hawk, et al.

H—3868 filed by Ollie of Clinton, et al.

H—3871 filed by Rafferty of Scott.

H—3891 filed by Rafferty of Scott.

H—3893 filed by Hatch, et al.

H—3895 filed by Peterson of Carroll.

H—3912 filed by Maulsby of Calhoun.

Millage of Scott offered the following amendment H—3832, to the Senate amendment H—3734, filed by Millage, et al.:

H—3832

1 Amend the amendment, H—3734, to House File 479, as

2 amended, passed, and reprinted by the House, as

3 follows:

4 1. By striking page 105, line 39 through page

5 106, line 23.

6 2. Page 108, by striking lines 26 and 27.

7 3. Page 108, lines 36 and 37, by striking the

- 8 words "increasing the cigarette and tobacco products
 9 tax,".
 10 4. By renumbering as necessary.

Wise of Lee in the chair at 5:42 p.m.

Millage of Scott moved the adoption of amendment H—3832, to the Senate amendment H—3734.

Roll call was requested by Millage of Scott and Iverson of Wright.

On the question "Shall amendment H—3832, to the Senate amendment H—3734, be adopted?" (H.F. 479)

The ayes were, 67:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brand	Branstad
Brown	Burke	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Eddie	Fogarty	Garman	Gill
Gipp	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Hansen, S. D.	Harbor	Hatch
Hurley	Iverson	Jay	Johnson
Kistler	Knapp	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Mertz	Millage	Miller
Murphy	Nielsen	Ollie	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Royer
Schrader	Shoning	Siegrist	Svoboda
Tyrrell	Weidman	Wissing	

The nays were, 31:

Arnould, Spkr.	Blanshan	Carpenter	Chapman
Diemer	Doderer	Dvorsky	Groninga
Halvorson, R. N.	Hammond	Hanson, D. E.	Hanson, D. R.
Haverland	Hester	Hibbard	Holveck
Jesse	Jochum	Koenigs	McKinney
Metcalf	Muhlbauer	Neuhauser	Osterberg
Shearer	Sherzan	Shoultz	Spear
Teaford	Van Maanen	Wise	
		Presiding	

Absent or not voting, 2:

Brammer Spenner

Amendment H—3832 was adopted.

Bartz of Worth asked and received unanimous consent to withdraw amendment H—3849, to the Senate amendment H—3734, filed by him on April 25, 1991.

The Speaker announced that amendment H—3840, to the Senate amendment H—3734, filed by Grubbs of Scott on April 25, 1991 was out of order.

On motion by Jochum of Dubuque, the House concurred in the Senate amendment H—3734, as amended.

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

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

The ayes were, 51:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Connors	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	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wissing	Wise	
		Presiding	

The nays were, 47:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Dickinson	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
Ollie	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Siegrist
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 2:

Brammer	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.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 479** be immediately messaged to the Senate.

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 26th day of April, 1991: House Files 91, 92, 357, 373, 384, 480, 487, 498, 506 and 626.

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:

Thirty sixth grade students from Palmer-Pomeroy Middle School, Palmer, accompanied by Wally Parman. By Eddie of Buena Vista and Maulsby of Calhoun.

Forty-five third grade students from Wallace Elementary School, Johnston, accompanied by Jyll Miner and Susan Risius. By Haverland of Polk.

Fifty-five fifth grade students from Longfellow Elementary School, Council Bluffs, accompanied by Mrs. Heithoff and Mrs. Boldt. By Pavich of Pottawattamie.

Sixty-seven eighth grade students from St. Edwards School, Waterloo, accompanied by Don Sullivan. By Teaford, Shoultz and Hanson of Black Hawk.

SUBCOMMITTEE ASSIGNMENT

Senate Concurrent Resolution 23

Natural Resources and Outdoor Recreation: Dickinson, Chair; Royer and Spear.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate Concurrent Resolution 23, 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.

Fiscal Note is not required.

Recommended **Do Pass** and laid over under Rule 25 April 26, 1991.

AMENDMENTS FILED

H-3919	S.F.	444	Sherzan of Polk
H-3923	S.F.	294	Shoultz of Black Hawk
Plasier of Sioux			Blanshan of Greene
Dickinson of Jackson			Ollie of Clinton
Groninga of Cerro Gordo			Black of Jasper
H-3931	S.F.	444	Millage of Scott
H-3933	S.F.	444	Sherzan of Polk
H-3940	S.F.	273	Renaud of Polk
H-3941	S.F.	444	McKean of Jones
			Millage of Scott
			Hurley of Fayette
H-3951	S.F.	193	Lundby of Linn
H-3953	S.F.	362	Grubbs of Scott
H-3955	H.F.	109	Osterberg of Linn
H-3956	H.F.	109	Osterberg of Linn
H-3957	S.F.	444	Sherzan of Polk

On motion by McKinney of Dallas, the House adjourned at 5:53 p.m., until 10:00 a.m., Monday, April 29, 1991.

JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day — Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 29, 1991

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

Prayer was offered by Reverend Leon Herndon, pastor of Burns United Methodist Church, Des Moines.

The Journal of Friday, April 26, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Pavich of Pottawattamie, from two hundred forty-three constituents favoring parental notification before a minor obtains an abortion.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Blanshan of Greene on request of Dickinson of Jackson; Ollie of Clinton on request of Hammond of Story; Corbett of Linn on request of De Groot of Lyon; Hibbard of Madison on request of Brown of Lucas; Petersen of Muscatine on request of Bennett of Ida, all until their arrival; McKean of Jones, for April 29 and 30, 1991, on request of Van Maanen of Mahaska.

SENATE AMENDMENTS CONSIDERED

Beatty of Warren called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3890 to the House amendment:

H-3890

- 1 Amend the amendment, S-3522, to Senate File 502, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 31, by striking the words "fund
- 5 and" and inserting the following: "fund,"
- 6 2. Page 3, line 32, by inserting after the word
- 7 "fund." the following: "However, the payment of
- 8 administrative costs and expenses incurred by the
- 9 treasurer of state, the attorney general, the second

10 injury fund, the task force, and the department of
 11 revenue and finance, as authorized in this subsection,
 12 shall only be permitted for administrative costs and
 13 expenses incurred in the fiscal year commencing July
 14 1, 1991, and shall not exceed one hundred seventy
 15 thousand dollars, unless further action is taken by
 16 the general assembly."

The motion prevailed and the House concurred in the Senate amendment H—3890.

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

On the question "Shall the bill pass?" (S.F. 502)

The ayes were, 90:

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	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Hester	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	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, 2:

Maulsby Renken

Absent or not voting, 8:

Blanshan	Brammer	Haverland	Hibbard
Jay	McKean	Ollie	Petersen, D. F.

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

Black of Jasper in the chair at 10:30 a.m.

Burke of Marshall called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3795:

H—3795

- 1 Amend House File 489, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Sec. _____. Section 422.7, Code 1991, is amended by
- 6 adding the following new subsection:
- 7 **NEW SUBSECTION. 24.** Subtract to the extent
- 8 included, active duty pay received by a person in the
- 9 national guard or armed forces military reserve for
- 10 services performed on or after August 2, 1990,
- 11 pursuant to military orders related to the Persian
- 12 Gulf Conflict."
- 13 2. Title page, line 4, by inserting after the
- 14 word "overseas," the following: "exempting from
- 15 taxation active duty military pay of certain national
- 16 guard personnel and armed forces reserve personnel,".
- 17 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3795.

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

On the question "Shall the bill pass?" (H.F. 489)

The ayes were, 91:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	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	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Pavich
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	Black	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Blanshan	Brammer	Haverland	Jay
Jochum	McKean	Ollie	Osterberg
Petersen, D. F.			

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

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 appropriations today to consider House File 633.

MOTION TO RECONSIDER LOST (Senate File 166)

Spear of Lee called up for consideration the motion to reconsider Senate File 166, filed on April 18, 1991, and moved to reconsider the vote by which 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, failed to pass the House and was placed on its last reading on April 18, 1991.

A non-record roll call was requested.

The ayes were 22, nays 53.

The motion to reconsider lost, placing the following amendments filed by Spear of Lee out of order:

H—3731 — filed April 18, 1991.

H—3732 — filed April 18, 1991.

H—3759, to amendment H—3732, filed April 19, 1991.

H—3762, to amendment H—3732, filed April 22, 1991.

The House stood at ease at 10:42 a.m., until the fall of the gavel.

The House resumed session at 11:43 a.m., Speaker Arnould in the chair.

On motion by McKinney of Dallas, the House was recessed at 11:44 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, until his return, on request of Van Maanen of Mahaska.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 29, 1991, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 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 29, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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.

JOHN F. DWYER, Secretary

SENATE AMENDMENTS CONSIDERED

McNeal of Hardin called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—3796 to the House amendment:

H—3796

1 Amend the House amendment, S—3374, to Senate File

2 445, as passed by the Senate as follows:

3 1. Page 1, line 15, by striking the figure

4 "652.2" and inserting the following: "656.2".

5 2. Page 1, line 17, by striking the figures and

6 word "656.1 and 656.2" and inserting the following:

7 "656.2 and 656.3".

The motion prevailed and the House concurred in the Senate amendment H—3796, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 445)

The ayes were, 95:

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	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
McKinney	McNeal	Mertz	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spencer	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Blanshan	Brammer	McKean	Miller
Petersen, D. F.			

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

Groninga of Cerro Gordo called up for consideration **House File 237**, a bill for an act relating to the perpetual care of cemeteries and cemetery lots and spaces, amended by the Senate, and moved that the House concur in the following Senate amendment H—3816:

H—3816

- 1 Amend House File 237 as follows:
- 2 1. Page 2, by striking lines 11 through 25 and
- 3 inserting the following:
- 4 "566.15 **AUTHORITY TO INVEST FUNDS.**
- 5 The board of supervisors, mayor and council, or
- 6 board of trustees other elected governmental body, as
- 7 the case may be, shall have has the authority to
- 8 receive and invest all moneys and property, so donated
- 9 or bequeathed, and that portion of cemetery lot sales
- 10 and permanent charges made against cemetery lots which
- 11 has have been set aside in a perpetual care fund, in
- 12 such authorized investments and in the manner
- 13 prescribed in section 682.23, or as the same may be
- 14 hereafter amended. Such money must be invested at the
- 15 market value of such securities, and they shall use
- 16 the for which they have exercised the judgment and
- 17 care, under the circumstances then prevailing, which
- 18 persons of prudence, discretion, and intelligence
- 19 exercise in the management of their affairs. The
- 20 income from such the investment shall be used in
- 21 caring for the property of the donor in any cemetery,
- 22 or as shall be provided in the terms of such the gift
- 23 or donations or agreement for sale and purchase of a
- 24 cemetery lot."

The motion prevailed and the House concurred in the Senate amendment H—3816.

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

On the question "Shall the bill pass?" (H.F. 237)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brand	Branstad
Brown	Burke	Carpenter	Chapman
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.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKinney
McNeal	Mertz	Metcalf	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 7:

Blanshan	Brammer	Diemer	McKean
Miller	Petersen, D. F.	Wissing	

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 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, previously deferred and placed on the unfinished business calendar.

Sherzan of Polk offered the following amendment H—3919 filed by him and requested division as follows:

H—3919

- 1 Amend Senate File 444, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3919A

- 3 1. Page 1, by striking lines 1 through 9.

H-3919B

4 2. Page 1, by inserting after line 9, the
5 following:

6 "Sec. 100. Section 22.7, subsection 5, Code 1991,
7 is amended to read as follows:

8 5. Peace officers' investigative reports, except
9 where disclosure is authorized elsewhere in this Code.
10 However, the date, time, specific location, and
11 immediate facts and circumstances surrounding a crime
12 or incident shall not be kept confidential under this
13 section, except in those unusual the following
14 circumstances where disclosure would plainly and
15 seriously jeopardize an investigation or pose a clear
16 and present danger to the safety of an individual:

17 a. The crime or incident involves a violation of
18 sections 709.2 through 709.4, or section 709.11, and
19 the victim has requested that victim-identifying
20 information remain confidential, except that for good
21 cause and after reasonable notice to the victim or if
22 an indictment or information is filed against the
23 alleged perpetrator of the sexual abuse, the victim-
24 identifying information shall no longer remain
25 confidential. In cases involving sections 709.2
26 through 709.4, or section 709.11, law enforcement
27 officers shall inform the victim that victim-
28 identifying information shall remain confidential at
29 the request of the victim, except for good cause and
30 after reasonable notice to the victim. Law
31 enforcement officers shall also inform the victim that
32 if an indictment or information is filed against the
33 alleged perpetrator of the sexual abuse, victim-
34 identifying information shall no longer remain
35 confidential.

36 b. The crime or incident involves unusual
37 circumstances where disclosure would plainly and
38 seriously jeopardize an investigation or pose a clear
39 and present danger to the safety of an individual.

40 For the purposes of this subsection, "victim-
41 identifying information" means the victim's name and
42 address.

43 Sec. 101. Section 22.7, subsection 18, paragraph
44 c, Code 1991, is amended to read as follows:

45 c. Information contained in the communication is a
46 public record to the extent that it the information
47 indicates the date, time, specific location, and
48 immediate facts and circumstances surrounding the
49 occurrence of a crime or other illegal act, except to
50 the extent that its disclosure would plainly and

Page 2

1 seriously jeopardize a continuing investigation or

H-3919B

2 pose a clear and present danger to the safety of any
3 person. In any action challenging the failure of the
4 lawful custodian to disclose any particular
5 information of the kind enumerated in this paragraph,
6 the burden of proof is on the lawful custodian to
7 demonstrate that the disclosure of that information
8 would jeopardize such an investigation or would pose
9 such a clear and present danger. in the following
10 circumstances:

11 (1) The information involves a violation of
12 sections 709.2 through 709.4, or section 709.11, and
13 the victim has requested that victim-identifying
14 information remain confidential, except that for good
15 cause and after reasonable notice to the victim or if
16 an indictment or information is filed against the
17 alleged perpetrator of the sexual abuse, the victim-
18 identifying information shall no longer remain
19 confidential. In cases involving sections 709.2
20 through 709.4, or section 709.11, law enforcement
21 officers shall inform the victim that victim-
22 identifying information shall remain confidential at
23 the request of the victim, except for good cause and
24 after reasonable notice to the victim. Law
25 enforcement officers shall also inform the victim that
26 if an indictment or information is filed against the
27 alleged perpetrator of the sexual abuse victim-
28 identifying information shall no longer remain
29 confidential.

30 (2) The disclosure of the information would
31 plainly and seriously jeopardize a continuing
32 investigation or pose a clear and present danger to
33 the safety of an individual.

34 For the purposes of this subsection, "victim-
35 identifying information" means the victim's name and
36 address.

37 In any action challenging the failure of the lawful
38 custodian under this lettered paragraph to disclose
39 identifying information about a victim of sexual abuse
40 or other information of the kind enumerated in this
41 lettered paragraph, the burden of proof is on the
42 lawful custodian to demonstrate that good cause does
43 not exist for the disclosure of the identifying
44 information or that disclosure of other information of
45 the kind enumerated in this lettered paragraph would
46 jeopardize an investigation or would pose a clear and
47 present danger to the safety of an individual."

H-3919A

48 3. Page 1, by striking lines 10 through 21.

49 4. Page 2, by striking lines 2 through 15, and
50 inserting the following: "requirements shall mandate

H-3919A

Page 3

- 1 training devoted to the topic of domestic abuse."
2 5. By striking page 2, line 16 through page 4,
3 line 33.
4 6. Page 5, lines 4 and 5, by striking the words
5 " , as a condition of continued or initial licensure".
6 7. Page 5, line 18, by inserting before the word
7 "department" the following: "judicial".
8 8. Page 5, line 26, by inserting before the word
9 "department" the following: "judicial".
10 9. Page 5, line 28, by inserting before the word
11 "department" the following: "judicial".
12 10. Page 5, by inserting after line 32 the
13 following:
14 "Sec. _____. Section 236.5, subsection 2, paragraph
15 d, Code 1991, is amended to read as follows:
16 d. The awarding of temporary custody of or
17 establishing temporary visitation rights with regard
18 to children under eighteen. In awarding temporary
19 custody or temporary visitation rights, the court
20 shall give primary consideration to the safety of the
21 victim and the children. If the court finds that the
22 safety of the victim or the children will be
23 jeopardized by unsupervised or unrestricted
24 visitation, the court shall condition or restrict
25 visitation as to time, place, duration, or
26 supervision, or deny visitation entirely, as needed to
27 guard the safety of the victim and the children. The
28 court shall also investigate whether any other
29 outstanding orders awarding custody or visitation
30 rights should be modified."
31 11. By striking page 5, line 33, through page 6,
32 line 13, and inserting the following:
33 "Sec. _____. Section 236.5, subsection 4, Code 1991,
34 is amended to read as follows: -
35 4. A certified copy of any order or approved
36 consent agreement shall be issued to the plaintiff,
37 the defendant and law enforcement agencies the county
38 sheriff having jurisdiction to enforce the order or
39 consent agreement, and the twenty-four hour dispatcher
40 for the law enforcement agencies county sheriff. Any
41 subsequent amendment or revocation of an order or
42 consent agreement shall be forwarded by the clerk to
43 all individuals and agencies the county sheriff
44 previously notified. The clerk shall notify the
45 county sheriff and the twenty-four hour dispatcher for
46 the county sheriff by telephone or otherwise within
47 six hours of filing the order, approved consent
48 agreement, amendment, or revocation. The county
49 sheriff's dispatcher shall notify all law enforcement
50 agencies having jurisdiction over the matter and the

H-3919A

Page 4

1 twenty-four hour dispatcher for the law enforcement
2 agencies upon notification by the clerk. The clerk
3 shall send or deliver a written copy of any such docu-
4 ment to the law enforcement agencies and the twenty-
5 four hour dispatcher within twenty-four hours of
6 filing the document."

7 12. Page 7, by striking line 29, and inserting
8 the following: "officer shall either request a
9 magistrate to make a determination as to".

10 13. Page 7, line 31, by inserting after the word
11 "issued" the following: ", or refer the matter to the
12 county attorney".

13 14. Page 8, line 22, by striking the word "no-
14 contract" and inserting the following: "no-contact".

15 15. Page 8, lines 29 and 30, by striking the
16 words "- DOMESTIC ABUSE SERVICES FUND ESTABLISHED".

17 16. Page 8, line 31, by striking the figure "1".

18 17. Page 8, line 35, by striking the word "and"
19 and inserting the following: "or".

20 18. Page 9, by striking lines 5 through 22.

21 19. Page 9, by striking line 28 and inserting the
22 following: "general fund of the state and used for
23 the purposes of providing emergency shelter services,
24 support services, and other services to victims of
25 domestic abuse or sexual assault."

26 20. Page 9, lines 31 and 32, by striking the
27 words "the domestic abuse services fund" and inserting
28 the following: "be used for the purposes of providing
29 services to victims of domestic abuse or sexual
30 assault".

31 21. By striking page 9, line 35 through page 10,
32 line 1, and inserting the following:

33 "It is the intent of the general assembly that the
34 funds generated from the checkoff be appropriated and
35 used for the purposes of providing services to victims
36 of domestic abuse or sexual assault."

37 22. Page 10, lines 3 and 4, by striking the words
38 "the domestic abuse services fund" and inserting the
39 following: "be used for the purposes of providing
40 services to victims of domestic abuse or sexual
41 assault".

42 23. Page 10, by striking lines 9 and 10 and
43 inserting the following: "to the treasurer of state."

44 24. Page 10, lines 21 and 22, by striking the
45 words "from the domestic abuse services fund".

46 25. Page 11, by striking lines 14 through 17.

47 26. Page 11, line 19, by striking the word
48 "REQUIREMENTS".

49 27. Page 11, line 21, by striking the word
50 "shall" and inserting the following: "may".

H-3919A

Page 5

1 28. Page 11, by striking lines 24 through 26, and
2 inserting the following: "prevention and services.
3 Domestic abuse".

4 29. Page 11, line 27, by striking the word
5 "shall" and inserting the following: "may".

6 30. Page 12, by striking lines 10 through 16.

7 31. Page 12, line 25, by inserting after the word
8 "women" the following: "who serve as counselors to
9 female inmates who are victims of domestic abuse or
10 sexual assault".

11 32. Page 13, by striking lines 21 through 32.

12 33. Page 14, by striking lines 19 through 21, and
13 inserting the following: "treasury. Of the amount
14 paid to the".

15 34. By striking page 14, line 30 through page 15,
16 line 32, and inserting the following:

17 "Sec. _____. Section 602.8105, subsection 1,
18 paragraph l, Code 1991, is amended to read as follows:

19 l. In criminal cases, the same fees for the same
20 services as in civil cases, and a five dollar fee to
21 be remitted to the treasurer of state by the clerk of
22 the district court for deposit in the general fund of
23 the state, to be paid by the county or city, which has
24 the duty to prosecute the criminal action, payable as
25 provided in section 602.8109. When judgment is
26 rendered against the defendant, costs collected from
27 the defendant shall be paid to the county or city
28 which has the duty to prosecute the criminal action to
29 the extent necessary for reimbursement for fees paid.
30 However, the fees which are payable by the county to
31 the clerk of the district court for services rendered
32 in criminal actions prosecuted under state law and in
33 habitual offender actions pursuant to section 321.556,
34 and the court costs taxed in connection with the trial
35 of those actions or appeals from the judgments in
36 those actions are waived.

37 Sec. _____. Section 602.8105, subsection 1,
38 paragraph m, Code 1991, is amended to read as follows:

39 m. For filing an application for a license to
40 marry, ~~fifteen~~ thirty dollars. The clerk of the
41 district court shall remit to the treasurer of state
42 ~~five~~ twenty dollars for each marriage license
43 application filed. The treasurer of state shall
44 deposit the funds received in the general fund of the
45 state. For issuing an application for an order of the
46 district court authorizing the issuance of a license
47 to marry prior to the expiration of three days from
48 the date of filing the application for the license,
49 five dollars. The court shall authorize the issuance
50 of a marriage license without the payment of any fees

H-3919A

Page 6

1 imposed by this paragraph upon a showing that the
2 applicant is unable to pay the fees.

3 Sec. _____. Section 602.8105, subsection 1,
4 paragraph n, Code 1991, is amended to read as follows:
5 n. For entering a final decree of dissolution of
6 marriage, fifteen thirty dollars. The fees shall be
7 deposited in the general fund of the state. It is the
8 intent of the general assembly that the funds
9 generated from the dissolution fees be appropriated
10 and used for sexual assault and domestic violence
11 centers."

12 35. Page 16, by striking lines 5 through 9, and
13 inserting the following: "twenty dollars. The fee
14 for filing and docketing a complaint".

15 36. Page 16, by striking lines 19 through 25.

16 37. By striking page 16, line 26 through page 17,
17 line 4, and inserting the following:

18 "Sec. _____. Section 631.6, subsection 1, Code 1991,
19 is amended by adding the following new unnumbered
20 paragraph:

21 NEW UNNUMBERED PARAGRAPH. The clerk shall collect
22 an additional fee of five dollars upon docketing a
23 small claims action, and shall remit the fee to the
24 treasurer of state for deposit in the general fund."

25 38. Page 18, by striking lines 8 and 9, and
26 inserting the following: "section 907.3 for
27 violations of section 708.2 or 708.2A, which were
28 issued on domestic abuse assaults, and".

29 39. Page 18, lines 22 and 23, by striking the
30 words "not be eligible for a deferred sentence or
31 judgment, and shall".

32 40. Page 18, line 30, by inserting after the
33 figure "903" the following: ", and does not prohibit
34 the court from entering a deferred judgment or
35 sentence pursuant to section 907.3".

36 41. Page 19, line 4, by striking the word "shall"
37 and inserting the following: "may".

38 42. Page 19, line 6, by inserting after the
39 figure "708.2B." the following: "However, as a
40 condition of deferring judgment or sentence pursuant
41 to section 907.3, the court shall order the defendant
42 to participate in a batterers' treatment program."

43 43. Page 19, line 7, by inserting after the word
44 "judgment" the following: "or deferred judgment".

45 44. Page 19, line 13, by inserting after the word
46 "of" the following: ", or receiving a deferred
47 judgment for,".

48 45. Page 19, by striking lines 16 through 23, and
49 inserting the following: "domestic abuse offenders,
50 if ordered to do so by the court pursuant to section

H-3919A

Page 7

1 708.2A. Participation in the batterers' treatment
2 program shall not require a person to be placed on
3 probation, but a person on probation may participate
4 in the program. The district departments may contract
5 for services in completing the duties relating to the
6 batterers' treatment programs. The district
7 departments shall assess the fees for participation in
8 the program, and shall either collect or contract for
9 the collection of the fees to recoup the costs of
10 treatment, but may waive the fee or collect a lesser
11 amount upon a showing of cause. The fees shall be
12 used by each of the district departments or contract
13 service providers for the establishment,
14 administration, coordination, and provision of direct
15 services of the batterers' treatment programs."

16 46. Page 19, by striking line 28 and inserting
17 the following: "708.2B."

18 47. Page 19, by striking lines 29 through 33.

19 48. By striking page 19, line 34 through page 20,
20 line 9 and inserting the following:

21 "Sec. _____. Section 907.3, subsection 3, Code 1991,
22 is amended to read as follows:

23 3. By record entry at the time of or after
24 sentencing, the court may suspend the sentence and
25 place the defendant on probation upon such terms and
26 conditions as it may require including commitment to
27 an alternate jail facility or a community correctional
28 residential treatment facility for a specific number
29 of days to be followed by a term of probation as
30 specified in section 907.7. A person so committed who
31 has probation revoked shall be given credit for such
32 time served. However, the court shall not suspend the
33 minimum term of two days imposed pursuant to section
34 708.2A."

35 49. By striking page 21, line 7 through page 23,
36 line 8.

37 50. Page 23, line 20, by inserting after the
38 figure "1991," the following: "who serve as
39 counselors to female inmates who are victims of
40 domestic abuse or sexual assault,".

41 51. Page 23, by striking lines 29 through 31, and
42 inserting the following: "correctional services to
43 establish batterers' treatment programs. The district
44 departments shall establish at least one program in
45 each district by January 1, 1992, and shall establish
46 programs throughout the district so that the programs
47 are readily accessible to offenders by January 1,
48 1993."

49 52. Page 23, by striking lines 32 and 33, and
50 inserting the following:

H-3919A

Page 8

1 "2. From July 1, 1991, through December 31, 1992,
2 the court may order a defendant who is convicted of,
3 or who receives a deferred judgment for, a violation
4 of section".

5 53. Page 24, by inserting before line 6, the
6 following:

7 "3. Notwithstanding any other provision of this
8 Act to the contrary, the portion of section 33 of this
9 Act which enacts new subsection 6 of section 708.2A,
10 and sections 34, 35, and subsections 1 and 2 of this
11 section of this Act shall only take effect upon
12 enactment of a provision by the Seventy-fourth General
13 Assembly during the 1991 regular session specifically
14 appropriating funds for the particular purposes
15 expressed in those sections."

16 54. Page 24, by striking lines 11 through 13.

H-3919B

17 55. Page 24, by inserting after line 13, the
18 following:

19 "Sec. _____. AUTOMATIC REPEAL. Sections 100 and 101
20 of this Act are repealed effective July 1, 1994.
21 Effective July 1, 1994, the Code editor shall
22 reinstate the language of section 22.7, subsection 5,
23 and section 22.7, subsection 18, paragraph "c", as
24 those provisions read in the 1991 Code."

H-3919A

25 56. Title page, line 2, by striking the words
26 "and certification".

27 57. Title page, lines 4 and 5, by striking the
28 words "establishing a domestic abuse services fund,".

29 58. Title page, line 7, by striking the words
30 "eliminating certain court costs,".

31 59. Title page, line 7, by striking the word
32 "batterers" and inserting the following:
33 "batterers".

34 60. Title page, line 8, by striking the words
35 "establishing a pilot program,".

H-3919B

36 61. Title page, line 9, by inserting after the
37 word "provisions" the following: ", and providing for
38 an automatic repeal."

H-3919A

39 62. By renumbering, relettering, and correcting
40 internal references as necessary.

Sherzan of Polk offered the following amendment H—3957, to amendment H—3919A, filed by him and moved its adoption:

H—3957

- 1 Amend amendment, H—3919, to Senate File 444, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking lines 6 through 11.
- 5 2. By renumbering as necessary.

Amendment H—3957 was adopted.

Doderer of Johnson offered the following amendment H—3961, to amendment H—3919A filed by her from the floor and moved its adoption:

H—3961

- 1 Amend the amendment, H—3919, to Senate File 444, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 29, by striking the word
- 5 “outstanding” and inserting the following:
- 6 “existing”.

Amendment H—3961 was adopted.

Millage of Scott offered the following amendment H—3962, to amendment H—3919A, filed by him from the floor and moved its adoption:

H—3962

- 1 Amend the amendment, H—3919, to Senate File 444, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by striking lines 13 and 14, and
- 5 inserting the following:
- 6 “_____ Page 8, line 6, by striking the words and
- 7 figures “paragraphs 3 and 4, Code 1991, are” and
- 8 inserting the following: “paragraph 3, Code 1991,
- 9 is”.
- 10 _____ Page 8, by striking lines 20 through 25.”
- 11 2. Page 6, by striking lines 29 through 35, and
- 12 inserting the following:
- 13 “_____ Page 18, by striking lines 22 through 30.
- 14 _____ Page 19, line 3, by striking the words
- 15 “mandatory minimum”.
- 16 3. Page 7, by striking lines 20 through 34, and
- 17 inserting the following: “line 9.”
- 18 4. Page 8, by inserting after line 26 the
- 19 following:

- 20 "_____. Title page, line 4, by striking the words
21 "imposing mandatory minimum sentences,".
22 5. By renumbering and correcting internal
23 references as necessary.

Amendment H—3962 lost.

Millage of Scott offered the following amendment H—3931, to amendment H—3919A, filed by him and moved its adoption:

H—3931

- 1 Amend the amendment, H—3919, to Senate File 444, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, by striking lines 12 through 14, and
5 inserting the following:
6 "_____. Page 14, by striking lines 9 through 29."
7 2. Page 5, by striking lines 17 through 36.
8 3. Page 6, by striking lines 12 through 14, and
9 inserting the following:
10 "_____. By striking page 15, line 33 through page
11 16, line 18."
12 4. Page 6, by striking lines 17 through 24, and
13 inserting the following: "line 4."
14 5. By renumbering, relettering, and correcting
15 internal references as necessary.

Amendment H—3931 lost.

Sherzan of Polk offered the following amendment H—3933, to amendment H—3919A, filed by him and moved its adoption:

H—3933

- 1 Amend amendment, H—3919, to Senate File 444, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, line 20, by striking the word "a" and
5 inserting the following: "an additional".

Amendment H—3933 was adopted.

Millage of Scott offered the following amendment H—3941, to amendment H—3919A, filed by McKean, et al., and moved its adoption:

H—3941

- 1 Amend the amendment, H—3919, to Senate File 444, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 5, line 37, through page 6,
5 line 2.

- 6 2. By renumbering and correcting internal
7 references as necessary.

Roll call was requested by Grubbs of Scott and Murphy of Dubuque.

On the question "Shall amendment H—3941, to amendment H—3919A, be adopted?" (S.F. 444)

The ayes were, 36:

Banks	Bartz	Bennett	Branstad
Corbett	Daggett	De Groot	Dickinson
Diemer	Garman	Grubbs	Hahn
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lundby	Maulsby	McNeal
Mertz	Millage	Plasier	Rafferty
Renken	Royer	Siegrist	Spear
Svoboda	Tyrrell	Van Maanen	Weidman

The nays were, 54:

Adams	Baker	Beaman	Beatty
Bernau	Bisignano	Black	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hanson, D. E.	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	Lageschulte	McKinney	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Spenner	Teaford	Wise
Wissing	Mr. Speaker Arnould		

Absent or not voting, 10:

Blanshan	Brammer	Eddie	Gipp
Harbor	McKean	Miller	Osterberg
Petersen, D. F.	Shoultz		

Amendment H—3941 lost.

Connors of Polk in the chair at 2:27 p.m.

Baker of Polk offered the following amendment H—3967, to amendment H—3919A, filed by him from the floor and moved its adoption:

H—3967

1 Amend amendment, H—3919, to Senate File 444, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 3 and inserting the
5 following:

6 "_____. Page 1, line 5, by inserting after the word
7 "misdemeanor" the following: "in a domestic abuse
8 assault case".

9 _____ Page 1, by striking lines 8 and 9 and insert
10 the following: "criteria established by the
11 academy." "

12 2. By renumbering as necessary.

Amendment H—3967 was adopted.

On motion by Sherzan of Polk, amendment H—3919A, as amended, was adopted.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—3919B.

Millage of Scott asked and received unanimous consent to withdraw amendments H—3715 and H—3784, filed by him on April 18 and 23, 1991 respectively.

Hurley of Fayette offered the following amendment H—3958 filed by him from the floor and moved its adoption:

H—3958

1 Amend Senate File 444, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 17, by striking lines 14 through 18 and
4 inserting the following:

5 "a. A simple misdemeanor for a domestic abuse
6 assault, except as otherwise provided."

7 2. Page 17, by striking lines 23 and 24 and
8 inserting the following:

9 "c. An aggravated misdemeanor, if the domestic
10 abuse assault is committed with the intent to inflict
11 a serious injury upon another, or if the person uses
12 or displays a dangerous weapon in connection with the
13 assault. This paragraph does not apply if section
14 708.6 or 708.8 applies."

15 3. Page 17, line 31, by inserting after the word
16 "simple" the following: "or aggravated".

17 4. Page 17, line 33, by inserting after the word
18 "serious" the following: "or aggravated".

19 5. Page 18, line 5, by striking the word "
20 third,".

21 6. Page 18, line 6, by striking the word "
22 third,".

Amendment H—3958 was adopted.

Van Maanen of Mahaska rose on a point of order and invoked Rule 32 to refer Senate File 444 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

McKinney of Dallas moved to suspend Rule 32 to continue debate on Senate File 444.

A non-record roll call was requested.

The ayes were 52, nays 37.

The motion prevailed and Rule 32 was suspended.

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. 444)

The ayes were, 91:

Adams	Arnould, Spkr.	Baker	Banks
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	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. 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
Metcalfe	Miller	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	Connors	
		Presiding	

The nays were, 5:

Bartz	Grubbs	Maulsby	Millage
Renken			

Absent or not voting, 4:

Blanshan

Brammer

McKean

Petersen, D. F.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 444** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 2:52 p.m., until 4:15 p.m.

LATE AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

Connors of Polk in the chair at 5:12 p.m.

SENATE AMENDMENT CONSIDERED

Poney of Wapello called up for consideration **House File 618**, a bill for an act relating to the marketable title of real estate and the lapse of stale mineral interests, amended by the Senate amendment H—3753 as follows:

H—3753

- 1 Amend House File 618, as amended, passed, and
- 2 reprinted as follows:
- 3 1. By striking page 1, line 1 through page 2,
- 4 line 20.
- 5 2. Title page, lines 1 and 2, by striking the
- 6 words "and the lapse of stale mineral interests".

Jay of Appanoose offered the following amendment H—3963, to the Senate amendment H—3753, filed by him from the floor and moved its adoption:

H—3963

- 1 Amend the Senate amendment, H—3753, to House File
- 2 618, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 4, by striking the figure "20."
- 5 and inserting the following: "20 and inserting the
- 6 following:
- 7 "Section 1. Section 331.602, Code 1991, is amended
- 8 by adding the following new subsection:
- 9 **NEW SUBSECTION. 35A.** Record a statement of claim
- 10 provided in chapter 557C relating to mineral interests
- 11 in coal.

12 Sec. 2. NEW SECTION. 557C.1 LAPSE OF MINERAL
13 INTERESTS IN COAL — PREVENTION.

14 A mineral interest in coal shall be extinguished
15 twenty years after its creation, transfer, or
16 preservation, unless a statement of claim is filed in
17 accordance with section 557C.3, and the ownership
18 shall revert to the person who was then the owner of
19 the interest from which the mineral interest in coal
20 was created, transferred, or preserved. Upon the
21 filing of a statement of claim within the specified
22 period, the mineral interest shall be deemed to have
23 been preserved for an additional period of twenty
24 years, or a shorter period as may be specified in the
25 instrument creating the interest.

26 Sec. 3. NEW SECTION. 557C.2 MINERAL INTEREST —
27 DEFINITION.

28 A mineral interest in coal means an interest
29 created by an instrument which creates or transfers
30 either by grant, assignment, reservation, or
31 otherwise, an interest of any kind in coal, as
32 described in chapter 83, without limitation on the
33 manner of mining the coal.

34 Sec. 4. NEW SECTION. 557C.3 STATEMENT OF CLAIM -
35 FILING — REQUIREMENTS.

36 The statement of claim provided in section 557C.1
37 shall be filed by the owner of the mineral interest in
38 coal prior to the end of the twenty-year period set
39 forth in section 557C.1 or by July 1, 1994, whichever
40 is later. The statement of claim shall contain the
41 name and address of the owner of the mineral interest
42 in coal, and a description of the real estate on, or
43 under, which the mineral interest in coal is located.
44 The statement of claim shall be filed in the office of
45 the recorder in the county in which the real estate is
46 located.

47 Sec. 5. NEW SECTION. 557C.4 STATEMENT OF CLAIM -
48 FILING — RECORDER'S DUTY.

49 Upon the filing of the statement of claim provided
50 for in section 557C.3 in the recorder's office for the

Page 2

1 county where the real estate on, or under, which the
2 mineral interest in coal exists, is located, the
3 recorder shall record the statement of claim and index
4 it in the claimant's book.

5 Sec. 6. NEW SECTION. 557C.5 RESERVATION IN OTHER
6 CONVEYANCE.

7 A reservation of a mineral interest in coal or an
8 exception of a mineral interest in coal, contained in
9 a conveyance of the interest out of which it is
10 carved, by a nonowner of the mineral interest in coal

11 shall not be deemed to satisfy the requirements of
 12 this chapter or as a revival of a mineral interest in
 13 coal otherwise extinguished under this chapter.

14 Sec. 7. NEW SECTION. 557C.6 EXEMPTION.

15 The filing of the statement of claim required under
 16 section 557C.3 to preserve the mineral interest in
 17 coal shall not be required of an owner if the mineral
 18 interest was separately taxed for real estate tax
 19 purposes at any time after July 1, 1971." "

20 2. Page 1, by striking lines 5 and 6, and
 21 inserting the following:

22 "_____. Title page, line 1, by inserting after the
 23 word "to" the following: "real estate, by providing
 24 for".

25 _____ Title page, line 2, by inserting after the
 26 word "interests" the following: "in coal".

27 3. By renumbering as necessary.

Amendment H—3963 was adopted.

On motion by Poncy of Wapello, the House concurred in the Senate amendment H—3753, as amended.

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

On the question "Shall the bill pass?" (H.F. 618)

The ayes were, 86:

Arnould, Spkr.	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Black
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	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	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKinney	McNeal
Mertz	Metcalf	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Shoning
Siegrist	Spear	Spenner	Svoboda

Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Connors		
	Presiding		

The nays were, 2:

Banks	Hahn
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Absent or not voting, 12:

Adams	Bisignano	Blanshan	Brammer
Groninga	Jochum	McKean	Miller
Petersen, D. F.	Sherzan	Shultz	Wise

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 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, previously deferred and placed on the unfinished business calendar.

Renaud of Polk offered the following amendment H—3565 filed by the committee on state government:

H—3565

- 1 Amend Senate File 273, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 28, by inserting after the word
- 4 "permittees" the following: "except as otherwise
- 5 provided for the sale of wine by a class "E" liquor
- 6 control licensee to a class "B" wine permittee".
- 7 2. Page 2, line 33, by inserting after the word
- 8 "permittee." the following: "However, a class "B"
- 9 wine permittee may pick up a delivery of wine from the
- 10 premises of a class "A" wine permittee. If a class
- 11 "A" wine permittee's premises and a class "B" wine
- 12 permittee's premises are not located in the same
- 13 county or an adjacent county, the class "B" wine
- 14 permittee may purchase and pick up a wine delivery
- 15 from a class "E" liquor control licensee who also
- 16 holds a class "B" wine permit."

Renaud of Polk offered the following amendment H—3940, to the committee amendment H—3565, filed by him and moved its adoption:

H—3940

- 1 Amend the Committee amendment, H—3565, to Senate
- 2 File 273, as amended, passed, and reprinted by the
- 3 Senate, as follows:

- 4 1. Page 1, by striking lines 3 through 6.
- 5 2. Page 1, lines 8 and 9, by striking the words
- 6 "a class "B" wine permittee" and inserting the
- 7 following: "a class "A", "B", or "C" liquor control
- 8 licensee".
- 9 3. Page 1, lines 11 and 12, by striking the words
- 10 "a class "B" wine permittee's" and inserting the
- 11 following: "a class "A", "B", or "C" liquor control
- 12 licensee's".
- 13 4. Page 1, lines 13 and 14, by striking the words
- 14 "class "B" wine permittee" and inserting the
- 15 following: "class "A", "B", or "C" liquor control
- 16 licensee".
- 17 5. By renumbering as required.

Amendment H—3940 was adopted.

Renaud of Polk asked and received unanimous consent to withdraw amendment H—3847, to the committee amendment H—3565, filed by him on April 25, 1991.

Renaud of Polk moved the adoption of the committee amendment H—3565, as amended.

A non-record roll call was requested.

The ayes were 41, nays 50.

The committee amendment H—3565, as amended, lost.

McKinney of Dallas asked and received unanimous consent that Senate File 273 be deferred and that the bill retain its place on the unfinished business calendar.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Haverland of Polk called up for consideration **Senate File 471**, a bill for an act relating to state policies and procedures affecting children, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—3825 to the House amendment:

H—3825

- 1 Amend amendment, S—3470, to Senate File 471, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 12 through 15 and
- 4 inserting the following: "child may be held in the
- 5 county jail in accordance with the provisions of
- 6 subsection 2, paragraph "c", subparagraphs (1), (3),
- 7 and (4)."

- 8 2. Page 1, line 30, by inserting after the word
9 "convicted" the following: "of a forcible felony".
10 3. Page 1, line 32, by inserting after the word
11 "any" the following: "forcible".

The motion lost and the House refused to concur in the Senate amendment H—3825 to the House amendment.

Unfinished Business Calendar

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

Shoultz of Black Hawk offered the following amendment H—3617 filed by the committee on education:

H—3617

- 1 Amend Senate File 478, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 4 through 8, and
4 inserting the following: "1, 1993, which set
5 standards for approval of preservice and in-service
6 training programs offered by area education agencies
7 and practitioner preparation institutions and parent
8 education programs offered by or through local school
9 districts."
10 2. Page 1, line 12, by striking the words
11 "training programs" and inserting the following: "and
12 preservice training programs through the area
13 education agencies and practitioner preparation
14 institutions".
15 3. Page 1, line 20, by striking the words "for
16 the voluntary participation of" and inserting the
17 following: "outreach and incentives for the voluntary
18 participation of first-time".
19 4. Page 1, lines 21 and 22, by striking the words
20 "to kindergarten" and inserting the following:
21 "through age three".
22 5. Page 2, line 3, by striking the word
23 "Learning" and inserting the following: "Instruction
24 for parents on the providing of learning".
25 6. Page 2, line 5, by striking the words "and, to
26 the extent possible, correct".
27 7. Page 2, line 7, by inserting after the word
28 "problems" the following: "and referrals to
29 appropriate agencies, authorities, or service
30 providers".
31 8. Page 2, line 8, by inserting after the word
32 "encourage" the following: "parents' and children's".

33 9. Page 2, by striking lines 9 through 12, and
34 inserting the following: "esteem and to enhance
35 parenting skills and both parents' and children's
36 appreciation of the benefits of education."

37 10. Page 2, line 15, by striking the words
38 "substantial involvement of the" and inserting the
39 following: "that a parent educator make personal
40 contact with participating".

41 11. Page 2, line 16, by striking the words
42 "children's parents" and inserting the following:
43 "parents of eligible children at least eight times
44 each year".

45 12. By striking page 2, line 21 through page 3,
46 line 3, and inserting the following:

47 "3. Parent education programs shall be provided by
48 parent educators who have completed a minimum of
49 thirty clock hours of an approved parent education
50 preservice or in-service training program and meet one

Page 2

1 of the following requirements:

2 a. The parent educator is licensed in elementary
3 education, early childhood education, early childhood
4 special education, home economics, or consumer and
5 homemaking education, or is licensed or certified in
6 occupational child care services and has demonstrated
7 an ability to work with young children and their
8 parents.

9 b. The parent educator has achieved child develop-
10 ment associate recognition in early childhood
11 education, has completed programming in child
12 development and nursing, and has demonstrated an
13 ability to work with young children and their parents.

14 c. The parent educator has completed sixty college
15 credit hours and possesses two years of experience in
16 a program working with young children and their
17 parents.

18 d. The parent educator possesses five years of
19 experience in a program working with young children
20 and their parents."

21 13. Page 3, by striking lines 8 through 11, and
22 inserting the following: "for deposit into the
23 account."

24 14. Page 3, line 15, by striking the word "A".

25 15. Page 3, by striking lines 16 through 21.

26 16. Page 3, line 30, by inserting after the word
27 "shall" the following: ", by September 1, 1991,".

28 17. Page 3, by striking lines 34 and 35 and
29 inserting the following: "council may be appointed.
30 To the extent possible, the council members shall be
31 former or current members of the district's local

32 early childhood education committees and shall
33 include, but are not limited to, representatives of
34 local businesses, service organizations, educators,
35 head start educators, parents, private child care
36 providers, county home extension economists, area
37 education agencies, the school board, the community
38 education advisory board, local social services
39 organizations, the local board of health, and persons
40 knowledgeable about developmentally appropriate
41 learning and parent education.”
42 18. Page 4, by inserting before line 1 the
43 following: “The council shall be responsible for
44 assessing current programs and services for expectant
45 parents and parents of children who are less than four
46 years of age.”
47 19. Page 4, line 1, by inserting after the word
48 “shall” the following: “also”.
49 20. By striking page 5, line 25 through page 6,
50 line 24, and inserting the following:

Page 3

1 “Sec. _____. Section 294A.14, unnumbered paragraph
2 2, Code 1991, is amended to read as follows:
3 Notwithstanding the amount per pupil of the
4 payments specified in this section, for the fiscal
5 year beginning July 1, 1991, and each succeeding
6 fiscal year, if a school district's or area education
7 agency's approved phase III plan for a fiscal year
8 contains a component that includes a performance-based
9 pay plan which provides for salary increases for
10 teachers who demonstrate superior performance in
11 completing assigned duties or by participating in
12 innovative education programs, including but not
13 limited to parent education programs, or comprehensive
14 school transformation programs, the per pupil amount
15 upon which the phase III moneys are based shall be
16 increased by an amount equal to the product of the
17 state percent of growth calculated under section 257.8
18 and the per pupil amount for the previous fiscal
19 year.”
20 21. Page 6, line 25, by striking the figure “4.”.
21 22. By numbering and renumbering and changing
22 internal references as necessary.

Shoultz of Black Hawk offered the following amendment H—3968,
to the committee amendment H—3617, filed by him from the floor
and moved its adoption:

H—3968

1 Amend amendment, H—3617, to Senate File 478, as
2 amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, line 5, by inserting after the words
- 5 "approval of" the following: "parent education".
- 6 2. Page 1, line 6, by striking the word
- 7 "programs" and inserting the following: "programs,".
- 8 3. Page 1, line 7, by striking the word
- 9 "institutions" and inserting the following:
- 10 "institutions,".

Amendment H—3968 was adopted.

Hurley of Fayette offered the following amendment H—3808, to the committee amendment H—3617, filed by Hurley, et al., and moved its adoption:

H—3808

- 1 Amend the amendment, H—3617, to Senate File 478, as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 34, by inserting after the word
- 5 "esteem" the following: ", self-discipline,
- 6 responsibility, kindness, honesty, hard work,
- 7 gratefulness, respect for authority and for each
- 8 other,".

Amendment H—3808 was adopted.

Shoultz of Black Hawk offered the following amendment H—3648, to the committee amendment H—3617, filed by him and Baker of Polk and moved its adoption:

H—3648

- 1 Amend the amendment, H—3617, to Senate File 478, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 36, the
- 5 following:
- 6 "_____. Page 2, by inserting after line 14, the
- 7 following:
- 8 "_____. Role modeling and mentoring techniques for
- 9 families of children who meet one or more of the
- 10 criteria established for the definition of at-risk
- 11 children by the child development coordinating
- 12 council." "
- 13 2. By renumbering as necessary.

Amendment H—3648 was adopted.

Bartz of Worth asked and received unanimous consent to defer action on amendment H—3739.

Bartz of Worth offered the following amendment H—3737, to the committee amendment H—3617, filed by him and moved its adoption:

H—3737

- 1 Amend amendment, H—3617, to Senate File 478, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 26 and 27.
- 5 2. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Ollie of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H—3737, to the committee amendment H—3617, be adopted?" (S.F. 478)

The ayes were, 49:

Banks	Bartz	Beaman	Bennett
Black	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	McNeal
Mertz	Metcalfe	Millage	Miller
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	Wise
Wissing			

The nays were, 47:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Brand	Brown
Burke	Chapman	Cohoon	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	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Teaford	Connors	
		Presiding	

Absent or not voting, 4:

Blanshan	Brammer	McKean	Petersen, D. F.
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Amendment H—3737 was adopted, placing out of order amendment H—3739 (to the committee amendment H—3617), previously deferred, filed by Bartz of Worth on April 19, 1991.

Shoultz of Black Hawk offered the following amendment H—3736, to the committee amendment H—3617, filed by him and moved its adoption:

H—3736

- 1 Amend the amendment, H—3617, to Senate File 478, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 27, the
- 5 following:
- 6 “_____ Page 3, line 31, by striking the words
- 7 “served by the” and inserting the following: “which
- 8 would be served by a”.”
- 9 2. By renumbering as necessary.

Amendment H—3736 was adopted.

On motion by Shoultz of Black Hawk, the committee amendment H—3617, as amended, was adopted.

Neuhauser of Johnson offered the following amendment H—3727 filed by her and moved its adoption:

H—3727

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 25, by striking the words “All
- 4 parent education programs” and inserting the
- 5 following: “A district providing a parent education
- 6 program, which seeks additional funding under sections
- 7 257.50 and 257.51, shall meet the requirements of this
- 8 section and the program”.

Amendment H—3727 was adopted.

Bartz of Worth offered the following amendment H—3738 filed by him and moved its adoption:

H—3738

- 1 Amend Senate File 478, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 30, by inserting after the word
- 4 “each” the following: “participating”.

A non-record roll call was requested.

The ayes were 48, nays 48.

Amendment H—3738 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the day, on request of Siegrist of Pottawattamie:

The following amendment H—3971, filed by Shoultz of Black Hawk from the floor was adopted by unanimous consent:

H—3971

- 1 Amend Senate File 478, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Title page, by striking lines 2 and 3, and
- 4 inserting the following: "teachers participating in
- 5 the program eligible for receipt of funds under
- 6 phase III of the educational excellence program."

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

On the question "Shall the bill pass?" (S.F. 478)

The ayes were, 60:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Bisignano	Brand
Brown	Burke	Chapman	Cohoon
Corbett	Dickinson	Dvorsky	Fogarty
Gill	Gipp	Groninga	Grubbs
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hatch	Haverland	Hester
Hibbard	Hurley	Jay	Jesse
Jochum	Knapp	Koenigs	Lundby
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Renaud	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Wise	Wissing	Connors
			Presiding

The nays were, 35:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Daggett	De Groot
Diemer	Doderer	Eddie	Garman
Gruhn	Hahn	Hanson, D. R.	Harbor
Holveck	Iverson	Johnson	Kistler
Krebsbach	Kremer	Maulsby	McNeal

Metcalf	Millage	Miller	Rafferty
Renken	Royer	Schrader	Svoboda
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 5:

Blanshan	Brammer	Lageschulte	McKean
Petersen, D. F.			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 478** be immediately messaged to the Senate.

Speaker Arnould in the chair at 7:20 p.m.

HOUSE INSISTS

Jochum of Dubuque called up for consideration **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, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED

(Senate File 529)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **Senate File 529**: Jochum of Dubuque, Chair; Adams of Hamilton, Wise of Lee, Halvorson of Clayton and Van Maanen of Mahaska.

HOUSE INSISTS

Jochum of Dubuque called up for consideration **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, and moved that the House insist on its amendment, to the Senate amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 479)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 479: Jochum of Dubuque, Chair; Bisignano of Polk, Groninga of Cerro Gordo, Halvorson of Clayton and Van Maanen of Mahaska.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, April 26, 1991. Had I been present, I would have voted "aye" on amendment H—3942, to amendment H—3873, to House File 479; "aye" on amendment H—3832 to amendment H—3734 on House File 479 and "nay" on House File 479.

SPENNER of Henry

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 29th day of April, 1991: House Files 198, 324, 516, 619, 627 and 657.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 275, an act requiring the state department of transportation to adopt administrative rules relating to damage to highways and highway structures.

House File 386, an act relating to public utility reorganizations and providing an effective date.

House File 392, 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.

House File 419, an act relating to school bus traffic violations and making a penalty applicable.

House File 485, 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.

House File 617, an act relating to the central location of original loan documentation recordkeeping functions at the office of a bank holding company.

Senate File 78, 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.

Senate File 291, 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.

Senate File 310, 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.

Senate File 383, an act relating to the installation of smoke detectors in multiple-unit residential buildings and single-family dwellings and making penalties applicable.

Senate File 435, 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.

Senate File 454, an act authorizing the state department of transportation to contract for a light rail study.

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 from the Iowa Department of Public Safety which has been reviewed, pursuant to Chapter 1251.81, 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

1991-126	LaVena Rucker, Des Moines — For over twenty years of dedicated service as a Legislative Secretary.
1991-127	Lugene Burns, Des Moines — For over twenty years of dedicated service as a Legislative Secretary.
1991-128	Jeannene Cochran, Urbandale — For over twenty years of dedicated service as a Legislative Secretary.
1991-129	Phyllis Cowles, Des Moines — For over twenty years of dedicated service as a Legislative Secretary.
1991-130	Mildred Stewart, Des Moines — For over twenty years of dedicated service as a Legislative Secretary.

- 1991-131 Joan Eggen, West Des Moines — For over twenty years of dedicated service as a Legislative Secretary.
- 1991-132 Patrick J. Ross, Doon — For attaining Eagle Scout, the highest rank in the Boy Scouts of America.
- 1991-133 Mark A. Ross, Doon — For attaining Eagle Scout, the highest rank in the Boy Scouts of America.
- 1991-134 The family of Russell Brasel, Dow City — For restoring a 1917 Dow City landmark and dedicating it as the Russell Brasel American Legion Memorial Hall for the use and enjoyment of the community.
- 1991-135 The 189th Transportation Detachment, Council Bluffs — For a job well done in Operation Desert Storm.
- 1991-136 The 915th Transportation Company, Council Bluffs — For a job well done in Operation Desert Storm.
- 1991-137 Barbara A. Eslick, Walnut — For her outstanding contributions to the community of Walnut and for her efforts in obtaining lighting at the I-80/M47 interchange.

SUBCOMMITTEE ASSIGNMENTS

Senate File 534

Ways and Means: Adams, Chair; Doderer and Hanson of Delaware.

Senate File 535

Ways and Means: Burke, Chair; Murphy and Petersen of Muscatine.

Senate File 539

Ways and Means: Holveck, Chair; Haverland and Plasier.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 633), relating to solid waste and providing for the appropriation of certain solid waste tonnage fees collected.

Fiscal Note is not required.

Recommended **Do Pass** April 29, 1991.

AMENDMENTS FILED

H—3959

H.F. 109

Osterberg of Linn
Hammond of Story

H—3960	H.F.	233	Hammond of Story Osterberg of Linn
H—3964	H.F.	233	Osterberg of Linn Hammond of Story
H—3965	H.F.	233	Osterberg of Linn
H—3969	H.F.	696	Doderer of Johnson Neuhauser of Johnson
H—3970	H.F.	702	Iverson of Wright

On motion by McKinney of Dallas, the House adjourned at 7:24 p.m., until 9:00 a.m., Tuesday, April 30, 1991.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day — Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 30, 1991

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

Prayer was offered by Reverend Norman Menning, pastor of the First Reformed Church, Doon.

The Journal of Monday, April 29, 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 April 25, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 430, a bill for an act relating to the crime victim assistance programs.

Also: That the Senate has on April 30, 1991, appointed the conference committee to 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, and the members of the Senate are: The Senator from Decatur, Senator Boswell, Chair; the Senator from Dubuque, Senator Welsh; the Senator from Audubon, Senator Hutchins; the Senator from Muscatine, Senator Rife; the Senator from Clayton, Senator Tieden.

Also: That the Senate has on April 25, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 510, a bill for an act relating to the election of a county.

Also: That the Senate has on April 25, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 517, a bill for an act relating to workers' compensation medical benefits and weekly benefit claims, burial expenses, and minimum benefit payments.

Also: That the Senate has on April 25, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 649, a bill for an act relating to hazardous waste and hazardous substance disposal sites.

Also: That the Senate has on April 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 91, a bill for an act relating to minimum qualifications for the office of county sheriff and providing filing deadlines.

Also: That the Senate has on April 25, 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 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 25, 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 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 April 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 515, a bill for an act relating to the confidential reporting of terminations of pregnancy and establishing a penalty.

Also: That the Senate has on April 30, 1991, appointed the conference committee to 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, and the members of the Senate are: The Senator from Decatur, Senator Boswell, Chair; the Senator from Dubuque, Senator Welsh; the Senator from Audubon, Senator Hutchins; the Senator from Muscatine, Senator Rife; the Senator from Clayton, Senator Tieden.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 698, 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, was taken up for consideration.

Cohoon of Des Moines offered the following amendment H—3789 filed by him and moved its adoption:

H—3789

- 1 Amend House File 698 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 321.375, subsection 2,
- 5 paragraph d, Code 1991, is amended to read as follows:
- 6 d. The commission of or conviction for a public
- 7 offense as defined by the Iowa criminal code, if the
- 8 offense is relevant to and affects driving ability, or
- 9 if the offense includes sexual involvement with a
- 10 minor student with the intent to commit acts and

11 practices proscribed under sections 709.2 through
12 709.4, section 709.8, and sections 725.1 through
13 725.3, or if the offense includes child abuse as
14 defined under section 280.17."

15 2. Page 1, line 12, by inserting after the word
16 "bus." the following: "The department shall revoke or
17 refuse to issue a permit to any person who, after
18 notice and opportunity for hearing, is determined to
19 have committed any of the acts proscribed under
20 section 321.375, subsection 2."

21 3. Title page, by striking line 1 and inserting
22 the following: "An Act relating to school bus driver
23 education and qualifications, establishing a fund for
24 school".

25 4. By renumbering as necessary.

Amendment H—3789 was adopted.

Svoboda of Tama offered the following amendment H—3833 filed
by her:

H—3833

1 Amend House File 698 as follows:

2 1. By striking page 1, line 29, through page 2,
3 line 1, and inserting the following:

4 "3. The department of education shall submit an
5 annual budget request, separately from the
6 department's annual operating budget request, in an
7 amount not to exceed the amount collected by the
8 department for the issuance of annual school bus
9 driver permits. Funds requested shall be designated
10 for purposes of establishing and conducting approved
11 courses of instruction for school bus drivers and for
12 school bus passenger safety programs. The department
13 shall recommend".

14 2. Title page, line 1, by striking the words "a
15 school bus driver education fund" and inserting the
16 following: "funding".

The Speaker announced that lines 14 through 16 of amendment
H—3833 were out of order with the adoption of amendment H—3789.

On motion by Svoboda of Tama, amendment H—3833, (lines 1
through 13) was adopted.

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

On the question "Shall the bill pass?" (H.F. 698)

The ayes were, 83:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brand	Brown
Burke	Carpenter	Cohoon	Connors
Corbett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
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	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Lageschulte	Lundby	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Svoboda	Teaford	Tyrrell
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 15:

Banks	Branstad	Chapman	Daggett
Garman	Grubbs	Hurley	Iverson
Kremer	Maulsby	Renken	Royer
Siegrist	Van Maanen	Weidman	

Absent or not voting, 2:

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

SENATE AMENDMENT CONSIDERED

Adams of Hamilton called up for consideration **House File 583**, a bill for an act relating to eligibility of school districts for the reorganization incentives and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—3887:

H—3887

- 1 Amend House File 583, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 31, by inserting after the figure
- 4 "1993," the following: "Each district which
- 5 initiated, by a vote of the board of directors or

6 jointly by the affected boards, action to bring about
7 a reorganization or dissolution by November 30, 1990,
8 shall certify the date and the nature of the action
9 taken to the department of education by September 1,
10 1991."

11 2. Page 2, line 31, by inserting after the figure
12 "1993." the following: "Each district which
13 initiated, by a vote of the board of directors or
14 jointly by the affected boards, action to bring about
15 a reorganization or dissolution by November 30, 1990,
16 shall certify the date and the nature of the action
17 taken to the department of education by September 1,
18 1991."

19 3. Page 3, line 25, by inserting after the figure
20 "1993." the following: "Each district which
21 initiated, by a vote of the board of directors or
22 jointly by the affected boards, action to bring about
23 a reorganization or dissolution by November 30, 1990,
24 shall certify the date and the nature of the action
25 taken to the department of education by September 1,
26 1991."

27 4. Page 4, line 11, by inserting after the figure
28 "1993." the following: "Each district which
29 initiated, by a vote of the board of directors or
30 jointly by the affected boards, action to bring about
31 a reorganization or dissolution by November 30, 1990,
32 shall certify the date and the nature of the action
33 taken to the department of education by September 1,
34 1991."

35 5. Page 4, line 21, by inserting after the figure
36 "1993." the following: "Each district which
37 initiated, by a vote of the board of directors or
38 jointly by the affected boards, action to bring about
39 a reorganization or dissolution by November 30, 1990,
40 shall certify the date and the nature of the action
41 taken to the department of education by September 1,
42 1991."

43 6. Page 5, line 6, by inserting after the figure
44 "1993." the following: "Each district which
45 initiated, by a vote of the board of directors or
46 jointly by the affected boards, action to bring about
47 a reorganization or dissolution by November 30, 1990,
48 shall certify the date and the nature of the action
49 taken to the department of education by September 1,
50 1991."

The motion prevailed and the House concurred in the Senate amendment H—3887.

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

On the question "Shall the bill pass?" (H.F. 583)

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	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 McKean

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

ADOPTION OF SENATE CONCURRENT RESOLUTION 23

Dickinson of Jackson called up for consideration Senate Concurrent Resolution 23, 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, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 697, a bill for an act relating to the collection of delinquent criminal fines by counties, 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. 697)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
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
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	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, 3:

Branstad	Chapman	Knapp
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Absent or not voting, 2:

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

SENATE AMENDMENTS CONSIDERED

Holveck of Polk called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—3824 to the House amendment:

H—3824

- 1 Amend the House amendment, S—3509, to Senate File
- 2 356, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 "Sec. _____. Section 422.43, subsection 11,
- 6 unnumbered paragraph 1, Code 1991, is amended to read
- 7 as follows:
- 8 The following enumerated services are subject to
- 9 the tax imposed on gross taxable services: Alteration
- 10 and garment repair; armored car; automobile repair;
- 11 battery, tire and allied; investment counseling;
- 12 service charges of all financial institutions; barber
- 13 and beauty; boat repair; car wash and wax; carpentry;

14 roof, shingle, and glass repair; dance schools and
 15 dance studios; dry cleaning, pressing, dyeing, and
 16 laundering; electrical and electronic repair and
 17 installation; rental of tangible personal property,
 18 except mobile homes which are tangible personal
 19 property; excavating and grading; farm implement
 20 repair of all kinds; flying service; furniture, rug,
 21 upholstery repair and cleaning; fur storage and
 22 repair; golf and country clubs and all commercial
 23 recreation; house and building moving; household
 24 appliance, television, and radio repair; jewelry and
 25 watch repair; machine operator; machine repair of all
 26 kinds; motor repair; motorcycle, scooter, and bicycle
 27 repair; oilers and lubricators; office and business
 28 machine repair; painting, papering, and interior
 29 decorating; parking facilities; pipe fitting and
 30 plumbing; wood preparation; licensed executive search
 31 agencies; private employment agencies, excluding
 32 services for placing a person in employment where the
 33 principal place of employment of that person is to be
 34 located outside of the state; sewing and stitching;
 35 shoe repair and shoeshine; storage warehousing of raw
 36 agricultural products; telephone answering service;
 37 test laboratories, except tests on humans or animals;
 38 termite, bug, roach, and pest eradicators; tin and
 39 sheet metal repair; turkish baths, massage, and
 40 reducing salons; weighing; welding; well drilling;
 41 wrapping, packing, and packaging of merchandise other
 42 than processed meat, fish, fowl and vegetables;
 43 wrecking service; wrecker and towing; pay television;
 44 campgrounds; carpet and upholstery cleaning; gun and
 45 camera repair; janitorial and building maintenance or
 46 cleaning; lawn care, landscaping and tree trimming and
 47 removal; pet grooming; reflexology; security and
 48 detective services; tanning beds or salons; and water
 49 conditioning and softening."

The motion prevailed and the House concurred in the Senate amendment H—3824 to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 356)

The ayes were, 92:

Adams
 Beatty
 Black

Baker
 Bennett
 Blanshan

Banks
 Bernau
 Brand

Beaman
 Bisignano
 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	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	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, 6:

Bartz	Branstad	Jay	Knapp
Maulsby	Renken		

Absent or not voting, 2:

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

Jay of Appanoose called up for consideration **House File 596**, a bill for an act relating to the liability of certain persons rendering emergency medical care in good faith, amended by the Senate, and moved that the House concur in the following Senate amendment H-3818:

H-3818

- 1 Amend House File 596, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 1, line 4, by striking the figure "1."
- 4 2. Page 1, line 13, by striking the word "or" and
- 5 inserting the following: "or".
- 6 3. Page 1, line 13, by inserting after the word
- 7 "technician" the following: "; or a volunteer
- 8 registered member of the national ski patrol system".
- 9 4. Page 1, by striking lines 22 through 33.
- 10 5. Title page, by striking line 2 and inserting
- 11 the following: "emergency care or assistance in good
- 12 faith."

The motion prevailed and the House concurred in the Senate amendment H—3818.

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

On the question "Shall the bill pass?" (H.F. 596)

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	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	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	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, none.

Absent or not voting, 4:

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

INTRODUCTION OF BILLS

House File 703, by committee on ways and means, a bill for an act relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates.

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

House File 704, by committee on ways and means, a bill for an act granting urban renewal and urban revitalization authority to counties.

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

House File 705, by committee on ways and means, a bill for an act relating to the Iowa finance authority's housing trust fund program and increasing the real estate transfer tax for revenues for the fund.

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

Connors of Polk in the chair at 9:55 a.m.

IMMEDIATE MESSAGES

Neuhauser of Johnson asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 697 and 698.**

SENATE AMENDMENT CONSIDERED

Blanshan of Greene called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3888:

H—3888

- 1 Amend House File 651, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 2, line 24, by striking the word "seven"
- 4 and inserting the following: "eight".
- 5 2. Page 2, by inserting after line 28, the
- 6 following:
- 7 "Sec. _____. Section 99D.12, subsection 2, paragraph
- 8 b, Code 1991, is amended to read as follows:
- 9 b. Twenty-five percent shall be retained by the
- 10 licensee and shall be put into a stake race for Iowa-
- 11 whelped dogs. An amount equal to twelve percent of
- 12 the winner's share shall be set aside and distributed
- 13 to the breeder of the winning greyhound in accordance
- 14 with section 99D.22 and the remainder shall be
- 15 apportioned as purse moneys for the stake race. All
- 16 dogs racing in the stake race must have run in at
- 17 least twelve races during the current racing season at
- 18 the track sponsoring the stake race to qualify to
- 19 participate.

20 Sec. _____. Section 99D.13, subsection 2, Code 1991,
21 is amended to read as follows:
22 2. Winnings from each racetrack forfeited under
23 subsection 1 shall escheat to the state and to the
24 extent appropriated by the general assembly shall be
25 used by the department of agriculture and land
26 stewardship to administer section 99D.22. The
27 remainder shall be paid over to the commission to pay
28 all or part of the cost of drug testing at the tracks.
29 To the extent the remainder paid over to the
30 commission, less the cost of drug testing, is from
31 unclaimed winnings from harness racing meets, the
32 remainder shall be used as provided in subsection 3.
33 To the extent the remainder paid to the commission,
34 less the cost of drug testing, is from unclaimed
35 winnings from licensed dog tracks, the commission
36 shall remit annually five thousand dollars, or an
37 equal portion of that amount, to each licensed dog
38 track to carry out the racing dog adoption program
39 pursuant to section 99D.27. To the extent the
40 remainder paid over to the commission, less the cost
41 of drug testing, is from unclaimed winnings from
42 tracks licensed for dog or horse races, the
43 commission, on an annual basis, shall remit one-third
44 of the amount to the treasurer of the city in which
45 the racetrack is located, one-third of the amount to
46 the treasurer of the county in which the racetrack is
47 located, and one-third of the amount to the racetrack
48 from which it was forfeited. If the racetrack is not
49 located in a city, then one-third shall be deposited
50 as provided in chapter 556. The amount received by

Page 2

1 the racetrack under this subsection shall be used only
2 for retiring the debt of the racetrack facilities and
3 for capital improvements to the racetrack facilities.”

4 3. By striking page 2, line 31 through page 3,
5 line 11, and inserting the following:

6 c. If the rate of tax imposed under paragraph “a”
7 is six percent, five percent, or four percent, a track
8 shall set aside for retiring the debt of the racetrack
9 facilities or for capital improvement to the racetrack
10 facilities the following amount:

11 (1) If the rate of tax paid by the track is six
12 percent, one-sixth of the tax liability by the track
13 during the racing season shall be set aside.

14 (1) (2) If the rate of tax paid by the track is
15 five percent, one percent of the gross sum wagered in
16 the racing season shall be set aside.

17 (2) (3) If the rate of tax paid by the track is
18 four percent, two percent of the gross sum wagered in

- 19 the racing season shall be set aside.
 20 4. Page 3, by striking lines 12 through 19.
 21 5. Page 4, line 1, by striking the word "July"
 22 and inserting the following: "January".
 23 6. By renumbering, relettering, or redesignating
 24 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3888.

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

On the question "Shall the bill pass?" (H.F. 651)

The ayes were, 55:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bisignano	Blanshan
Brown	Burke	Chapman	Cohoon
Dickinson	Eddie	Fogarty	Gill
Groninga	Grubbs	Halvorson, R. A.	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Hester
Hibbard	Iverson	Jay	Jesse
Jochum	Johnson	Kremer	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, 42:

Banks	Bennett	Bernau	Black
Brand	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Garman	Gipp	Gruhn
Hahn	Halvorson, R. N.	Hammond	Hanson, D. R.
Holveck	Hurley	Kistler	Knapp
Koenigs	Krebsbach	Lageschulte	Maulsby
McNeal	Metcalf	Miller	Neuhauser
Nielsen	Osterberg	Petersen, D. F.	Plasier
Renken	Schrader	Teaford	Tyrrell
Van Maanen	Wise		

Absent or not voting, 3:

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

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 696, 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, was taken up for consideration.

Doderer of Johnson offered the following amendment H—3969 filed by her and Neuhauser of Johnson and moved its adoption:

H—3969

- 1 Amend House File 696 as follows:
- 2 1. Page 1, by striking lines 1 through 3 and
- 3 inserting the following:
- 4 "Section 1. Sections 2.105 through 2.113 are
- 5 enacted as a new division of chapter 2 entitled
- 6 "Health Profession Review Commission"."
- 7 2. Page 1, line 4, by striking the figure
- 8 "135.111" and inserting the following: "2.105".
- 9 3. Page 2, line 4, by striking the figure
- 10 "135.112" and inserting the following: "2.106".
- 11 4. Page 2, line 8, by striking the figure
- 12 "135.113" and inserting the following: "2.107".
- 13 5. By striking page 2, line 33 through page 3,
- 14 line 1.
- 15 6. Page 3, line 3, by striking the figure
- 16 "135.113" and inserting the following: "2.107".
- 17 7. Page 3, line 13, by striking the figure
- 18 "135.111" and inserting the following: "2.105".
- 19 8. By striking page 3, line 16 through page 4,
- 20 line 1, and inserting the following:
- 21 "_____. The commission consists of two members of
- 22 the senate, appointed by the majority leader in
- 23 consultation with the minority leader and two members
- 24 of the house of representatives, appointed by the
- 25 speaker of the house in consultation with the minority
- 26 leader. The commission shall establish rules for
- 27 procedures of the commission including the appointment
- 28 of a chairperson. Meeting dates shall be set by
- 29 members of the commission or by call of the
- 30 chairperson upon five days' notice to the members. A
- 31 majority of the members of the commission constitutes
- 32 a quorum, and action of the commission shall not be
- 33 taken except upon the affirmative vote of a majority
- 34 of the members of the commission. Members of the
- 35 commission shall receive per diem for serving on the
- 36 commission pursuant to section 2.10."

37 9. Page 4, line 2, by striking the figure
38 "135.114" and inserting the following: "2.108".
39 10. By striking page 4, line 26 through page 7,
40 line 22, and inserting the following:
41 "_____. In accordance with this division, the
42 commission may contract with individuals or entities
43 having recognized expertise in the fields of health,
44 insurance, economics, or other appropriate academic
45 disciplines as necessary to conduct the duties of the
46 commission. When a proposal is chosen for study
47 pursuant to subsection 1, the commission shall review
48 the proposal to determine if the special training and
49 knowledge required to conduct the study is possessed
50 by the staffs of the existing executive departments.

Page 2

1 If so, by unanimous decision of the members of the
2 commission voting on the question, the commission may
3 request that the study be performed by an existing
4 department.

5 _____. The commission shall not enter into an
6 agreement with a person or entity if either of the
7 following applies:

8 a. The person or entity has a material financial
9 interest in the provision of health care services in a
10 health care field to be covered by the study.

11 b. The person or entity is registered, licensed,
12 or certified to provide health care services to be
13 covered by the study or is a member of a profession
14 directly impacted by the content of the study, unless
15 a majority of the study group is composed of persons
16 who are not registered, licensed, or certified to
17 provide such health care services or are not members
18 of professions directly impacted by the content of the
19 study.

20 _____. Before assigning a study under this section,
21 the commission shall consult with the health data
22 commission, the legislative extended assistance group,
23 and others concerning relevant studies completed or
24 pending. Persons assigned to conduct studies under
25 this section shall be encouraged to seek advice and
26 utilize research from these sources to avoid
27 duplication of effort."

28 11. Page 7, line 23, by striking the figure
29 "135.115" and inserting the following: "2.109".

30 12. Page 9, line 20, by striking the figure
31 "135.116" and inserting the following: "2.110".

32 13. Page 9, line 21, by striking the figure "1."

33 14. Page 9, line 27, by striking the figure
34 "135.115" and inserting the following: "2.109".

35 15. Page 10, by striking lines 1 through 16, and
36 inserting the following:
37 "Sec. _____. NEW SECTION. 2.111 RULES — REPORTS.
38 1. The commission shall adopt rules as necessary
39 to carry out this division.
40 2. The commission shall submit an annual report to
41 the general assembly not later than January 15 of each
42 year."
43 16. Page 10, line 17, by striking the figure
44 "135.118" and inserting the following: "2.112".
45 17. Page 10, by striking line 21, and inserting
46 the following: "for health".
47 18. By striking page 10, line 28 through page 11,
48 line 19, and inserting the following:
49 "Sec. _____. NEW SECTION. 2.113 ADDITIONAL FEES
50 FOR HEALTH REVIEW.

Page 3

1 1. If a legislative proposal for which the
2 commission provides research, review, and evaluation
3 under this division concerns mandating health care
4 payors to include or offer certain benefits or
5 coverage or make payment for services provided by
6 particular health care institutions and professions,
7 and mandating certain levels of benefits or coverage
8 for those services, the commissioner of insurance
9 shall assess the affected health care payors an amount
10 which is sufficient to cover the actual and necessary
11 costs of the research, review, and evaluation. Moneys
12 collected shall be deposited in the health review fund
13 created pursuant to section 2.112.
14 2. If the legislative proposal for which the
15 commission provides research, review, and evaluation
16 concerns new or expanded licensure of health care
17 professionals, and the expansion of the professionals'
18 scope of practice or the licensure of additional
19 categories of health care institutions and
20 professions, the appropriate board of examiners which
21 regulates the profession shall assess and collect a
22 fee which is sufficient to cover the actual and
23 necessary costs of the research, review, and
24 evaluation. Moneys collected shall be deposited in
25 the health review fund created pursuant to section
26 2.112."
27 19. Page 11, line 25, by striking the figure
28 "135.113" and inserting the following: "2.107".
29 20. By striking page 11, line 28, through page
30 12, line 13.

A non-record roll call was requested.

The ayes were 27, nays 53.

Amendment H—3969 lost.

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. 696)

The ayes were, 76:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cphoon	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fogarty	Gill	Gipp	Groninga
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	Knapp	Koenigs	Lageschulte
Lundby	McKinney	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Spear	Spencer	Svoboda	Tyrrell
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, 20:

Banks	Dickinson	Doderer	Garman
Grubbs	Hahn	Johnson	Kistler
Krebsbach	Kremer	Maulsby	McNeal
Millage	Miller	Petersen, D. F.	Poncy
Rafferty	Siegrist	Teaford	Van Maanen

Absent or not voting, 4:

Brammer	Gruhn	McKean	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 AMENDMENT CONSIDERED

Pavich of Pottawattamie called up for consideration **Senate File 182**, a bill for an act relating to administrative rulemaking, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3828 to the House amendment:

H-3828

1 Amend the House amendment, S-3438, to Senate File
2 182, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting before line 3 the follow-
5 ing:

6 "_____. Page 1, line 4, by inserting before the
7 word "A" the following: "A state agency or department
8 shall not propose or adopt an administrative rule
9 which exceeds its statutory authority by mandating
10 expenditures by political subdivisions, or agencies
11 and entities which contract with political
12 subdivisions to provide services."

13 _____ Page 1, by striking line 5 and inserting the
14 following: "chapter 17A, which necessitates
15 additional annual expenditures exceeding one hundred
16 thousand dollars by."

17 2. Page 1, by inserting after line 5 the follow-
18 ing:

19 "_____. Page 1, by inserting after line 14 the
20 following:

21 "The fiscal note shall also be submitted to the
22 legislative fiscal committee of the legislative
23 council. Beginning in the first full fiscal year
24 after adoption of the state administrative rule, the
25 fiscal committee shall annually prepare a report for
26 each fiscal note submitted detailing the fiscal impact
27 of the administrative rule on the affected political
28 subdivision, or agencies and entities which contract
29 with the political subdivision to provide services.
30 The report shall be transmitted to the governor and
31 the general assembly."

32 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-3828.

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

On the question "Shall the bill pass?" (S.F. 182)

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	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
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	Wissing	Connors
			Presiding

The nays were, none.

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 696** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 10:49 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould 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 30, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 610, a bill for an act to create a Missouri river preservation and land use authority and fund.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 91, by committee on local government, a bill for an act relating to minimum qualifications for the office of county sheriff and providing filing deadlines.

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

Senate File 515, by committee on state government, 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 AMENDMENT CONSIDERED

Nielsen of Linn called up for consideration **House File 423**, a bill for an act relating to student financial aid programs administered by the college student aid commission, amended by the Senate, and moved that the House concur in the following Senate amendment H-3774:

H-3774

- 1 Amend House File 423, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 10 through 24, and
- 4 inserting the following:
- 5 "Sec. ____ Section 261.38, Code 1991, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION. 5A.** The commission may exceed the
- 8 full-time equivalent positions authorized and may
- 9 expend moneys in the loan reserve account in excess of
- 10 the amounts appropriated to the commission under
- 11 subsection 2, if additional positions or funding are
- 12 needed to meet federal regulatory requirements or
- 13 mandates or if previous contract costs or loan
- 14 guarantee volume estimates are exceeded, in order to
- 15 maintain loan guarantee operations. At least two
- 16 weeks prior to a full-time equivalent position
- 17 authorization adjustment or to a transfer of
- 18 additional moneys from the reserve account, the
- 19 commission shall notify the chairpersons and ranking

- 20 members of the standing appropriations committees of
 21 the general assembly and the co-chairpersons and
 22 ranking members of the education appropriations
 23 subcommittee of the proposed adjustment or transfer.
 24 The notice shall include specific information
 25 concerning the amount of, and reason for, the
 26 adjustment or transfer. The chairpersons and ranking
 27 members shall have at least two weeks' time to review
 28 and comment on the proposed adjustment or transfer
 29 before the adjustment or transfer is made."
 30 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3774.

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

On the question "Shall the bill pass?" (H.F. 423)

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	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	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	Teafoord
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Brammer
Royer

Groninga
Svoboda

Haverland

McKean

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

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 700, a bill for an act raising the city transit property tax levy limit, 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. 700)

The ayes were, 68:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Connors	Corbett	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Gipp	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Koenigs	Kremer
Lageschulte	Lundby	McKinney	McNeal
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Teaford	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 26:

Banks	Beaman	Bennett	Branstad
Carpenter	Daggett	De Groot	Eddie
Garman	Grubbs	Harbor	Hurley
Johnson	Kistler	Knapp	Krebsbach
Maulsby	Millage	Miller	Petersen, D. F.
Rafferty	Renken	Siegrist	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 6:

Brammer
Plasier

Groninga
Royer

Haverland

McKean

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

House File 701, 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, was taken up for consideration.

Neuhauser of Johnson asked and received unanimous consent that House File 701 be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House File 700** be immediately messaged to the Senate.

HOUSE INSISTS

Blanshan of Greene called up for consideration **Senate File 42**, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED

(Senate File 42)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 42: Blanshan of Greene, Chair; Carpenter of Polk, Krebsbach of Mitchell, Osterberg of Linn and Teaford of Black Hawk.

INTRODUCTION OF BILL

House File 706, by committee on appropriations, 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 **appropriations calendar**.

SENATE AMENDMENT CONSIDERED

Dickinson of Jackson called up for consideration **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, amended by the Senate amendment H—3815 as follows:

H—3815

- 1 Amend House File 109, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
4 clause and inserting the following:
- 5 "Section 1. Section 109.54, Code 1991, is amended
6 to read as follows:
- 7 109.54 SHOOTING RIFLE, SHOTGUN, PISTOL, OR
8 REVOLVER OVER WATER OR HIGHWAY.
- 9 1. No A person shall at any time not shoot any
10 rifle on or over any of the public waters or public
11 highways of the state or any railroad right of way.
- 12 2. A person shall not shoot a shotgun with a slug
13 load, pistol, or revolver on or over a public roadway
14 as defined in section 321.1, subsection 50.
- 15 3. This section does not apply to any peace
16 officers or military personnel in the performance of
17 their official duties.
- 18 Sec. 2. NEW SECTION. 109.125 INTENTIONAL
19 OBSTRUCTION OF LAWFUL ACTIVITIES PROHIBITED —PENALTY.
- 20 1. A person shall not intentionally obstruct the
21 participation of another person in the lawful activity
22 of hunting, fishing, or trapping. This subsection
23 shall not prohibit a landowner or lessee from
24 exercising the landowner's or lessee's lawful rights.
- 25 2. A person violating this section is guilty of a
26 simple misdemeanor."
- 27 2. Title page, line 2, by inserting after the
28 word "highway" the following: ", or the intentional
29 obstruction of a person who is lawfully hunting,
30 fishing, or trapping,".

Osterberg of Linn offered the following amendment H—3959, to the Senate amendment H—3815, filed by Hammond of Story and him:

H—3959

- 1 Amend the Senate amendment, H—3815, to House File
2 109, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 1, line 22, by inserting after the word
5 "trapping," the following: "Men shall not stare at,
6 whistle at, shout at, or follow women around
7 construction sites, in bars, or on public streets. In
8 addition, men shall not stand in groups and stare at
9 women."

Kremer of Buchanan offered the following amendment H—3972, to amendment H—3959, to the Senate amendment H—3815, filed by him from the floor and moved its adoption:

H—3972

- 1 Amend the amendment, H—3959, to the Senate
- 2 amendment, H—3815, to House File 109, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 8, by inserting after the word
- 5 "stand" the following: "on their heads".

Amendment H—3972 was adopted.

Dickinson of Jackson rose on a point of order that amendment H—3959 was not germane.

The Speaker ruled the point well taken and amendment H—3959, as amended, not germane.

Osterberg of Linn offered the following amendment H—3956, to the Senate amendment H—3815, filed by him:

H—3956

- 1 Amend the Senate amendment, H—3815, to House File
- 2 109, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 22, by inserting after the word
- 5 "hunting," the following: "bird-watching,".
- 6 2. Page 1, line 22, by inserting after the word
- 7 "fishing," the following: "jogging,".

Dickinson of Jackson rose on a point of order that amendment H—3956 was not germane.

The Speaker ruled the point not well taken and amendment H—3956 germane.

Schrader of Marion in the chair at 3:28 p.m.

Osterberg of Linn moved the adoption of amendment H—3956, to the Senate amendment H—3815.

Amendment H—3956 lost.

Osterberg of Linn offered the following amendment H—3955, to the Senate amendment H—3815, filed by him:

H—3955

- 1 Amend the Senate amendment, H—3815, to House File
- 2 109, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 24, by inserting after the word
- 5 "rights." the following: "As used in the subsection,
- 6 obstruction does not include speech, or a person's
- 7 right to lawful assembling including picketing."

Dickinson of Jackson rose on a point of order that amendment H—3955 was not germane.

The Speaker ruled the point not well taken and amendment H—3955 germane.

Osterberg of Linn moved the adoption of amendment H—3955, to the Senate amendment H—3815.

Roll call was requested by Osterberg of Linn and Shearer of Louisa.

On the question "Shall amendment H—3955, to the Senate amendment H—3815, be adopted?" (H.F. 109)

The ayes were, 25:

Beatty	Bernau	Branstad	Corbett
Doderer	Dvorsky	Grubbs	Gruhn
Halvorson, R. N.	Hammond	Hatch	Holveck
Jochum	Knapp	Koenigs	Muhlbauer
Murphy	Nielsen	Osterberg	Petersen, D. F.
Peterson, M. K.	Shearer	Shoultz	Spear
Teaford			

The nays were, 69:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Bennett	Bisignano
Black	Blanshan	Brand	Brown
Burke	Carpenter	Cphoon	Connors
Daggett	De Groot	Dickinson	Diemer
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Hahn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hibbard	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Pavich
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Sherzan	Shoning
Siegrist	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Schrader			
Presiding			

Absent or not voting, 6:

Brammer	Chapman	Haverland	McKean
Neuhauser	Ollie		

Amendment H—3955 lost.

Spear of Lee offered the following amendment H—3985, to the Senate amendment H—3815, filed by him from the floor and moved its adoption:

H—3985

- 1 Amend the Senate amendment, H—3815, to House File
- 2 109, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 18 through 30.

Amendment H—3985 lost.

On motion by Dickinson of Jackson, the House concurred in the Senate amendment H—3815.

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

On the question "Shall the bill pass?" (H.F. 109)

The ayes were, 84:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Bennett	Bisignano
Black	Blanshan	Brand	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.	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Haverland	Hester	Hibbard	Hurley
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKinney	McNeal	Mertz	Millage
Miller	Muhlbauer	Murphy	Neuhauser
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	Schrader
			Presiding

The nays were, 13:

Beatty	Bernau	Branstad	Doderer
Halvorson, R. N.	Hammond	Hatch	Holveck
Jochum	Metcalf	Osterberg	Shearer
Shoultz			

Absent or not voting, 3:

Brammer

Harbor

McKean

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

The House stood at ease at 4:05 p.m., until the fall of the gavel.

The House resumed session at 5:32 p.m., 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 30, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 30, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 690, a bill for an act relating to the 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.

Also: That the Senate has on April 30, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 541, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing effective dates.

Also: That the Senate has on April 30, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 542, a bill for an act relating to and making appropriations from the energy conservation trust for weatherization purposes.

Also: That the Senate has on April 30, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 543, a bill for an act relating to the names of certain geographical places in Iowa.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 541, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing effective dates.

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

Senate File 542, by committee on appropriations, a bill for an act relating to and making appropriations from the energy conservation trust for weatherization purposes.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 651** be immediately messaged to the Senate.

**TEMPORARY REDISTRICTING
ADVISORY COMMISSION REPORTS**

The following reports were received in the office of the Chief Clerk:

The Report of the Temporary Redistricting Advisory Commission to the General Assembly, received April 30, 1991.

The Minority Report submitted by Mr. William J. Scherle of the Temporary Redistricting Advisory Commission to the General Assembly, received April 30, 1991.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, April 29, 1991. Had I been present, I would have voted "aye" on House File 489 and Senate File 502.

OLLIE of Clinton

I was necessarily absent from the House chamber on April 29, 1991. Had I been present, I would have voted "aye" on House File 237.

WISSING of Scott

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 30, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 91, an act exempting certain decorative fountains from regulation as swimming pools and spas.

House File 92, an act relating to establishing commencement dates and terms of office for airport commissioners by ordinance.

House File 357, an act establishing the Iowa uniform premarital agreement Act, and providing effective date and applicability provisions.

House File 373, an act authorizing the issuance of warning citations by state conservation officers and employees who are peace officers.

House File 384, 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.

House File 480, an act relating to common outlet determination and constructive notice of levee and drainage districts.

House File 487, an act relating to the imposition of the state sales, services, and use tax on pay television service provided by a municipality.

House File 498, an act relating to updating criteria under the Iowa retraining program and providing an effective date.

House File 506, 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.

House File 516, an act to establish a teacher exchange program within the state.

House File 626, an act relating to adverse claims over deposits held by a savings and loan association.

House File 627, an act relating to transfer of title by affidavit of the surviving spouse.

House File 657, an act relating to alcohol blended gasoline, by changing references from gasohol to ethanol blended gasoline.

Senate File 336, an act relating to the historical resource development program.

Senate File 525, an act relating to the regulation of dairy products, providing for the repeal of certain sections, and providing effective dates.

PRESENTATION OF VISITORS

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

One hundred five fifth grade students from North Elementary School, Osceola, accompanied by Nancy Goos, Esther Korporal, Brenda Ellis, Mike Rowe, Terry Dixon and Doug Latham. By Beaman of Clarke.

One hundred ten fifth and sixth grade students from West Monona School, Onawa, accompanied by Linda Bjella. By Bennett of Ida.

Twenty-four sixth grade students from Battle Creek Elementary School, Battle Creek, accompanied by Gerald Streit. By Bennett of Ida.

Fifty-nine fifth grade students from Woodbury Elementary School, Marshalltown, accompanied by Wayne Gieselman. By Burke of Marshall.

Five high school students from Spencer High School, Spencer, accompanied by Mary Jean Montgomery and Molly Scott. By Gruhn of Dickinson.

Thirty-five third and fourth grade students from Central Dallas Elementary School, Minburn, accompanied by Deb Findlay and Neila Henson. By McKinney of Dallas.

Sixty sixth grade students from Delaware Elementary School, Des Moines, accompanied by Carol Carowell and Lisa Samson. By Renaud of Polk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 327 State Government

Providing for congressional and legislative redistricting effective for the 1992 general election 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 HUMAN RESOURCES

Senate Joint Resolution 9, a joint resolution to nullify an administrative rule of the department of human services relating to reimbursement for psychiatric medical institutions for children, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 30, 1991.

COMMITTEE ON WAYS AND MEANS

Senate File 536, a bill for an act 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 with amendment H—3973 April 29, 1991.

Committee Bill (Formerly House File 496), to increase the fees for fishing, hunting, and related licenses and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass April 29, 1991.

Committee Bill (Formerly House Study Bill 314), granting urban renewal and urban revitalization authority to counties.

Fiscal Note is not required.

Recommended Amend and Do Pass April 29, 1991.

Committee Bill (Formerly House Study Bill 326), relating to the Iowa finance authority's housing trust fund program and increasing the real estate transfer tax for revenues for the fund.

Fiscal Note is not required.

Recommended Amend and Do Pass April 29, 1991.

RESOLUTION FILED

HR 16, by Grubbs, a resolution relating to the commemoration of Tax Freedom Day in the State of Iowa.

Referred to the committee on ways and means.

AMENDMENTS FILED

H—3973	S.F.	536	Committee on Ways and Means
H—3974	S.F.	317	Senate Amendment
H—3975	H.F.	510	Senate Amendment
H—3976	H.F.	430	Senate Amendment
H—3977	S.F.	429	Senate Amendment
H—3978	H.F.	517	Senate Amendment
H—3979	H.F.	703	Shoultz of Black Hawk
H—3980	H.F.	610	Senate Amendment
H—3981	S.F.	455	Svoboda of Tama Burke of Marshall
H—3982	H.F.	233	Kremer of Buchanan
H—3983	S.F.	505	Wise of Lee Bisignano of Polk

H—3984	S.F.	505	Halvorson of Webster
H—3986	H.F.	703	Shoultz of Black Hawk
H—3987	H.F.	690	Senate Amendment
H—3988	H.F.	634	Senate Amendment
H—3989	S.F.	273	Renaud of Polk

On motion by McKinney of Dallas, the House adjourned at 5:34 p.m., until 9:00 a.m., Wednesday, May 1, 1991.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day — Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 1, 1991

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

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County.

The Journal of Tuesday, April 30, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shearer of Louisa, until his return, on request of Gruhn of Dickinson.

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 29, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 29, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 679, a bill for an act relating to forfeiture of excursion boats and related property and providing an effective date.

Also: That the Senate has on April 29, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 29, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 April 29, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 343, a bill for an act relating to the medical assistance program.

Also: That the Senate has on April 29, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 538, a bill for an act providing for a wildlife nuisance management program, and providing financing for the program.

Also: That the Senate has on April 29, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 24, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's early childhood, primary, and secondary education system and requiring reporting by certain dates.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 543, by Hutchins and Rife, a bill for an act relating to the names of certain geographical places in Iowa.

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

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:

Douglas Anderson
Stacy Avise
Brandy Jo Bartholomew
Natalie Boelter
Matthew Boston
Kevin Carroll
Anita Casey
Brett Casebolt
Nichole Coons
Suzanne T. Elsbecker
Erica Hartanowicz
Maria Jebens
Jon King

Courtney Lohrer
Sarah Luallin
Natalie Martin
Jennifer Muhlbauer
Mary Beth Nelson
Darin Nugent
April O'Tool
Jessica Reis
Kimberly Schwarz
Craig Stauffer
Sara Taylor
Jodi Tompkins
Amy Yoder

SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration **House File 430**, a bill for an act relating to the crime victim assistance programs, amended by the Senate, and moved that the House concur in the following Senate amendment H—3976:

H—3976

1 Amend House File 430, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Section 1. **NEW SECTION. 611.23 CIVIL ACTIONS**
6 **INVOLVING ALLEGATIONS OF SEXUAL ABUSE OR DOMESTIC**
7 **ABUSE.**

8 In a civil case in which a plaintiff is seeking
9 relief or damages for alleged sexual abuse as defined
10 in section 709.1 or domestic abuse as defined in
11 section 236.2, the plaintiff may seek, and the court
12 may grant, an order requiring the defendant to receive
13 professional counseling, in addition to any other
14 appropriate relief or damages.

15 Sec. 2. Section 910.1, subsection 2, Code 1991, is
16 amended to read as follows:

17 2. "Pecuniary damages" means all damages to the
18 extent not paid by an insurer, which a victim could
19 recover against the offender in a civil action arising
20 out of the same facts or event, except punitive
21 damages and damages for pain, suffering, mental
22 anguish, and loss of consortium. Without limitation,
23 "pecuniary damages" includes damages for wrongful
24 death and expenses incurred for psychiatric or
25 psychological services or counseling or other
26 counseling for the victim which became necessary as a
27 direct result of the criminal activity."

28 2. By striking page 1, line 32, through page 2,
29 line 18, and inserting the following:

30 "1. Prior to the governor granting a reprieve,
31 pardon, or commutation to an offender convicted of a
32 violent crime, the governor shall notify a registered
33 victim that the victim's offender has applied for a
34 reprieve, pardon, or commutation. The governor shall
35 notify a registered victim regarding the application
36 not less than forty-five days prior to issuing a
37 decision on the application. The governor shall
38 inform the victim that the victim may submit a written
39 opinion concerning the application.

40 2. The county attorney may notify an offender
41 being".

42 3. Page 2, by inserting after line 22, the
43 following:

44 "Sec. _____. Section 910A.11, subsection 1,
45 unnumbered paragraph 2, Code 1991, is amended to read
46 as follows:

47 A temporary restraining order may be issued under
48 this subsection without written or oral notice to the
49 adverse party or the party's attorney in a civil
50 action under this section or in a criminal case if the

Page 2

1 court finds, upon written certification of facts, that
2 the notice should not be required and that there is a
3 reasonable probability that the party will prevail on
4 the merits. The temporary restraining order shall set
5 forth the reasons for the issuance of the order, be
6 specific in terms, and describe in reasonable detail
7 the act or acts being restrained.

8 Sec. _____. Section 910A.11, Code 1991, is amended
9 by adding the following new subsections:

10 NEW SUBSECTION. 3. Violation of a restraining or
11 protective order issued under this section constitutes
12 contempt of court, and may be punished by contempt
13 proceedings.

14 NEW SUBSECTION. 4. An application may be made
15 pursuant to this section in a criminal case, and if
16 made, a district associate judge or magistrate having
17 jurisdiction of the highest offense charged in the
18 criminal case or a district judge shall have
19 jurisdiction to enter an order under this section."

20 4. Page 3, by striking lines 16 and 17 and
21 inserting the following: "death. A license
22 revocation under section 321J.9 or 321J.12".

23 5. Title page, line 1, by inserting after the
24 word "programs" the following: "and victims' rights".

25 6. Title page, line 1, by inserting after the
26 word "programs" the following: "and the jurisdiction
27 of the court to enter restraining orders under the
28 victim and witness protection Act".

29 7. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3976.

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

On the question "Shall the bill pass?" (H.F. 430)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	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.	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	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
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, 5:

Brammer	Jesse	Muhlbauer	Plasier
Shearer			

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 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, previously deferred and placed on the unfinished business calendar.

Lundby of Linn offered the following amendment H—3566 filed by the committee on state government:

H—3566

- 1 Amend Senate File 193, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 32 through 35, and
- 4 inserting the following: "emotional conditions.
- 5 This".
- 6 2. Page 4, by striking lines 9 through 13 and
- 7 inserting the following: "individuals, families, and
- 8 groups."
- 9 3. By striking page 8, line 15 through page 9,
- 10 line 2.
- 11 4. Title page, lines 7 and 8, by striking the
- 12 following: "providing for a temporary waiver of
- 13 certain licensing requirements,".

Jay of Appanoose offered the following amendment H—3714, to the committee amendment H—3566, filed by Jay, et al.:

H—3714

- 1 Amend amendment, H—3566, to Senate File 193, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 8 and
- 5 inserting the following:
- 6 "_____. Page 5, by inserting after line 8 the
- 7 following:
- 8 "Sec. _____. NEW SECTION. 154D.2A SCOPE OF
- 9 PRACTICE.
- 10 1. A person granted a license as a marital and
- 11 family therapist under section 154D.2, subsection 1,
- 12 shall practice marital and family therapy as defined
- 13 in section 154D.1, subsection 5.
- 14 2. Notwithstanding section 154D.1, subsection 5, a
- 15 person granted a license as a marital and family
- 16 therapist under section 154D.2, subsection 1, may
- 17 apply counseling techniques in the assessment and
- 18 resolution of emotional conditions including nervous
- 19 and mental disorders, as defined in the American
- 20 psychiatric association's diagnostic and statistical
- 21 manual-III-R and its subsequent revisions, which
- 22 relate to marital and family therapy, in individuals,
- 23 couples, and families, if the licensee satisfies all
- 24 of the following requirements:
- 25 a. Possesses a doctoral degree in marital and
- 26 family therapy from a nationally accredited
- 27 institution or from a program approved by the board
- 28 consisting of at least thirty credit hours, or its
- 29 equivalent, of instruction in all of the following:

30 (1) Clinical psychopathology, personality, and
31 abnormal behavior.

32 (2) Evaluation of mental and emotional status.

33 (3) Diagnosis of mental illness and nervous
34 disorders.

35 (4) Treatment of mental illness and nervous
36 disorders.

37 b. Has at least two years of supervised clinical
38 experience in counseling, including the diagnosis and
39 treatment of mental illness and nervous disorders in a
40 clinical or private counseling setting, one year of
41 which was completed after the award of the licensee's
42 doctoral degree.

43 3. A person granted a license as a mental health
44 counselor under section 154D.2, subsection 2, shall
45 practice mental health counseling as defined in
46 section 154D.1, subsection 6.

47 4. Notwithstanding section 154D.1, subsection 6, a
48 person granted a license as a mental health counselor
49 under section 154D.2, subsection 2, may provide
50 counseling services to individuals, families, and

Page 2

1 groups, including individuals with nervous and mental
2 disorders as defined by the American psychiatric
3 association's diagnostic and statistical manual-III-R
4 and its subsequent revisions, which relate to mental
5 health counseling, if the licensee satisfies all of
6 the following requirements:

7 a. Possesses a doctoral degree in mental health
8 counseling from a nationally accredited institution or
9 from a program approved by the board consisting of at
10 least thirty credit hours, or its equivalent, of
11 instruction in all of the following:

12 (1) Clinical psychopathology, personality, and
13 abnormal behavior.

14 (2) Evaluation of mental and emotional status.

15 (3) Diagnosis of mental illness and nervous
16 disorders.

17 (4) Treatment of mental illness and nervous
18 disorders.

19 b. Has at least two years of supervised clinical
20 experience in counseling, including the diagnosis and
21 treatment of mental illness and nervous disorders in a
22 clinical or private counseling setting, one year of
23 which was completed after the award of the licensee's
24 doctoral degree.

25 5. Notwithstanding section 154D.1, subsection 6, a
26 person granted a license as a mental health counselor
27 under section 154D.2, subsection 2, may provide
28 counseling services to individuals, families, and

29 groups, including individuals with nervous and mental
30 disorders as defined by the American psychiatric
31 association's diagnostic and statistical manual-III-R
32 and its subsequent revisions, which relate to mental
33 health counseling, if the licensee is supervised by
34 any of the following: a person practicing as a mental
35 health counselor pursuant to subsection 4 of this
36 section; a person licensed to practice medicine and
37 surgery, osteopathy, or osteopathic medicine and
38 surgery; a person certified as a health service
39 provider in psychology pursuant to section 154B.7; or
40 a person serving as the director of a community mental
41 health center." "

42 2. Page 1, by inserting after line 13, the
43 following:

44 "_____. By renumbering as necessary."

45 3. By renumbering as necessary.

Connors of Polk in the chair at 9:54 a.m.

Jay of Appanoose moved the adoption of amendment H—3714, to the committee amendment H—3566.

A non-record roll call was requested.

The ayes were 17, nays 61.

Amendment H—3714 lost.

Hanson of Delaware offered the following amendment H—3726, to the committee amendment H—3566, filed by him and moved its adoption:

H—3726

1 Amend the amendment, H—3566, to Senate File 193, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "_____. Page 9, by inserting after line 15, the
7 following:

8 "Initial professional appointees to the board of
9 behavioral science examiners shall meet the
10 requirements of section 154D.2, subsection 1,
11 paragraphs "a" and "b", or section 154D.2, subsection
12 2, paragraphs "a" and "b", and shall not be required
13 to pass an examination in order to be appointed to the
14 board." "

15 2. By renumbering as necessary.

Amendment H—3726 was adopted.

On motion by Lundby of Linn, the committee amendment H—3566, as amended, was adopted.

Lundby of Linn offered the following amendment H—3951 filed by her and moved its adoption:

H—3951

- 1 Amend Senate File 193, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 20 through 32.
- 4 2. Page 6, line 13, by striking the word "does"
- 5 and inserting the following: "and chapter 147 do".
- 6 3. Title page, line 3, by striking the words
- 7 "practice of" and inserting the following: "use of
- 8 the title".
- 9 4. Title page, by striking line 4 and inserting
- 10 the following: "marital and family therapist or
- 11 mental health counselor without".

Amendment H—3951 was adopted.

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

On the question "Shall the bill pass?" (S.F. 193)

The ayes were, 88:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	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.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Muhlbauer	Murphy	Neuhauser	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Rafferty	Renaud	Royer
Schrader	Shearer	Sherzan	Shoning
Shultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, 11:

Beatty	Carpenter	De Groot	Eddie
Hanson, D. R.	Metcalf	Millage	Miller
Nielsen	Plasier	Renken	

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 AMENDMENTS CONSIDERED

Gill of Woodbury called up for consideration **House File 517**, a bill for an act relating to workers' compensation medical benefits and weekly benefit claims, burial expenses, and minimum benefit payments, amended by the Senate, and moved that the House concur in the following Senate amendment H—3978:

H—3978

- 1 Amend House File 517, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 22, by inserting after the word
- 4 "due" the following: "or within forty-five days after
- 5 the date the charges are received by the employer or
- 6 insurance carrier, whichever is later".
- 7 2. Page 4, line 20, by inserting after the word
- 8 "denied." the following: "The additional benefits
- 9 provided in this paragraph for unreasonable delay or
- 10 denial shall be the exclusive and only rights and
- 11 remedies of the employee for the acts of the employer
- 12 or the employer's insurance carrier."
- 13 3. By renumbering, relettering, or redesignating
- 14 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3978.

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

On the question "Shall the bill pass?" (H.F. 517)

The ayes were, 95:

Adams	Arnould, Spkr.	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
Metcalfe	Millage	Miller	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	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Brand	Muhlbauer	Osterberg
Shoultz			

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

Svoboda of Tama called up for consideration **Senate File 429**, a bill for an act relating to agricultural land held by corporations, limited partnerships, and trusts, and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—3977 to the House amendment:

H—3977

- 1 Amend the House amendment, S—3504, to Senate File
- 2 429, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 15 through 26.
- 4 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3977, to the House amendment.

Svoboda of Tama moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be

read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 429)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	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	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, 2:

Brammer Chapman

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 25, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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 and penalties.

Also: That the Senate has on May 1, 1991, appointed the conference committee 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, and the members of the Senate are: The Senator from Dallas, Senator Riordan, Chair; the Senator from Fayette, Senator Murphy; the Senator from Jones, Senator Hannon; the Senator from Bremer, Senator Jensen; the Senator from Polk, Senator Kremer.

Also: That the Senate has on April 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 March 18, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 187, a bill for an act relating to participation in athletics under open enrollment by students whose district of residence enters into a whole grade sharing agreement.

Also: That the Senate has on April 23, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 363, a bill for an act to permit advanced nurse practitioners to prescribe noncontrolled substances or devices under certain circumstances.

Also: That the Senate has on April 25, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 460, a bill for an act relating to the establishment of certain county roads and legalizing the proceedings concerning the establishment of certain county roads.

JOHN F. DWYER, Secretary

Ways and Means Calendar

The House resumed consideration of **House File 701**, 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, previously deferred and retained on the calendar.

Speaker Arnould in the chair at 11:27 a.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. 701)

The ayes were, 60:

Adams
Bisignano

Baker
Black

Beatty
Blanshan

Bernau
Brammer

Brand	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Groninga	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Lundby
McKinney	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Shearer
Sherzan	Shoultz	Spear	Teaford
Van Maanen	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 40:

Banks	Bartz	Beaman	Bennett
Branstad	Brown	Corbett	Daggett
De Groot	Eddie	Garman	Gipp
Grubbs	Gruhn	Halvorson, R. A.	Hanson, D. E.
Hester	Hurley	Iverson	Johnson
Kistler	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McKean	McNeal
Mertz	Millage	Miller	Renken
Royer	Schrader	Shoning	Siegrist
Spenner	Svoboda	Tyrrell	Weidman

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 File 701 and Senate File 193.**

SENATE AMENDMENT CONSIDERED

Groninga of Cerro Gordo called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3988:

H-3988

1 Amend House File 634, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1001. NEW SECTION. 505.13A AVAILABILITY
6 OF CERTAIN RATING INFORMATION.

7 1. The division shall provide to any person
8 requesting publicly available information relating to
9 the financial condition of any insurance company
10 licensed to do business in the state, including, but
11 not limited to, the following:

12 a. Current ratings issued by a private rating
13 organization.

14 b. Information on how to obtain such information
15 from various sources.

16 c. Information on the state insurance guaranty
17 funds.

18 2. The provision of such information by the
19 division shall not be the basis to impose liability
20 upon the division or any employee of the division.
21 Information provided under this section is not an
22 endorsement or guaranty of any insurance company."

23 2. Page 6, by inserting after line 33, the
24 following:

25 "Sec. _____. NEW SECTION. 513A.1 PURPOSE.

26 The purpose of this chapter is to give the
27 commissioner jurisdiction over third-party payors of
28 health care benefits; to indicate how a third-party
29 payor of health care benefits may show the
30 jurisdiction to which the third-party payor is
31 subject, to allow for examinations by the commissioner
32 if the third-party payor of health care benefits is
33 unable to establish that a third-party payor is
34 subject to another jurisdiction, to make a third-party
35 payor of health care benefits subject to the laws of
36 this state if the third-party payor cannot show that
37 it is subject to another jurisdiction, and to disclose
38 to purchasers of such health care benefits whether or
39 not the plans are fully insured.

40 Sec. _____. NEW SECTION. 513A.2 AUTHORITY AND
41 JURISDICTION OF COMMISSIONER.

42 Except as provided in this chapter, a third-party
43 payor providing coverage in this state for medical,
44 surgical, chiropractic, physical therapy, speech
45 pathology, audiology, professional mental health,
46 dental, hospital, or optometric expenses, whether the
47 coverage is by direct payment, reimbursement, or
48 otherwise, is presumed to be subject to the
49 jurisdiction of the commissioner of insurance, unless
50 the person shows that while providing such services

Page 2

1 the person is subject to the jurisdiction of another
2 agency of the state or the federal government.
3 Sec. _____. NEW SECTION. 513A.3 HOW TO SHOW
4 JURISDICTION.

5 A third-party payor may establish that the third-
6 party payor is subject to the jurisdiction of another
7 agency of the state, any subdivision of the state, or
8 the federal government, by providing to the insurance
9 commissioner the appropriate certificate, license, or
10 other document issued by the agency which permits or
11 qualifies the third-party payor to provide those
12 services.

13 Sec. _____. NEW SECTION. 513A.4 EXAMINATION.

14 A third-party payor unable to establish under
15 section 513A.3 that the third-party payor is subject
16 to the jurisdiction of another agency of the state,
17 any subdivision of the state, or the federal
18 government, shall submit to an examination by the
19 insurance commissioner to determine the organization
20 and solvency of the third-party payor or the entity,
21 and to determine whether or not the third-party payor
22 complies with the applicable provisions of state law.

23 Sec. _____. NEW SECTION. 513A.5 SUBJECT TO STATE
24 LAWS.

25 A third-party payor unable to establish that the
26 third-party payor is subject to the jurisdiction of
27 another agency of the state, any subdivision of the
28 state, or the federal government, is subject to all
29 appropriate provisions of Title XX regarding the
30 conduct of the business of the third-party payor.

31 Sec. _____. NEW SECTION. 513A.6 DISCLOSURE.

32 A production agency or administrator which
33 advertises, sells, transacts, or administers the
34 coverage in this state as defined in section 513A.2
35 and which is required to submit to an examination by
36 the insurance commissioner under section 513A.4,
37 shall, if the coverage is not fully insured or
38 otherwise fully covered by an admitted life or
39 disability insurer, nonprofit hospital service plan,
40 or nonprofit health care plan, advise every purchaser,
41 prospective purchaser, and covered person of the lack
42 of insurance or other coverage.

43 An administrator which advertises or administers
44 the coverage in this state as defined in section
45 513A.2 and which is required to submit to an
46 examination by the insurance commissioner under
47 section 513A.4, shall advise any production agency of
48 the elements of the coverage, including the amount of
49 stop-loss insurance in effect."

50 3. Page 8, by inserting after line 6, the

Page 3

1 following:

2 "Sec. _____. NEW SECTION. 514C.6 UNIFORMITY OF
3 TREATMENT — EMPLOYEE WELFARE BENEFIT PLANS.

4 1. A statutory provision to mandate a health care
5 coverage or service, or to mandate the offering of a
6 health care coverage or service, applies to all state-
7 regulated third-party payors and to employee welfare
8 benefit plans described in 29 U.S.C. § 1001 et seq.
9 However, if an employee welfare benefit plan subject
10 to federal regulation is not subject to a
11 substantially similar requirement, the statutory
12 provision does not apply to a state-regulated third-
13 party payor until the employee welfare benefit plans
14 are subject to a substantially similar standard under
15 federal regulations as determined by the commissioner.

16 2. For purposes of this section unless the context
17 otherwise requires, a third-party payor means:

18 a. An accident and sickness insurer, subject to
19 chapter 509 or 514A.

20 b. A nonprofit health service corporation, subject
21 to chapter 514.

22 c. A health maintenance organization, subject to
23 chapter 514B.

24 d. Any other entity engaged in the business of
25 insurance, risk transfer, or risk retention, which is
26 subject to the jurisdiction of the commissioner.

27 Sec. _____. Section 514G.7, subsection 2, Code 1991,
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. d. Be issued to an individual
30 without obtaining one or more of the following:

- 31 (1) A report of a physical examination.
32 (2) An assessment of functional capacity.
33 (3) An attending physician's statement.
34 (4) Copies of medical records.

35 Sec. _____. Section 514G.7, subsection 4, paragraph
36 a, subparagraph (1), Code 1991, is amended by adding
37 the following new subparagraph subdivisions:

38 NEW SUBPARAGRAPH SUBDIVISION. (a) Effective July
39 1, 1991, any holder of a long-term care insurance
40 policy, which is not noncancelable or guaranteed
41 renewable, was issued before July 1, 1989, and
42 conditions eligibility for benefits on a requirement
43 of prior hospitalization, shall, unless it has
44 previously been offered by the insurer, be offered by
45 the insurer a rider or endorsement that waives the
46 requirement of prior hospitalization. If the rider or
47 endorsement results in a concomitant increase in
48 premium during the policy term, then it must be agreed
49 to in writing and signed by the insured to become
50 effective.

Page 4

1 NEW SUBPARAGRAPH SUBDIVISION. (b) The rider or
2 endorsement under subparagraph subdivision (a) shall
3 be subject to the insurer's underwriting guidelines as
4 proof of insurability at the time of application for
5 the rider or endorsement.

6 NEW SUBPARAGRAPH SUBDIVISION. (c) Effective July
7 1, 1991, any holder of a noncancelable or guaranteed
8 renewable long-term care insurance policy issued
9 before July 1, 1989, which conditions eligibility for
10 benefits on a requirement of prior hospitalization,
11 shall, unless the holder has previously been notified
12 by the insurer, be notified by the insurer in writing
13 prior to or at the time of delivery of the next
14 premium statement of the existence of the condition
15 and that new policies issued by any insurance carrier
16 may not condition benefits on a requirement of prior
17 hospitalization. The insurer shall not solicit the
18 replacement of the noncancelable or guaranteed
19 renewable policy at the same time as the delivery of
20 notice under this subparagraph subdivision.

21 Sec. _____. Section 514G.7, subsection 4, paragraph
22 d, Code 1991, is amended to read as follows:

23 d. A long-term care insurance policy which
24 conditions shall not condition eligibility for
25 noninstitutional benefits on the prior receipt of
26 institutional care shall not require a prior
27 institutional stay of more than thirty days for which
28 benefits are paid.

29 Sec. _____. NEW SECTION. 514G.10 LONG-TERM CARE
30 CONSUMER GUIDE.

31 An insurer offering a long-term care insurance
32 policy to any person shall provide to the applicant
33 the current long-term care insurance consumer guide
34 prescribed by the insurance division of the department
35 of commerce. The commissioner of insurance may by
36 reference adopt or permit the use of the long-term
37 care insurance consumer guide developed by the
38 national association of insurance commissioners, the
39 blue cross and blue shield association, or the health
40 insurance association of America. Delivery of the
41 long-term care insurance consumer guide shall be made
42 if a policy is advertised, solicited, or issued as a
43 policy as defined in this chapter, or if it is subject
44 to this chapter, regardless of the label applied by
45 the insurer. Except in the case of direct response
46 insurers, delivery of the long-term care insurance
47 consumer guide shall be made to the applicant at the
48 time of application, and acknowledgement of receipt of
49 the long-term care insurance consumer guide shall be
50 obtained by the insurer. A direct response insurer

Page 5

1 shall deliver the long-term care insurance consumer
2 guide to the applicant at the time the policy is
3 delivered. An insurance company required to
4 distribute the guide shall reimburse the state for all
5 costs associated with the guide."

6 4. Page 11, by inserting after line 10, the
7 following:

8 "Sec. 1002. Section 516A.2, Code 1991, is amended
9 to read as follows:

10 516A.2 CONSTRUCTION — MINIMUM COVERAGE.

11 1. Except with respect to a policy containing both
12 underinsured motor vehicle coverage and uninsured or
13 hit-and-run motor vehicle coverage, nothing contained
14 in this chapter shall be construed as requiring forms
15 of coverage provided pursuant hereto, whether alone or
16 in combination with similar coverage afforded under
17 other automobile liability or motor vehicle liability
18 policies, to afford limits in excess of those that
19 would be afforded had the insured thereunder been
20 involved in an accident with a motorist who was
21 insured under a policy of liability insurance with the
22 minimum limits for bodily injury or death prescribed
23 in subsection 10 of section 321A.1. Such forms of
24 coverage may include terms, exclusions, limitations,
25 conditions, and offsets which are designed to avoid
26 duplication of insurance or other benefits.

27 To the extent that Hernandez v. Farmers Insurance
28 Company, 460 N.W.2d 842 (Iowa 1990), provided for
29 interpolicy stacking of uninsured or underinsured
30 coverages in contravention of specific contract or
31 policy language, the general assembly declares such
32 decision abrogated and declares that the enforcement
33 of the antistacking provisions contained in a motor
34 vehicle insurance policy does not frustrate the
35 protection given to an insured under section 516A.1.

36 2. Pursuant to chapter 17A, the commissioner of
37 insurance shall, by January 1, 1992, adopt rules to
38 assure the availability, within the state, of motor
39 vehicle insurance policies, riders, endorsements, or
40 other similar forms of coverage, the terms of which
41 shall provide for the stacking of uninsured and
42 underinsured coverages with any similar coverage which
43 may be available to an insured.

44 3. It is the intent of the general assembly that
45 when more than one motor vehicle insurance policy is
46 purchased by or on behalf of an injured insured and
47 which provides uninsured, underinsured, or hit-and-run
48 motor vehicle coverage to an insured injured in an
49 accident, the injured insured is entitled to recover
50 up to an amount equal to the highest single limit for

Page 6

1 uninsured, underinsured, or hit-and-run motor vehicle
 2 coverage under any one of the above described motor
 3 vehicle insurance policies insuring the injured person
 4 which amount shall be paid by the insurers according
 5 to any priority of coverage provisions contained in
 6 the policies insuring the injured person."

7 5. Page 12, by inserting after line 29, the
 8 following:

9 "Sec. _____. Section 1001 of this Act is effective
 10 upon the enactment by the Seventy-fourth General
 11 Assembly of an appropriation of \$10,000 to the
 12 insurance division of the department of commerce for
 13 the implementation of that section."

14 6. Page 12, by inserting after line 29, the
 15 following:

16 "Sec. _____. Section 1002 of this Act applies to all
 17 causes of action accruing on or after July 1, 1991,
 18 and to those accruing before July 1, 1991, which are
 19 filed on or after September 15, 1991."

20 7. By renumbering, relettering, or redesignating
 21 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3988.

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

On the question "Shall the bill pass?" (H.F. 634)

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	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:

Doderer

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 11:45 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Black of Jasper in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 668, a bill for an act relating to the certificate of need program and providing penalties.

Also: That the Senate has on April 30, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 83, a bill for an act 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.

Also: That the Senate has on April 30, 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 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 May 1, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 537, a bill for an act relating to payment of property taxes on lands purchased by the department of natural resources.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 83, by committee on ways and means, a bill for an act 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.

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

Senate File 187, by Varn, a bill for an act relating to participation in athletics under open enrollment by students whose district of residence enters into a whole grade sharing agreement.

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

Senate File 460, by committee on local government, a bill for an act relating to the establishment of certain county roads and legalizing the proceedings concerning the establishment of certain county roads.

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

Senate File 537, by committee on ways and means, a bill for an act relating to payment of property taxes on lands purchased by the department of natural resources.

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

Senate File 538, by committee on ways and means, a bill for an act providing for a wildlife nuisance management program, and providing financing for the program.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of McKinney of Dallas.

SENATE AMENDMENTS CONSIDERED

Spear of Lee called up for consideration **House File 510**, a bill for an act relating to the election of a county sheriff to serve more than one

county, amended by the Senate, and moved that the House concur in the following Senate amendment H—3975:

H—3975

- 1 Amend House File 510, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 2 and 3, and
- 4 inserting the following:
- 5 "1. Two or more county boards of supervisors may
- 6 adopt resolutions proposing to share the services of a
- 7 county sheriff. The resolutions shall also propose
- 8 that the question of establishing the office of
- 9 multicounty sheriff be submitted to the electorate of
- 10 the counties proposing to share the services of a
- 11 county sheriff. The proposal is adopted in those
- 12 counties where a majority of the electors voting
- 13 approves the proposal.
- 14 2. The county sheriff".
- 15 2. Page 1, line 6, by striking the words "as
- 16 provided in the agreement".
- 17 3. Page 1, by striking line 9, and inserting the
- 18 following:
- 19 "3. The office of multicounty sheriff is created
- 20 effective on January 1".
- 21 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3975.

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

On the question "Shall the bill pass?" (H.F. 510)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Blanshan	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	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	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Black
			Presiding

The nays were, none.

Absent or not voting, 8:

Bisignano	Brammer	Chapman	Doderer
Jay	Jochum	Mertz	Sherzan

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

HOUSE REFUSED TO CONCUR

Nielsen of Linn called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3886:

H—3886

- 1 Amend House File 380, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 30 the
- 4 following:
- 5 "Sec. _____. Section 144.24, Code 1991, is amended
- 6 to read as follows:
- 7 144.24 SUBSTITUTING NEW FOR ORIGINAL BIRTH
- 8 CERTIFICATES — INSPECTION.
- 9 When If a new certificate of birth is established,
- 10 the actual place and date of birth shall be shown on
- 11 the certificate. The certificate shall be substituted
- 12 for the original certificate of birth. Thereafter,
- 13 the original certificate and the evidence of adoption,
- 14 paternity, legitimation or sex change shall not be
- 15 subject to inspection except under order of a court of
- 16 competent jurisdiction, including but not limited to
- 17 an order issued pursuant to section 600.16, or as
- 18 provided by regulation administrative rule for
- 19 statistical or administrative purposes, only.
- 20 However, the state registrar shall, upon the
- 21 application of an adult adopted person, an adoptive
- 22 parent, or the legal representative of either the
- 23 adult adopted person or the adoptive parent, inspect

24 the original certificate and the evidence of adoption,
25 and reveal to the applicant the name and address of
26 the court which issued the adoption decree. Upon
27 receipt of notice of annulment of adoption, the
28 original certificate of birth shall be restored to its
29 place in the files and the new certificate and
30 evidence shall not be subject to inspection except
31 upon order of the district court.

32 Sec. _____. Section 600.16, subsection 2, Code 1991,
33 is amended by adding the following new unnumbered
34 paragraph after unnumbered paragraph 1:

35 NEW UNNUMBERED PARAGRAPH. An adopted person whose
36 adoption became final prior to July 4, 1941, and whose
37 adoption record was not required to be sealed at the
38 time when the adoption record was completed, shall not
39 be required to show good cause for an order opening
40 the adoption record under this subsection."

41 2. Title page, line 1, by inserting after the
42 word "Act" the following: "relating to vital records
43 by".

44 3. Title page, line 2, by inserting after the
45 word "registered" the following: "and by providing
46 for access to certain adoption records".

The motion lost and the House refused to concur in the Senate amendment H—3886.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session at 4:16 p.m., Speaker Arnould in the chair.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 505**, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties, previously deferred and placed on the unfinished business calendar.

Hanson of Delaware offered the following amendment H—3653 filed by Hanson, et al.:

H—3653

1 Amend Senate File 505, 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. Sections 2 through 6 of this Act are
6 created as a new subchapter of chapter 56.

7 Sec. 2. NEW SECTION. 56.33 LIMITATIONS ON

8 CONTRIBUTIONS TO CANDIDATES FOR GOVERNOR AND OTHER
9 STATEWIDE OFFICES.

10 1. An individual or a political committee, other
11 than a state or county statutory political committee,
12 shall not make contributions to a particular candidate
13 for governor, secretary of agriculture, attorney
14 general, auditor of state, secretary of state, or
15 treasurer of state which exceed ten thousand dollars
16 during a calendar year.

17 2. A candidate for governor, secretary of
18 agriculture, attorney general, auditor of state,
19 secretary of state, or treasurer of state shall not
20 accept contributions from political committees,
21 excluding state and county statutory political
22 committees, which aggregate more than three hundred
23 thousand dollars during a calendar year.

24 Sec. 3. NEW SECTION. 56.34 LIMITATIONS ON
25 CONTRIBUTIONS TO CANDIDATES FOR STATE SENATOR.

26 1. An individual or a political committee, other
27 than a state or county statutory political committee,
28 shall not make contributions to a particular candidate
29 for state senator which exceed one thousand dollars
30 during a calendar year.

31 2. A candidate for the office of state senator
32 shall not accept contributions from political
33 committees, excluding state and county statutory
34 political committees, which aggregate more than twenty
35 thousand dollars during a calendar year.

36 Sec. 4. NEW SECTION. 56.35 LIMITATIONS ON
37 CONTRIBUTIONS TO CANDIDATES FOR STATE REPRESENTATIVE.

38 1. An individual or a political committee, other
39 than a state or county statutory political committee,
40 shall not make contributions to a particular candidate
41 for the office of state representative which exceed
42 five hundred dollars during a calendar year.

43 2. A candidate for the office of state
44 representative shall not accept contributions from
45 political committees, excluding state and county
46 statutory political committees, which aggregate more
47 than ten thousand dollars during a calendar year.

48 Sec. 5. NEW SECTION. 56.36 PERIODS LIMITATIONS
49 IN EFFECT.

50 The limitations of sections 56.33, 56.34, and 56.35

Page 2

1 apply during the following periods: from January 1
2 following the preceding general election for that
3 office, or for a candidate elected in a special
4 election the first day of the second month following
5 the preceding special election, until December 31
6 following the subsequent general election for that

7 office, or until the date of a special election to
8 fill that office.

9 Sec. 6. NEW SECTION. 56.37 ADJUSTMENTS FOR
10 BENEFITED CANDIDATES.

11 A person or political committee which causes the
12 publication, mass mailing, or broadcast of advocacy
13 information in a campaign shall give notice to the
14 commission and to the benefited candidate. The notice
15 shall be given by certified restricted mail within
16 twenty-four hours after the publication, mailing, or
17 broadcast of the advocacy information and be
18 accompanied by the text of the advocacy information
19 and the amount of the publication, mailing, or
20 broadcasting expenditures. The benefited candidate
21 shall notify the commission within seventy-two hours
22 of the contribution, and the anticipated expenditure
23 shall be credited against the candidate's aggregate
24 political committee contribution limit. A candidate
25 who, as a result of expenditures made by a person or
26 political committee as described in this section,
27 exceeds by two hundred fifty dollars or more the
28 candidate's aggregate political committee contribution
29 limit is subject to a fine equal to the amount by
30 which the candidate exceeded the limit. This section
31 shall not apply to a communication regarding any
32 subject by a permanent organization, which was
33 originally organized for purposes other than engaging
34 in political activities, to its dues-paying members.

35 Sec. 7. NEW SECTION. 56.15A CERTAIN ACCOUNTS BY
36 OFFICEHOLDERS PROHIBITED.

37 A holder of public office shall not maintain an
38 account, other than a campaign account, to receive
39 contributions for the purpose of publishing and
40 distributing newsletters or performing other
41 constituent services related to the official duties of
42 public office. This section applies whether or not
43 the officeholder is a candidate.

44 Sec. 8. NEW SECTION. 56.15B RESTRICTIONS ON
45 ACCEPTANCE OF CONTRIBUTIONS BY CERTAIN OFFICEHOLDERS
46 AND CANDIDATES FOR CERTAIN OFFICES.

47 1. The candidate's committee of a holder of the
48 office or of a candidate for the office of state
49 representative or state senator shall not solicit or
50 accept contributions from a political committee, other

Page 3

1 than a state or county statutory political committee,
2 or from a lobbyist registered under the rules adopted
3 by either house of the general assembly while the
4 general assembly is in regular session. As used in
5 this subsection, "in regular session" does not include

6 the period of time between final adjournment sine die
7 for that year and the ceremonial closing of the
8 session.

9 2. The candidate's committee of a holder of the
10 office or of a candidate for the office of governor
11 shall not solicit or accept contributions from a
12 political committee, other than a state or county
13 statutory political committee, or from a lobbyist
14 registered under the rules adopted by either house of
15 the general assembly while the general assembly is in
16 regular session and for thirty days after the final
17 adjournment sine die of the general assembly for that
18 year.

19 Sec. 9. NEW SECTION. 56.15C CERTAIN TRANSFERS
20 PROHIBITED.

21 1. A political committee registered in this state
22 shall not make transfers or contributions to another
23 political committee unless the political committee
24 receiving the transfer or contribution is a state or
25 county statutory political committee or a candidate's
26 committee.

27 2. An individual or a political committee shall
28 not knowingly make transfers or contributions to a
29 candidate or candidate's committee for the purpose of
30 transferring the funds to another candidate or
31 candidate's committee to avoid the disclosure of the
32 source of the funds pursuant to this chapter. A
33 candidate or candidate's committee shall not knowingly
34 accept transfers or contributions from an individual
35 or political committee for the purpose of transferring
36 funds to another candidate or candidate's committee as
37 prohibited by this subsection. A candidate or
38 candidate's committee shall not accept transfers or
39 contributions which have been transferred to another
40 candidate or candidate's committee as prohibited by
41 this subsection. The commission shall notify
42 candidates of the prohibition of such transfers and
43 contributions under this subsection.

44 3. A candidate for the general assembly or the
45 candidate's committee shall not use campaign funds for
46 transfers or contributions to another candidate for
47 office in the same house of the general assembly or to
48 the candidate's committee. The cost of purchasing
49 tickets to a fund-raising event held by or on behalf
50 of a candidate to raise money for the candidate's

Page 4

1 campaign is considered a contribution for purposes of
2 this section, unless the event is sponsored by a state
3 or county statutory political committee.

4 Sec. 10. NEW SECTION. 56.15D USE OF PUBLIC

5 MONEYS IN BALLOT ISSUE AND CANDIDATES' CAMPAIGNS.

6 The governing body of a county, city, or other
 7 political subdivision of the state shall not expend or
 8 permit the expenditure of public moneys for the
 9 purpose of supporting or opposing a ballot issue or a
 10 candidate."

11 2. Title page, by striking lines 1 through 3 and
 12 inserting the following: "An Act relating to campaign
 13 finance by providing for limitations on contributions
 14 to candidates, adjustments for benefited candidates,
 15 prohibiting certain accounts by officeholders,
 16 restricting acceptance of certain contributions by
 17 officeholders, prohibiting certain transfers of
 18 contributions, restricting the use of public moneys in
 19 ballot issue and candidates' campaigns, and providing
 20 a penalty."

Wise of Lee offered the following amendment H—3983, to amend-
 ment H—3653, filed by him and Bisignano of Polk and moved its
 adoption:

H—3983

1 Amend the amendment, H—3653, to Senate File 505, as
 2 passed by the Senate, as follows:
 3 1. By striking page 3, line 44 through page 4,
 4 line 3.

Amendment H—3983 lost.

Hanson of Delaware moved the adoption of amendment H—3653.

Roll call was requested by Hanson of Delaware and Krebsbach
 of Mitchell.

On the question "Shall amendment H—3653 be adopted?"
 (S.F. 505)

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, 55:

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	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, none.

Amendment H—3653 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hibbard of Madison, until his return, on request of McKinney of Dallas.

Grubbs of Scott offered the following amendment H—3658 filed by him and moved its adoption:

H—3658

- 1 Amend Senate File 505, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 1, by striking the words "Section
- 4 2 of this Act is" and inserting the following:
- 5 "Sections 2 and 100 of this Act are".
- 6 2. Page 3, by inserting after line 10, the
- 7 following:
- 8 "Sec. 100. NEW SECTION. 56.34 NAME
- 9 IDENTIFICATION CREDIT FOR CHALLENGER CANDIDATES.
- 10 The expenditure limits for a candidate for a
- 11 primary election and a general election in section
- 12 56.33 shall each be increased by five thousand dollars
- 13 if the candidate has not been a candidate for public
- 14 office within five years of agreeing to limit campaign
- 15 expenditures."
- 16 3. By renumbering as necessary.

Amendment H—3658 lost.

Halvorson of Webster offered the following amendment H—3984 filed by him:

H-3984

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 1, line 1, by striking the words and
4 figure "Section 2 of this Act is" and inserting the
5 following: "Sections 2 through 6 of this Act are".

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

8 "Sec. 2. NEW SECTION. 56.33 DEFINITIONS.

9 As used in this division, unless the context
10 requires otherwise:

11 1. "Advocacy information" is material published or
12 broadcast which discusses public issues, candidates,
13 or voting records from which a reasonable person could
14 draw a fair inference that the material recommends the
15 defeat or election of an identifiable candidate in a
16 restricted campaign.

17 2. "Benefited candidate" means a candidate in a
18 restricted campaign whose election is recommended or
19 whose opponent's defeat is recommended by advocacy
20 information or by the fair inferences drawn from the
21 advocacy information by a reasonable person as
22 determined by the commission.

23 3. "Eligible office" means the offices of state
24 representative, state senator, secretary of
25 agriculture, secretary of state, treasurer of state,
26 auditor of state, attorney general, and governor. The
27 office of lieutenant governor shall not be considered
28 a separate eligible office but shall be considered
29 with the office of governor for purposes of this
30 division.

31 4. "Political action committee" means any
32 political committee except a county statutory
33 political committee, a state statutory political
34 committee, a national political party, or a nonparty
35 political organization under chapter 44.

36 5. "Qualifying nomination" means a nomination by a
37 political party as defined by section 43.2, or a
38 nomination under chapter 44 or 45.

39 6. "Restricted campaign" means a campaign for an
40 eligible office in which there are two or more
41 candidates with qualifying nominations and all of
42 those candidates have registered with the commission
43 for a restricted campaign."

44 3. Page 1, by striking lines 3 through 32 and
45 inserting the following:

46 "Sec. 3. NEW SECTION. 56.34 REGISTRATION FOR A
47 RESTRICTED CAMPAIGN.

48 Each candidate for an eligible office shall
49 register with the commission and shall indicate
50 whether the candidate voluntarily agrees to limit

Page 2

1 campaign expenditures in a restricted campaign prior
2 to or with the filing of nomination papers pursuant to
3 chapter 43, 44, or 45.

4 Notwithstanding section 43.20, the nomination
5 petition of a candidate who does not agree to a
6 restricted campaign must contain signatures, with each
7 signature notarized, of at least ten percent of the
8 total number of votes cast in the last general
9 election for that office. A candidate nominated
10 pursuant to section 43.66 who does not agree to a
11 restricted campaign must file a nomination petition
12 within fifteen days of nomination containing
13 signatures, with each signature notarized, of at least
14 ten percent of the total number of votes cast in the
15 last general election for that office in order to be
16 placed on the general election ballot. A candidate
17 who agrees to a restricted campaign and whose opponent
18 does not agree to a restricted campaign is not
19 required to obtain signatures under this section, is
20 not subject to the limitations on campaign
21 expenditures imposed in this division, and shall be
22 considered as a candidate who agreed to a restricted
23 campaign for purposes of the following sections:
24 43.29A, 49.31A, and 56.14.

25 The ballots printed for primary elections under
26 chapter 43 and for general elections under chapter 49
27 shall indicate under the name of each candidate for an
28 eligible office whether the candidate agreed or did
29 not agree to a restricted campaign. Political
30 advertisements shall contain such an indication
31 pursuant to section 56.14."

32 4: By striking page 1, line 33 through page 2,
33 line 11 and inserting the following:

34 "Sec. 4. NEW SECTION. 56.35 RESTRICTED CAMPAIGNS
35 — LIMITS ON EXPENDITURES.

36 If a restricted campaign exists, the candidate's
37 committees of those candidates with qualifying
38 nominations to that eligible office are subject to the
39 following limits on expenditures as follows:

40 1. Governor. Total expenditure limit, seven
41 hundred fifty thousand dollars in a primary election
42 if there is no primary opponent, one million five
43 hundred thousand dollars in a primary election if
44 there is a primary opponent, and one million five
45 hundred thousand dollars in a general election.

46 2. Attorney general, secretary of agriculture,
47 secretary of state, treasurer of state, and auditor of
48 state. Total expenditure limit, fifty thousand
49 dollars in a primary election if there is no primary
50 opponent, one hundred thousand dollars in a primary

Page 3

1 election if there is a primary opponent, and one
2 hundred thousand dollars in a general election.
3 3. State senator. Total expenditure limit, twelve
4 thousand five hundred dollars in a primary election if
5 there is no primary opponent, twenty-five thousand
6 dollars in a primary election if there is a primary
7 opponent, and twenty-five thousand dollars in a
8 general election.

9 4. State representative. Total expenditure limit,
10 seven thousand five hundred dollars in a primary
11 election if there is no primary opponent, fifteen
12 thousand dollars in a primary election if there is a
13 primary opponent, and fifteen thousand dollars in a
14 general election.

15 For purposes of this division, an expenditure
16 occurs at the time of performance and not at the time
17 of payment.

18 Actions involving an expenditure taken on behalf of
19 a candidate in a restricted campaign shall be
20 accepted, reported, and credited against the limits of
21 this section, or disavowed pursuant to section 56.13.
22 Actions taken by a county or state statutory political
23 committee or a national political party which benefit
24 the political party generally and which benefit more
25 than one candidate shall not be considered as
26 expenditures under this division.

27 The commission shall, by July 1 in each odd-
28 numbered year, adjust the limitations on expenditures
29 to reflect any increase in the consumer price index as
30 released by the federal government.

31 Sec. 5. NEW SECTION. 56.36 PERIODS THE
32 EXPENDITURE LIMITS ARE IN EFFECT.

33 If a restricted campaign exists, the limitations of
34 section 56.35 apply to expenses incurred during the
35 following periods:

36 1. During an even-numbered year, from the date the
37 candidate or the candidate's treasurer files a
38 statement of organization as required by section 56.5,
39 or from the date the candidate or the candidate's
40 designee files an affidavit of candidacy with the
41 state commissioner of elections, whichever date is
42 earlier, through the date of the general election for
43 that office.

44 2. During a special election, from the date the
45 candidate or the candidate's treasurer files a
46 statement of organization as required by section 56.5,
47 or from the date the candidate or the candidate's
48 designee files an affidavit of candidacy with the
49 state commissioner of elections, whichever date is
50 earlier, through the date of the special election for

Page 4

1 that office."

2 5. Page 2, by inserting before line 12 the
3 following:

4 "Sec. _____. NEW SECTION. 56.36A ADJUSTMENTS FOR
5 BENEFITED CANDIDATES AND OPPONENTS.

6 1. A person or political committee which causes
7 the publication, mass mailing, or broadcast of
8 advocacy information in a restricted campaign shall
9 give notice to the commission and to the benefited
10 candidate. The notice shall be given by certified
11 restricted mail within twenty-four hours after the
12 publication, mailing, or broadcast of the advocacy
13 information and be accompanied by the text of the
14 advocacy information and the amount of the
15 publication, mailing, or broadcasting expenditures.

16 2. The benefited candidate shall notify the
17 commission within seventy-two hours whether the
18 candidate accepts or disavows the expenditure. If the
19 candidate accepts the expenditure, the anticipated
20 expenditure shall be credited against the candidate's
21 expenditure limit. If the candidate files a statement
22 of disavowal, the commissioner or commission shall
23 forward a copy of the statement to the candidate's
24 opponent.

25 3. For the purposes of this section, the
26 commission shall disregard the first five hundred
27 dollars of aggregate disavowed expenditures regarding
28 a benefited candidate for the general assembly, the
29 first one thousand dollars of aggregate disavowed
30 expenditures regarding a benefited candidate for a
31 statewide office other than governor, and the first
32 five thousand dollars of aggregate disavowed
33 expenditures regarding a benefited candidate for
34 governor. If the aggregate disavowed expenditures
35 regarding a benefited candidate exceed the amounts
36 provided in this section, the commission shall
37 determine if a reasonable person would or would not
38 draw a fair inference that the material assists the
39 election of the benefited candidate or the defeat of
40 an opposing candidate. If the commission determines
41 that a candidate is benefited, the commission shall
42 attribute the disavowed expenditure to the expenditure
43 limits of the benefited candidate and shall do one of
44 the following: increase the benefited candidate's
45 opponent's expenditure limits by the amount of the
46 disavowed expenditures attributed to the benefited
47 candidate or eliminate the expenditure limit of the
48 benefited candidate's opponent for that election
49 period.

50 4. The commission by rule may delegate decisions

Page 5

1 under subsection 3 to the executive secretary or a
2 panel of three members of the commission. If
3 delegated, the decisions of the executive secretary or
4 panel constitute final agency action for the purposes
5 of chapter 17A. Notwithstanding section 17A.19, a
6 petition for judicial review of a decision under this
7 section shall be filed only in Polk county, the court
8 shall not stay the raising of the limits for the
9 candidates opposing the benefited candidate pending
10 the outcome of the judicial review proceeding, the
11 petitioner has only two days after filing to provide
12 notice or copies to the other parties, and the
13 proceeding shall receive the highest priority among
14 the cases before the district court.

15 The decisions under subsection 3 shall be made
16 within two days of the commission's receipt of the
17 benefited candidate's disavowal and the benefited
18 candidate and opponents shall be promptly notified.

19 Advocacy information caused by a county or state
20 statutory political committee or a national political
21 party which benefit the political party generally and
22 which benefit more than one candidate are not subject
23 to the requirements of this section.

24 Sec. _____. NEW SECTION. 56.37 PENALTIES."

25 6. Page 2, by striking lines 12 through 17 and
26 inserting the following:

27 "1. A candidate who voluntarily agrees to a
28 restricted campaign, and who exceeds the expenditure
29 limitations in this division, shall be subject to a
30 fine which is based on the percentage by which the
31 candidate exceeds permitted expenditures, so that the
32 candidate shall pay a percentage of the excess
33 campaign expenditures as follows:"

34 7. Page 3, by striking lines 5 through 10 and
35 inserting the following:

36 "2. The criminal penalty of section 56.16 applies
37 to violations of this division.

38 3. A candidate who knowingly and intentionally
39 violates the expenditure limits of section 56.35 is,
40 upon conviction, guilty of a class "D" felony. A
41 candidate shall not take the oath of office pending
42 conviction or acquittal, following trial, on charges
43 brought under this subsection, and a candidate is
44 disqualified from holding office upon conviction
45 obtained pursuant to this subsection."

46 8. By striking page 3, line 11, through page 4,
47 line 5, and inserting the following:

48 "Sec. 7. NEW SECTION. 43.29A NOTICE OF
49 LIMITATION OF CAMPAIGN EXPENDITURES ON BALLOT.

50 The ballot shall indicate under the name of each

Page 6

1 candidate for the office of governor, attorney
2 general, secretary of agriculture, secretary of state,
3 treasurer of state, auditor of state, state senator,
4 and state representative whether the candidate agreed
5 or did not agree to limit campaign expenditures under
6 section 56.34.

7 Below the name of a candidate who agrees to limit
8 campaign expenditures, the ballot shall state the
9 following: "This candidate agreed to voluntarily
10 limit campaign expenditures." Below the name of a
11 candidate who did not agree to limit campaign
12 expenditures, the ballot shall state the following:
13 "This candidate did not agree to voluntarily limit
14 campaign expenditures."

15 Sec. 8. Section 44.4, unnumbered paragraph 1, Code
16 1991, is amended to read as follows:

17 Nominations made pursuant to this chapter and
18 chapter 45 which are required to be filed in the
19 office of the state commissioner shall be filed in
20 that office not more than ninety-nine days nor later
21 than five p.m. on the eighty-first day before the date
22 of the general election to be held in November date of
23 the primary election. Nominations made for a special
24 election called pursuant to section 69.14 shall be
25 filed by five p.m. not less than twenty days before
26 the date of an election called upon at least forty
27 days' notice and not less than seven days before the
28 date of an election called upon at least ten days'
29 notice. Nominations made for a special election
30 called pursuant to section 69.14A shall be filed by
31 five p.m. not less than twenty days before the date of
32 the election. Nominations made pursuant to this
33 chapter and chapter 45 which are required to be filed
34 in the office of the commissioner shall be filed in
35 that office not more than ninety-two days nor later
36 than five p.m. on the sixty-ninth day before the date
37 of the general election. Nominations made pursuant to
38 this chapter or chapter 45 for city office shall be
39 filed not more than seventy-two days nor later than
40 five p.m. on the forty-seventh day before the city
41 election with the city clerk, who shall process them
42 as provided by law.

43 Sec. 9. NEW SECTION. 49.31A NOTICE OF LIMITATION
44 OF CAMPAIGN EXPENDITURES ON BALLOT.

45 The ballot shall indicate under the name of each
46 candidate for the office of governor, attorney
47 general, secretary of agriculture, secretary of state,
48 treasurer of state, auditor of state, state senator,
49 and state representative whether the candidate agreed
50 or did not agree to limit campaign expenditures under

Page 7

1 section 56.34.

2 Below the name of a candidate who agrees to limit
3 campaign expenditures, the ballot shall state the
4 following: "This candidate agreed to voluntarily
5 limit campaign expenditures." Below the name of a
6 candidate who did not agree to limit campaign
7 expenditures, the ballot shall state the following:
8 "This candidate did not agree to voluntarily limit
9 campaign expenditures."

10 Sec. 10. Section 56.13, unnumbered paragraph 1,
11 Code 1991, is amended to read as follows:

12 Action involving a contribution or expenditure
13 which must be reported under this chapter and which is
14 taken by any person, candidate's committee or
15 political committee on behalf of a candidate, if known
16 and approved by the candidate, shall be deemed action
17 by the candidate and reported by the candidate's
18 committee. If a restricted campaign exists, the
19 action involving an expenditure which must be reported
20 under this chapter which is taken by any person,
21 candidate's committee or political committee on behalf
22 of a candidate, if known and approved by the
23 candidate, shall be deemed action by the candidate,
24 shall be reported by the candidate's committee, and
25 shall be credited against the candidate's expenditure
26 limits pursuant to section 56.35. It shall be
27 presumed that a candidate approves the action if the
28 candidate had knowledge of it and failed to file a
29 statement of disavowal with the commissioner or
30 commission and take corrective action within seventy-
31 two hours of the action. A person, candidate's
32 committee or political committee taking such action
33 independently of that candidate's committee shall
34 notify that candidate's committee in writing within
35 twenty-four hours of taking the action. The
36 notification shall provide that candidate's committee
37 with the cost of the promotion at fair market value.
38 A copy of the notification shall be sent to the
39 commission. If a candidate files a statement of
40 disavowal, the commissioner or commission shall
41 forward a copy of the statement to the candidate's
42 opponent.

43 Sec. 11. Section 56.14, Code 1991, is amended by
44 adding the following new unnumbered paragraph:

45 **NEW UNNUMBERED PARAGRAPH.** In addition to the
46 identification required in this section, a candidate's
47 committee shall include, on all printed material, a
48 statement, equal in size to the identification
49 information, as to whether or not the candidate is
50 registered for a restricted campaign pursuant to

Page 8

- 1 section 56.34. A similar disclaimer must also be
- 2 included, vocally, in all radio and television
- 3 commercials purchased on behalf of a candidate.
- 4 Candidates who have registered for a restricted
- 5 campaign must state the following: "(name of
- 6 candidate) agreed to voluntarily limit campaign
- 7 expenditures." Candidates who have not registered for
- 8 a restricted campaign must state the following:
- 9 "(name of candidate) did not agree to voluntarily
- 10 limit campaign expenditures." "

Hanson of Delaware offered the following amendment H—3994, to amendment H—3984, filed by him and Garman of Story from the floor and moved its adoption:

H—3994

- 1 Amend the amendment, H—3984, to Senate File 505, as
- 2 passed by the Senate, as follows:
- 3 1. Page 2, lines 6 and 7, by striking the words
- 4 " , with each signature notarized,".
- 5 2. Page 2, line 13, by striking the words " , with
- 6 each signature notarized,".

A non-record roll call was requested.

The ayes were 44, nays 47.

Amendment H—3994 lost.

Spenner of Henry offered the following amendment H—3998, to amendment H—3984, filed by him from the floor and moved its adoption:

H—3998

- 1 Amend the amendment, H—3984, to Senate File 505, as
- 2 passed by the Senate, as follows:
- 3 1. Page 2, line 30, by inserting after the word
- 4 "advertisements" the following: " , other than radio
- 5 and television advertisements,".
- 6 2. Page 8, by striking lines 1 through 3, and
- 7 inserting the following: "section 56.34."

A non-record roll call was requested.

The ayes were 43, nays 46.

Amendment H—3998 lost.

McNeal of Hardin offered the following amendment H—3990, to amendment H—3984, filed by him from the floor and moved its adoption:

H-3990

- 1 Amend the amendment, H-3984, to Senate File 505, as
- 2 passed by the Senate, as follows:
- 3 1. Page 2, by striking lines 25 through 31 and
- 4 inserting the following:
- 5 "Political advertisements shall indicate whether
- 6 the candidate agreed or did not agree to a restricted
- 7 campaign pursuant to section 56.14." "
- 8 2. By striking page 5, line 48 through page 6,
- 9 line 14.
- 10 3. By striking page 6, line 43 through page 7,
- 11 line 9.

A non-record roll call was requested.

The ayes were 44, nays 46.

Amendment H-3990 lost.

Halvorson of Webster offered the following amendment H-4002, to amendment H-3984, filed by him and Brown of Lucas from the floor and moved its adoption:

H-4002

- 1 Amend the amendment, H-3984, to Senate File 505, as
- 2 passed by the Senate, as follows:
- 3 1. Page 8, line 10, by striking the word
- 4 "expenditures." " " and inserting the following:
- 5 "expenditures."
- 6 "Sec. 12. ANTISEVERABILITY CLAUSE.
- 7 Notwithstanding section 4.12, if section 56.36A or
- 8 section 56.37, subsection 3, or the application
- 9 thereof is invalid, this Act as a whole shall be
- 10 invalid." "

Amendment H-4002 was adopted.

Halvorson of Webster moved the adoption of amendment H-3984, as amended.

A non-record roll call was requested.

The ayes were 46, nays 36.

Amendment H-3984 was adopted, placing the following amendments out of order:

H-3553 filed by Brown, et al., on April 9, 1991.

H-3576 filed by McNeal of Hardin on April 10, 1991.

H-3670 filed by Hanson of Delaware and Garman of Story on April 17, 1991.

H-3672 filed by Hanson of Delaware on April 17, 1991.

Adams of Hamilton in the chair at 5:59 p.m.

Hanson of Delaware offered the following amendment H—3669 filed by him and moved its adoption:

H—3669

- 1 Amend Senate File 505 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting after line 32 the
- 4 following:
- 5 "Materials purchased by a candidate or a
- 6 candidate's committee during a previous campaign shall
- 7 be attributed to the candidate's expenditure limit for
- 8 purposes of subsection 2, and shall be valued at the
- 9 fair market price for the cost of their replacement."

A non-record roll call was requested.

The ayes were 37, nays 41.

Amendment H—3669 lost.

Neuhauser of Johnson asked and received unanimous consent that Senate File 505 be deferred and that the bill retain its place on the unfinished business calendar.

Ollie of Clinton in the chair at 6:03 p.m.

Ways and Means Calendar

House File 702, 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 effective dates, was taken up for consideration.

Adams of Hamilton offered the following amendment H—3997 filed from the floor by Adams, Plasier, Hammond and Haverland and moved its adoption:

H—3997

- 1 Amend House File 702 as follows:
- 2 1. Page 1, line 32, by striking the words
- 3 "previous fiscal year" and inserting the following:
- 4 "fiscal year which began two years prior to the
- 5 current fiscal year,".
- 6 2. By striking page 1, line 35 through page 2,
- 7 line 4, and inserting the following:
- 8 "4. In each fiscal year, the first two hundred
- 9 fifty thousand dollars appropriated to the fund shall
- 10 be made available to the division to provide technical
- 11 assistance to counties and service providers relating

12 to the services listed in this subsection. Up to four
13 full-time equivalent positions shall be funded by this
14 amount and assigned by the division for the provision
15 of the technical assistance. If the positions are not
16 filled or are not filled for the entire fiscal year,
17 the moneys relating to the positions shall remain in
18 the fund for distribution as provided in this
19 subsection. The remainder of the funds shall be
20 allocated for each county as provided in subsection 3.
21 Fifty percent of the amount allocated shall be made
22 available to the county for the county's general
23 expenditures for services provided to residents. The
24 other fifty percent of the amount allocated shall be".

Amendment H—3997 was adopted.

Iverson of Wright offered the following amendment H—3970 filed by him and moved its adoption:

H—3970

1 Amend House File 702 as follows:

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

4 "Sec. _____. Section 331.438, Code 1991, is amended
5 to read as follows:

6 331.438 COUNTY MENTAL HEALTH SERVICES EXPENDITURES
7 FROZEN.

8 In the event the Seventy-fourth General Assembly
9 does not enact legislation to implement a funding
10 formula for state participation in funding of mental
11 health, mental retardation, and developmental
12 disabilities services which takes effect in the fiscal
13 year beginning Effective July 1, 1992, the mental
14 health, mental retardation, and developmental
15 disabilities services expenditures of counties shall
16 be frozen in the amount the counties expended for
17 those services in the fiscal year beginning July 1,
18 1991. The expenses in excess of the frozen amount
19 shall be paid for by the state in a timely manner that
20 is not disruptive to persons providing or receiving
21 services."

22 2. Page 3, by striking lines 2 through 6 and
23 inserting the following:

24 "Sec. _____. LEGISLATIVE INTENT. Nothing in this
25 Act is intended by the".

26 3. Title page, by striking line 1 and inserting
27 the following: "An Act relating to state funding for
28 the costs of".

29 4. By renumbering as necessary.

Roll call was requested by Bennett of Ida and McNeal of Hardin.

Rule 75 was invoked.

On the question "Shall amendment H—3970 be adopted?"
(H.F. 702)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Carpenter	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	Metcalf	Millage	Miller
Petersen, D. F.	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 51:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Corbett	Dickinson
Doderer	Dvorsky	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Haverland	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Renaud	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Ollie	
		Presiding	

Absent or not voting, 3:

Hatch	Hibbard	Schrader
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Amendment H—3970 lost.

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. 702)

The ayes were, 70:

Adams	Arnould, Spkr.	Baker	Beaman
Beatty	Bernau	Bisignano	Black

Blanshan	Brammer	Brand	Brown
Burke	Carpenter	Chapman	Cphoon
Connors	Corbett	Daggett	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Groninga	Grubbs	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Haverland	Hester
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Lageschulte	Lundby
McKean	McKinney	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Pavich
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Wise
Wissing	Ollie		
	Presiding		

The nays were, 26:

Banks	Bartz	Bennett	Branstad
De Groot	Eddie	Garman	Gipp
Hahn	Harbor	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Maulsby	McNeal	Mertz	Millage
Miller	Petersen, D. F.	Renken	Royer
Van Maanen	Weidman		

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 702** be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED (House File 517)

Gill of Woodbury called up for consideration the motion to reconsider House File 517, filed from the floor, and moved to reconsider the vote by which House File 517, a bill for an act relating to workers' compensation medical benefits and weekly benefit claims, burial expenses, and minimum benefit payments, passed the House and was placed on its last reading on May 1, 1991.

A non-record roll call was requested.

The ayes were 53, nays 39.

The motion prevailed and the House reconsidered House File 517.

Gill of Woodbury moved to reconsider the vote by which the House concurred in the Senate amendment H—3978.

A non-record roll call was requested.

The ayes were 54, nays 38.

The motion prevailed and the House reconsidered the Senate amendment H—3978, found on page 1952 of the House Journal.

Gill of Woodbury offered the following amendment H—4012, to the Senate amendment H—3978, filed by him from the floor and moved its adoption:

H—4012

- 1 Amend the Senate amendment, H—3978, to House File
- 2 517 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 7 through 12.
- 5 2. By renumbering as necessary.

Amendment H—4012 was adopted.

On motion by Gill of Woodbury, the House concurred in the Senate amendment H—3978, as amended.

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

On the question "Shall the bill pass?" (H.F. 517)

The ayes were, 78:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Dickinson	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Haverland	Hester	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Krebsbach	Lundby	McKean	McKinney
McNeal	Metcalf	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg

Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Royer	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Weidman	Wise
Wissing	Ollie		
	Presiding		

The nays were, 18:

Bennett	Branstad	Daggett	De Groot
Diemer	Hahn	Harbor	Kistler
Kremer	Lageschulte	Maulsby	Mertz
Miller	Petersen, D. F.	Plasier	Renken
Tyrrell	Van Maanen		

Absent or not voting, 4:

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

Speaker Arnould in the chair at 6:45 p.m.

HOUSE INSISTS

Blanshan of Greene called up for consideration **Senate File 101**, a bill for an act relating to the loss of pay while on military leave of absence, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 101)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 101: Knapp of Dubuque, Chair; Blanshan of Greene, Lundby of Linn, Spenner of Henry and Connors of Polk.

INTRODUCTION OF BILL

House File 707, by committee on ways and means, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds or money market funds.

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House File 517** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on May 1, 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 478, a bill for an act to establish a parent education program and making teachers participating in the program eligible for performance-based pay.

Also: That the Senate has on May 1, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

JOHN F. DWYER, Secretary

MOTION TO RECONSIDER

(Amendment H—3886 to House File 380)

I move to reconsider the vote by which the House refused to concur in the Senate amendment H—3886 to House File 380 on May 1, 1991.

HAVERLAND of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 1, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 324, an act relating to aiding and abetting and retaliation under the civil rights law.

House File 619, an act relating to the preservation of financial institution records.

Senate File 10, an act relating to the establishment and registration of elder family homes.

Senate File 33, an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers, and providing for fees.

Senate File 269, an act regulating transient food service establishments and providing for licensing fees.

Senate File 331, an act extending traffic enforcement authority to mobile home parks.

Senate File 494, 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.

Senate File 495, 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.

COMMUNICATION RECEIVED

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

DEPARTMENT OF MANAGEMENT

The Contract Compliance Report for 1990, pursuant to Chapter 19B.7, Code of Iowa.

PRESENTATION OF VISITORS

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

Eighteen students from East Monona School, Moorhead, accompanied by Mr. Borchers. By Bennett of Ida.

Twenty-five junior and senior students from Lenox High School, Lenox, accompanied by Karl Peterson. By Daggett of Adams.

Fifty-four sixth grade students from Bryant Elementary School, Boone, accompanied by Elizabeth Lange and Matthew Pugh. By Garman of Story.

Fifty-four fifth grade students from Pence Elementary School, Fairfield. By Kistler of Jefferson.

Fifty-five fifth grade students from Grant Elementary School, Oskaloosa, accompanied by Margaret Mattix and Margaret Stoltzfus. By Van Maanen of Mahaska.

SUBCOMMITTEE ASSIGNMENTS

Senate File 541

Appropriations: Hammond, Chair; Hester and Teaford.

Senate File 542

Appropriations: Dvorsky, Chair; Hatch and Miller.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 328 Ways and Means

Establishing a state facilities authority to finance the acquisition, construction, and disposition of buildings and other property for use by political subdivisions, governmental entities, and state agencies including the issuance of anticipation notes and revenue bonds.

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 541, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1991.

COMMITTEE ON WAYS AND MEANS

Senate File 350, a bill for an act relating to the franchise tax on financial institutions and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1991.

Senate File 535, a bill for an act increasing the fees for issuance or replacement or renewal of a permit to carry weapons.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1991.

Senate File 539, a bill for an act relating to the Iowa pharmacy practice Act and assessing fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-4008** May 1, 1991.

Committee Bill (Formerly House Study Bill 316), relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds or money market funds.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1991.

RESOLUTION FILED

SCR 24, by committee on education, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's early childhood, primary, and secondary education system and requiring reporting by certain dates.

Referred to committee on **education**.

AMENDMENTS FILED

H-3991	S.F.	542	Shearer of Louisa
H-3992	S.F.	505	Spennner of Henry
			Hanson of Delaware
			Carpenter of Polk
H-3993	S.F.	505	Carpenter of Polk
			Spennner of Henry
			Hanson of Delaware
H-3995	S.F.	515	Spear of Lee
H-3996	H.F.	672	Senate Amendment
H-3999	S.F.	294	Plasier of Sioux
H-4000	H.F.	705	Petersen of Muscatine
H-4001	S.F.	273	Renaud of Polk
H-4003	H.F.	455	Senate Amendment
H-4004	H.F.	703	Iverson of Wright
H-4005	S.F.	311	Senate Amendment
H-4006	H.F.	668	Senate Amendment
H-4007	H.F.	703	Iverson of Wright
H-4008	S.F.	539	Committee on
			Ways and Means
H-4009	S.F.	478	Senate Amendment
H-4010	H.F.	302	Senate Amendment
H-4011	H.F.	704	Dickinson of Jackson

On motion by Neuhauser of Johnson, the House adjourned at 6:49 p.m., until 9:00 a.m., Thursday, May 2, 1991.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day — Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 2, 1991

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

Prayer was offered by Iman Taha Tawil, Islamic Center and Mosque, Cedar Rapids.

The Journal of Wednesday, May 1, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper, until his arrival, on request of Adams of Hamilton.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 30, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 417, a bill for an act relating to private club expense deductions for individual and corporate state income tax purposes.

Also: That the Senate has on April 30, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 483, a bill for an act relating to permit fees for highway advertising devices.

Also: That the Senate has on April 30, 1991, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 569, a bill for an act establishing the rural small business transfer program.

Also: That the Senate has on April 30, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 318, a bill for an act creating a statewide dual party relay service system, establishing telephone utility assessments, and authorizing distribution of telecommunications devices to the deaf.

Also: That the Senate has on April 30, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 30, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 441, a bill for an act relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation.

Also: That the Senate has on April 30, 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 452, a bill for an act relating to the administration of fairs.

Also: That the Senate has on April 30, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 30, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 533, a bill for an act relating to the rate of the Shelby Tennant community school district income surtax and the refund of any excess income surtax paid and providing effective and applicability dates.

JOHN F. DWYER, Secretary

PRESENTATION OF THE POW/MIA FLAG

Poncy of Wapello presented to the House as a part of the special presentation of the POW/MIA flag, the following Color Guard: Gunnery Sergeant Edward E. Mumm, United States Marine Corps; Hospital Corpman Senior Chief Allon B. Cady, United States Navy Reserve; Technical Sergeant Kenneth D. Robertson, Iowa Air National Guard; Staff Sergeant Heather M. Roggio, Iowa Army National Guard; and Officer in Charge, Master Sergeant Anthony Capaldo.

The House rose as the Color Guard advanced the U.S. Flag and POW/MIA Flag to the Speaker's station.

Music was presented by the 34th Army Band, Fairfield, Iowa; Staff Sergeant Jeffrey P. Schmalz, fife player; and Sergeant Jeffrey A. Crile, Drummer.

The National Anthem was sung by Ruth Skeries, Johnston School music teacher.

MOTION TO RECONSIDER PREVAILED (Senate amendment H—3886 to House File 380)

Haverland of Polk called up for consideration the motion to reconsider the Senate amendment H—3886 to House File 380 filed by him on May 1, 1991 and moved to reconsider the vote by which the House refused to concur in the Senate amendment H—3886, found on pages

1966 and 1967 of the House Journal, on May 1, 1991, 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, which motion prevailed.

Haverland of Polk offered the following amendment H—4013, to the Senate amendment H—3886, filed by him from the floor and moved its adoption:

H—4013

- 1 Amend the Senate amendment, H—3886, to House File
- 2 380, as passed by the House, as follows:
- 3 1. Page 1, line 40, by inserting after the word
- 4 "subsection" the following: ", provided that the
- 5 court shall consider any affidavit filed under this
- 6 subsection".

Amendment H—4013 was adopted.

On motion by Nielsen of Linn, the House concurred in the Senate amendment H—3886, as amended.

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

On the question "Shall the bill pass?" (H.F. 380)

The ayes were, 95:

Adams	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
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	Poncy
Rafferty	Renaud	Renken	Royer

Shearer. Sherzan
Siegrist Spear
Teaford Tyrrell
Wise Wissing

Shoning
Spenner
Van Maanen
Mr. Speaker
Arnould

Shultz
Svoboda
Weidman

The nays were, none.

Absent or not voting, 5:

Baker
Schrader

Blanshan

Brammer

Jesse

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 380** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Ollie of Clinton called up for consideration **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 and penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4003:

H—4003

- 1 Amend House File 455, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 15 through 20.
- 4 2. Page 3, by striking lines 12 through 18 and
- 5 inserting the following:
- 6 "Within ten days from receipt of notice from the
- 7 secretary of the school district within which any
- 8 private an accredited nonpublic school is conducted,
- 9 the principal of such the accredited nonpublic school
- 10 shall, once during each school year, and at any time
- 11 when requested in individual cases, furnish to such
- 12 the secretary".
- 13 3. Page 3, line 24, by striking the word " , the"
- 14 and inserting the following: " , and the".
- 15 4. Page 3, lines 25 and 26, by striking the words
- 16 " , the texts used, and the names of the teachers" and
- 17 inserting the following: " , the texts used, and the
- 18 names of the teachers".
- 19 5. Page 4, line 18, by striking the words " , but
- 20 is not limited to," and inserting the following: " ,
- 21 but is not limited to,".

22 6. Page 6, line 15, by striking the word "or" and
23 inserting the following: "who is referred for
24 prosecution under section 299.5A and is convicted of a
25 violation of any of the provisions of sections 299.1
26 through 299.5, who violates".

27 7. Page 6, line 16, by striking the word "or" and
28 inserting the following: ", or who".

29 8. Page 7, lines 7 and 8, by striking the words
30 "an objective and reasonable good faith effort" and
31 inserting the following: "reasonable efforts".

32 9. Page 7, line 9, by inserting after the figure
33 "299.5," the following: "but is unable to cause the
34 child to attend school, the parent, guardian, or legal
35 or actual custodian may file an affidavit listing the
36 reasonable efforts made by the parent, guardian, or
37 legal or actual custodian to cause the child's
38 attendance and".

39 10. Page 7, line 22, by inserting after the word
40 "truant." the following: "A finding that a child is
41 truant, however, shall not by itself mean that the
42 child is a child in need of assistance within the
43 meaning of chapter 232 and shall not be the sole basis
44 for a child in need of assistance petition."

45 11. Page 8, line 3, by inserting after the word
46 "officer." the following: "The board of each school
47 district, which does not appoint a truancy officer for
48 the district, shall designate a suitable person to
49 collect information on the numbers of children in the
50 district who are truant."

Page 2

1 12. Page 8, line 23, by inserting after the word
2 "district." the following: "If a child is taken into
3 custody under this section, the truancy officer shall
4 make every reasonable attempt to immediately notify
5 the parent, guardian, or legal or actual custodian of
6 the child's location."

7 13. Page 9, line 15, by striking the word
8 "school" and inserting the following: "operated
9 school".

10 14. Page 9, line 16, by striking the word
11 "institution".

12 15. Page 9, line 19, by striking the words
13 "school the institution" and inserting the following:
14 "the state operated school".

15 16. Page 9, line 31, by striking the word
16 "institution" and inserting the following:
17 "institution operated school".

18 17. Page 10, line 5, by striking the words
19 "school institution" and inserting the following:
20 "operated school".

- 21 18. Page 10, line 7, by striking the words
22 "~~school the institution~~" and inserting the following:
23 "the state operated school".
- 24 19. Page 10, line 11, by striking the word
25 "institution" and inserting the following:
26 "institution operated school".
- 27 20. Page 10, line 18, by striking the words
28 "~~institution determines~~" and inserting the following:
29 "state operated school certifies that an
30 interdisciplinary staffing team has determined,
31 pursuant to the requirements of chapter 281,".
- 32 21. Page 10, line 33, by striking the words
33 "shall be presumed to have violated" and inserting the
34 following: "is subject to".
- 35 22. Page 10, line 34, by striking the words "is
36 subject to".
- 37 23. Page 11, line 5, by inserting after the word
38 "by" the following: "or under the supervision of".
- 39 24. Page 11, line 9, by striking the words
40 "formal instruction" and inserting the following:
41 "instruction using a plan and a course of study".
- 42 25. Page 11, line 20, by striking the word "a"
43 and inserting the following: "an accredited nonpublic
44 school or public".
- 45 26. Page 11, line 21, by inserting after the word
46 "the" the following: "accredited nonpublic school or
47 public".
- 48 27. Page 11, line 23, by striking the words
49 "child who is" and inserting the following: "child.
50 If competent private instruction is provided through a

Page 3

- 1 public school district, the child shall be".
- 2 28. Page 12, line 3, by striking the word
3 "tested" and inserting the following: "evaluated".
- 4 29. Page 12, line 6, by striking the words
5 "Report the child's annual test results" and inserting
6 the following: "Ensure that the results of the
7 child's annual evaluation are reported".
- 8 30. Page 12, line 13, by striking the words "be
9 tested" and inserting the following: "either be
10 evaluated".
- 11 31. Page 12, line 16, by inserting after the word
12 "tool" the following: "such as, but not limited to,
13 the Iowa test of basic skills, the Iowa test of
14 educational development, or the stanford achievement
15 test,".
- 16 32. Page 12, line 18, by inserting after the word
17 "education" the following: "or be evaluated annually
18 in the manner provided in subsection 7".

19 33. Page 12, line 31, by striking the words
20 "administer each test required of" and inserting the
21 following: "conduct the evaluations required under
22 subsections 1 and 2 for".

23 34. Page 12, line 32, by striking the word
24 "Testing" and inserting the following: "Evaluation".

25 35. Page 12, by striking lines 34 and 35, and
26 inserting the following: "responsible for conducting
27 the evaluation. Persons conducting the evaluations
28 shall make every reasonable effort to conduct the
29 evaluations".

30 36. Page 13, line 1, by striking the word
31 "tests".

32 37. Page 13, line 5, by striking the word
33 "tested" and inserting the following: "evaluated".

34 38. Page 13, by striking lines 8 through 10, and
35 inserting the following:

36 "5. The conducting of evaluations shall include,
37 but is not limited to, purchasing of evaluation
38 materials, giving the evaluations, scoring and
39 interpreting the evaluations, and reporting the
40 evaluation".

41 39. Page 13, line 14, by striking the word
42 "tested" and inserting the following: "evaluated".

43 40. Page 13, by striking line 15, and inserting
44 the following: "entity conducting the evaluation for
45 no more than the actual cost of".

46 41. Page 13, line 16, by striking the word
47 "testing" and inserting the following: "evaluation".

48 42. Page 13, by striking line 18, and inserting
49 the following: "evaluating entity for costs incurred
50 as a result of".

Page 4

1 43. Page 13, line 20, by striking the words "In
2 addition to the" and inserting the following: "In
3 lieu of".

4 44. Page 14, by striking lines 3 and 4, and
5 inserting the following: "licensed practitioner
6 selected as the evaluator by the parent, guardian, or
7 legal custodian and agreed to by the superintendent of
8 the local school district or the superintendent's
9 designee. The evaluator shall prepare a report".

10 45. Page 14, line 7, by striking the word
11 "levels" and inserting the following: "levels, and
12 submit a copy of the report to the child's parent,
13 guardian, or legal custodian, the school district of
14 residence of the child, and the department of
15 education".

- 16 46. Page 14, by striking lines 10 and 11, and
17 inserting the following: "is making adequate
18 progress."
19 47. Page 14, line 16, by inserting before the
20 word "custodian" the following: "legal".
21 48. Page 14, line 27, by inserting before the
22 word "custodian" the following: "legal".
23 49. Page 16, line 18, by striking the word "not".
24 50. Page 16, line 19, by striking the word
25 "without" and inserting the following: "with".
26 51. Page 16, line 20, by striking the words
27 "director of the" and inserting the following:
28 "director of".
29 52. Page 16, by striking line 21.
30 53. Page 16, lines 25 and 26, by striking the
31 words "on the tests required under this chapter".
32 54. Page 16, line 28, by striking the word
33 "Testing" and inserting the following: "Evaluation".
34 55. Page 16, by striking lines 30 and 31, and
35 inserting the following: "responsible for conducting
36 the evaluation. Persons conducting the evaluations
37 shall make every reasonable effort to conduct the
38 evaluations".
39 56. Page 16, line 32, by striking the word
40 "tests".
41 57. Page 17, line 14, by inserting after the word
42 "shall" the following: "use available home schooling
43 data and shall".
44 58. Page 17, line 15, by inserting after the word
45 "forces" the following: ", and home schooling
46 practitioners or research organizations".
47 59. Page 17, line 16, by striking the words
48 "assessment issues" and inserting the following: "or
49 have experience in the assessment of children who have
50 been placed under home instruction".

Page 5

- 1 60. By renumbering, relettering, or redesignating
2 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4003.

Connors of Polk in the chair at 9:58 a.m.

Unfinished Business Calendar

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

Gill of Woodbury offered the following amendment H—3720 filed by him and moved its adoption:

H—3720

1 Amend Senate File 519, as passed by the Senate, as
2 follows:

3 1. Page 1, line 14, by inserting after the word
4 "writing," the following: "at an initial investment
5 exceeding five hundred dollars,".

6 2. Page 3, by inserting after line 12, the
7 following:

8 "4A. "Initial investment" means the total amount a
9 purchaser is obligated to pay under the terms of the
10 business opportunity contract either prior to or at
11 the time of the delivery of the merchandise or
12 services or within six months of the purchaser
13 commencing operation of the business opportunity.
14 However, if payment is over a period of time, "initial
15 investment" means the sum of the downpayment and the
16 total monthly payments specified in the contract."

17 3. Page 3, line 35, by inserting after the word
18 "entity" the following: ", provided, however, person
19 does not include a government or governmental
20 subdivision or agency".

21 4. Page 4, line 10, by inserting after the word
22 "person." the following: " "Seller" does not include
23 the media in or by which an advertisement appears or
24 is disseminated."

25 5. Page 8, line 3, by striking the word "a" and
26 inserting the following: "each".

27 6. Page 14, by striking line 3, and inserting the
28 following: "instituted thirty days after the
29 effective date of the registration."

30 7. Page 14, line 7, by striking the words "the
31 order" and inserting the following: "a summary
32 order".

33 8. Page 14, lines 14 and 15, by striking the
34 words ", after notice of an opportunity for hearing to
35 the seller,".

36 9. Page 14, line 18, by striking the word "stop"
37 and inserting the following: "summary".

38 10. Page 14, line 20, by striking the word
39 "prior".

40 11. By striking page 14, line 33, through page
41 15, line 3.

42 12. Page 17, lines 3 and 4, by striking the words
43 ", after notice of an opportunity for hearing to all

44 interested person.”.

45 13. Page 18, line 11, by striking the figure

46 “523B.5A” and inserting the following: “523B.5”.

47 14. Page 19, line 29, by striking the word

48 “constituting” and inserting the following: “giving

49 rise to”.

50 15. Page 21, by striking lines 24 through 26, and

Page 2

1 inserting the following: “respect, upon conviction,

2 is guilty of a class “D” felony. Each of the acts

3 specified constitutes a”.

4 16. Page 22, line 18, by inserting after the word

5 “unlawful” the following: “for a seller”.

6 17. Page 26, line 23, by striking the word “,

7 which” and inserting the following: “. Unless

8 incorporated by reference, in whole or in part, the

9 disclosure statement shall not constitute part of the

10 contract between the resident and provider. The

11 disclosure statement”.

12 18. Page 27, by striking lines 9 and 10, and

13 inserting the following: “person, a ten percent or

14 greater interest and which has provided goods, leases,

15 or services to the facility of a value of five hundred

16 dollars or more within the prior twelve months or

17 which has contracted to provide goods, leases, or

18 services to the facility of a”.

19 19. Page 27, line 13, by striking the word

20 “probable” and inserting the following: “actual”.

21 20. Page 29, line 5, by striking the word

22 “including” and inserting the following: “which shall

23 include”.

24 21. By striking page 30, line 30, through page

25 31, line 6, and inserting the following:

26 “3. In the event an amendment is filed with the

27 division of insurance pursuant to subsection 4, the

28 provider shall deliver a copy of the amendment or the

29 amended disclosure statement to a prospective resident

30 and to a prospective resident’s personal

31 representative if one is appointed prior to the

32 provider’s acceptance of part or all of the entrance

33 fee or the execution of the continuing care or senior

34 congregate living services contract by the prospective

35 resident.”

36 22. Page 35, by striking line 12, and inserting

37 the following:

38 “f. A statement of the policy of the facility with

39 regard to any health or financial conditions”.

40 23. Page 35, line 15, by striking the words

41 “description of” and inserting the following:

42 “statement of the policy of the facility with regard

43 to".

44 24. Page 35, line 17, by striking the words

45 "description of" and inserting the following:

46 "statement of the policy of the facility with regard

47 to".

48 25. Page 36, line 3, by striking the words "a

49 just" and inserting the following: "just".

50 26. Page 38, line 25, by striking the word

Page 3

1 "REPORTS" and inserting the following: "FILINGS".

2 27. Page 38, by striking lines 27 through 31.

3 28. Page 39, line 6, by inserting after the word

4 "provider." the following: "With the exception of an
5 examination involving new construction, an examination

6 involving a complaint by a resident or a prospective

7 resident or where good cause exists for the lack of

8 prior notice, as determined by the commissioner, the

9 division of insurance shall provide at least seven

10 days' prior notice to the facility before conducting

11 an on-site examination."

12 29. By renumbering and relettering as necessary.

Amendment H—3720 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?" (S.F. 519)

The ayes were, 72:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Gipp	Groninga	Grubbs
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jochum	Knapp	Koenigs
Lageschulte	Lundby	McKinney	McNeal
Mertz	Metcalf	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shering	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Wise	Wissing	Connors
			Presiding

The nays were, 25:

Banks	Bartz	Beaman	Bennett
Branstad	Daggett	De Groot	Eddie
Garman	Hahn	Halvorson, R. A.	Hurley
Johnson	Kistler	Krebsbach	Kremer
Maulsby	McKean	Miller	Petersen, D. F.
Plasier	Renken	Royer	Van Maanen
Weidman			

Absent or not voting, 3:

Arnould, Spkr. Gruhn Jesse

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 File 455 and Senate File 519.**

SENATE AMENDMENT CONSIDERED

Dvorsky of Johnson called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3987:

H—3987

- 1 Amend House File 690, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 29, by striking the word "Five"
- 4 and inserting the following: "At least four but not
- 5 more than five".
- 6 2. Page 9, by striking lines 4 through 6 and
- 7 inserting the following: "metropolitan facility."
- 8 3. Page 9, line 13, by striking the word "only"
- 9 and inserting the following: "or the construction,
- 10 reconstruction, repair, maintenance, or operation of
- 11 similar metropolitan facilities".
- 12 4. Page 9, by striking lines 32 through 35 and
- 13 inserting the following: "limitation set forth in
- 14 this division."
- 15 5. Page 11, line 14, by striking the figure "1."

- 16 6. Page 11, by striking lines 23 through 25.
 17 7. Page 13, line 32, by striking the word "only".
 18 8. Page 13, line 33, by inserting after the word
 19 "collected" the following: "or similar metropolitan
 20 facility projects".
 21 9. Page 15, by striking lines 12 through 14 and
 22 inserting the following: "shall be authorized by
 23 resolution of the board and shall be either".
 24 10. By striking page 21, line 30 through page 22,
 25 line 6 and inserting the following:
 26 "1. The authority shall be dissolved only by a
 27 majority vote in a referendum undertaken in a manner
 28 similar to the referendum provided for in section
 29 330B.6. The board shall call, upon its own motion, by
 30 petition of the eligible electors as provided in
 31 section 330B.5, or by action of the governing body of
 32 either metropolitan area, for an election to approve
 33 or disapprove the dissolution of the authority.
 34 2. The proposition is approved if the vote in
 35 favor of the proposition is a simple majority of the
 36 total votes cast on the proposition in either one of
 37 the metropolitan areas.
 38 3. The authority shall provide by ordinance for
 39 the disposal of any remaining property, the proceeds
 40 of which shall first be applied against any
 41 outstanding obligation of the authority. The
 42 remaining balance shall be divided between the
 43 counties included in the authority and credited to the
 44 general fund of the respective counties."

The motion prevailed and the House concurred in the Senate amendment H—3987.

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

On the question "Shall the bill pass?" (H.F. 690)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bernau
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	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	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	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
Connors			
Presiding			

The nays were, 5:

Bennett	Bisignano	Hahn	Maulsby
Petersen, D. F.			

Absent or not voting, 2:

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

Unfinished Business Calendar

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

Renaud of Polk offered the following amendment H—3989 filed by him and moved its adoption:

H—3989

- 1 Amend Senate File 273, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 29 the
- 4 following:
- 5 "Sec. _____. Section 455D.19, subsection 6, para-
- 6 graph a, Code 1991, is amended to read as follows:
- 7 a. Packaging or packaging components with a code
- 8 indicating a date of manufacture prior to July 1,
- 9 1990, and packaging or packaging components used by
- 10 the wine industry prior to July 1, 1992."

Amendment H—3989 was adopted.

Renaud of Polk offered the following amendment H—4001 filed by him and moved its adoption:

H—4001

- 1 Amend Senate File 273, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 29, the
- 4 following:
- 5 "Sec. _____. LICENSE FEES AND SURCHARGES STUDY. The
- 6 administrator of the alcoholic beverages division of
- 7 the department of commerce shall conduct a study of
- 8 the fees and surcharges collected by the division from
- 9 licensees and permittees for the privilege of selling
- 10 the various types of alcoholic beverages in this
- 11 state. The administrator shall review the entire fee
- 12 and surcharge structure and make recommendations for
- 13 changes to the general assembly.
- 14 The administrator shall complete the study and
- 15 submit any recommendations to the general assembly not
- 16 later than January 15, 1992."

Amendment H—4001 was adopted.

The following amendment H—4022 filed by Renaud of Polk from the floor was adopted by unanimous consent:

H—4022

- 1 Amend Senate File 273, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, line 1, by inserting after the
- 4 word "Act" the following: "relating to the packaging
- 5 and sale of wine, by".
- 6 2. Title page, line 3, by inserting after the
- 7 word "licensees" the following: "and by providing for
- 8 a study of license fees and surcharges".

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

On the question "Shall the bill pass?" (S.F. 273)

The ayes were, 80:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Chapman	Cohoon
Dickinson	Doderer	Dvorsky	Eddie
Fogarty	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor

Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jochum
Johnson	Knapp	Koenigs	Krebsbach
Kremer	Lundby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Weidman	Wise	Wissing	Connors
			Presiding

The nays were, 18:

Banks	Bennett	Branstad	Carpenter
Corbett	Daggett	De Groot	Diemer
Garman	Hanson, D. E.	Hanson, D. R.	Hurley
Kistler	Lageschulte	Maulsby	Miller
Petersen, D. F.	Van Maanen		

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **Senate File 273** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 505**, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties, previously deferred and retained on the unfinished business calendar.

Hanson of Delaware offered amendment H—3671 filed by him and requested division as follows:

H—3671

- 1 Amend Senate File 505, as passed by the Senate, as
- 2 follows:

H—3671A

- 3 1. By striking page 1, line 35 through page 2,
- 4 line 11, and inserting the following:
- 5 "a. Governor, one million eight hundred thousand
- 6 dollars.
- 7 b. Attorney general, secretary of agriculture,

H—3671A

- 8 secretary of state, treasurer of state, and auditor of
 9 state, one hundred fifty thousand dollars.
 10 c. State senator, thirty-six thousand dollars.
 11 d. State representative, eighteen thousand
 12 dollars."

H—3671B

- 13 2. Page 2, by inserting before line 12, the
 14 following:
 15 "_____. The limitations on campaign expenditures in
 16 subsection 2 shall apply during the following periods:
 17 from January 1 following the preceding general
 18 election for that office, or for a candidate elected
 19 in a special election the first day of the second
 20 month following that special election, until December
 21 31 following the subsequent general election for that
 22 office, or until the date of a special election to
 23 fill that office."
 24 3. By renumbering as necessary.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—3671A.

Hanson of Delaware moved the adoption of amendment H—3671B.

Roll call was requested by Hanson of Delaware and Murphy of Dubuque.

On the question "Shall amendment H—3671B be adopted?"
 (S.F. 505)

The ayes were, 47:

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	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	

The nays were, 50:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke

Cohoon	Dickinson	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jochum
Knapp	Koenigs	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Teaford	Wise
Wissing	Connors		
	Presiding		

Absent or not voting, 3:

Chapman	Doderer	Jesse
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Amendment H—3671B lost.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H—3557 filed by him on April 9, 1991.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3486 filed by him on April 3, 1991.

Black of Jasper in the chair at 10:47 a.m.

Tyrrell of Iowa offered the following amendment H—3505 filed by him and moved its adoption:

H—3505

- 1 Amend Senate File 505 as passed by the Senate as
- 2 follows:
- 3 1. Page 3, by inserting after line 4 the
- 4 following:
- 5 "_____. Mileage expenses of the candidate, at a rate
- 6 of twenty-one cents per mile, are not subject to the
- 7 expenditure limitations of subsection 2."
- 8 2. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 48.

Amendment H—3505 was adopted.

Speaker Arnould in the chair at 11:27 a.m.

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

H—3632

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

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

5 "_____. A candidate shall not retain two hundred
6 fifty dollars or more in the candidate's campaign
7 account after the completion of the general election
8 campaign period. A candidate shall not use campaign
9 funds for personal purposes when the candidate's
10 committee dissolves or no longer receives
11 contributions or makes disbursements."

12 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 48.

Amendment H—3632 lost.

Connors of Polk asked and received unanimous consent to withdraw amendments H—3573 and H—3660 filed by Connors, et al., on April 10 and April 16, 1991 respectively.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—3673 filed by Carpenter, et al., on April 17, 1991.

Spenner of Henry asked and received unanimous consent to withdraw amendment H—3678 filed by Spenner, et al., on April 17, 1991.

Spenner of Henry offered amendment H—3992 filed by Spenner, et al., and requested division as follows:

H—3992

1 Amend Senate File 505 as passed by the Senate, as
2 follows:

H—3992A

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

5 "Sec. _____. NEW SECTION. 56.12A TRANSFERS FROM
6 ONE CANDIDATE'S COMMITTEE TO ANOTHER.

7 A candidate for the general assembly or the
8 candidate's committee shall not use campaign funds for
9 transfers or contributions to another candidate for
10 office in the same house of the general assembly or to
11 the candidate's committee. The cost of purchasing
12 tickets to a fund-raising event held by or on behalf
13 of a candidate to raise money for the candidate's
14 campaign is considered a contribution for purposes of
15 this section, unless the event is sponsored by a state
16 or county statutory political committee."

H-3992B

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

19 "Sec. _____. NEW SECTION. 56.14A RESTRICTIONS ON
20 ACCEPTANCE OF CONTRIBUTIONS.

21 1. The candidate's committee of a holder of the
22 office or of a candidate for the office of state
23 representative or state senator shall not solicit or
24 accept contributions from a political committee, other
25 than a state or county statutory political committee,
26 or from a lobbyist registered under the rules adopted
27 by either house of the general assembly while the
28 general assembly is in regular session. As used in
29 this subsection, "in regular session" does not include
30 the period of time between final adjournment sine die
31 for that year and the ceremonial closing of the
32 session.

33 2. The candidate's committee of a holder of the
34 office or of a candidate for the office of governor
35 shall not solicit or accept contributions from a
36 political committee, other than a state or county
37 statutory political committee, or from a lobbyist
38 registered under the rules adopted by either house of
39 the general assembly while the general assembly is in
40 regular session and for thirty days after the final
41 adjournment sine die of the general assembly for that
42 year."

H-3992C

43 3. Title page, line 2, by inserting after the
44 word "officers" the following: ", prohibiting certain
45 transfers by candidates' committees, providing
46 restrictions on acceptance of certain contributions,".

47 4. By renumbering as necessary.

Spenner of Henry moved the adoption of amendment H-3992A.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 49.

Amendment H-3992A lost.

Spenner of Henry moved the adoption of amendment H-3992B.

Roll call was requested by Hanson of Delaware and Spenner of Henry.

On the question "Shall amendment H—3992B be adopted?"
(S.F. 505)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hammond	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	Tyrrrell
Van Maanen	Weidman		

The nays were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hansen, S. D.	Hatch
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	Spear
Svoboda	Teaford	Wise	Wissing
Mr. Speaker			
Arnould			

Absent or not voting, 1:

Jesse

Amendment H—3992B lost, placing out of order amendment H—3992C.

Carpenter of Polk offered the following amendment H—3993 filed by Carpenter, et al., and moved its adoption:

H—3993

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 5 the follow-
4 ing:

5 "Sec. _____. NEW SECTION. 56.15A LIMITATIONS ON

6 ACCEPTANCE OF POLITICAL COMMITTEE CONTRIBUTIONS.

7 The acceptance of contributions by candidates for
8 the following offices from political committees, other
9 than state or county political committees or
10 candidate's committees, is subject to the following
11 limitations on total contributions which may be
12 received from political committees and on the largest
13 contribution which may be received from a single
14 political committee:

15 1. Governor.

16 a. Total political committee contributions, two
17 hundred fifty thousand dollars in a primary election
18 and five hundred thousand dollars in a general
19 election.

20 b. Largest political committee contribution, five
21 thousand dollars.

22 2. Attorney general, secretary of agriculture,
23 secretary of state, treasurer of state, and auditor of
24 state.

25 a. Total political committee contributions,
26 sixteen thousand six hundred sixty-six dollars in a
27 primary election and thirty-three thousand three
28 hundred thirty-three dollars in a general election.

29 b. Largest political committee contribution, five
30 thousand dollars.

31 3. State senator.

32 a. Total political committee contributions, four
33 thousand one hundred sixty-six dollars in a primary
34 election and eight thousand three hundred thirty-two
35 dollars in a general election.

36 b. Largest political committee contribution, one
37 thousand dollars.

38 4. State representative.

39 a. Total political committee contributions, two
40 thousand five hundred dollars in a primary election
41 and five thousand dollars in a general election.

42 b. Largest political committee contribution, five
43 hundred dollars."

44 2. By renumbering as necessary.

Roll call was requested by Garman of Story and Carpenter of Polk.

On the question "Shall amendment H—3993 be adopted?"
(S.F. 505)

The ayes were, 46:

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
Krebsbach	Kremer
Maulsby	McKean
Millage	Miller
Rafferty	Renken
Siegrist	Spear
Van Maanen	Weidman

Johnson
Lageschulte
McNeal
Petersen, D. F.
Royer
Spenner

Kistler
Lundby
Metcalf
Plasier
Shoning
Tyrrell

The nays were, 52:

Adams	Baker
Bisignano	Black
Brand	Brown
Cohoon	Connors
Dvorsky	Gill
Halvorson, R. N.	Hammond
Haverland	Hibbard
Jochum	Knapp
Mertz	Muhlbauer
Nielsen	Ollie
Peterson, M. K.	Poncy
Shearer	Sherzan
Teaford	Wise

Beatty
Blanshan
Burke
Dickinson
Groninga
Hansen, S. D.
Holveck
Koenigs
Murphy
Osterberg
Renaud
Shoultz
Wissing

Bernau
Brammer
Chapman
Doderer
Gruhn
Hatch
Jay
McKinney
Neuhauser
Pavich
Schrader
Svoboda
Mr. Speaker
Arnould

Absent or not voting, 2:

Fogarty	Jesse
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Amendment H—3993 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 505)

The ayes were, 52:

Adams	Baker
Bisignano	Black
Brand	Brown
Cohoon	Connors
Dvorsky	Gill
Halvorson, R. N.	Hammond
Haverland	Hibbard
Jochum	Knapp
Mertz	Muhlbauer
Nielsen	Ollie
Peterson, M. K.	Poncy
Shearer	Shoultz
Teaford	Wise

Beatty
Blanshan
Burke
Dickinson
Groninga
Hansen, S. D.
Holveck
Koenigs
Murphy
Osterberg
Renaud
Spear
Wissing

Bernau
Brammer
Chapman
Doderer
Gruhn
Hatch
Jay
McKinney
Neuhauser
Pavich
Schrader
Svoboda
Mr. Speaker
Arnould

The nays were, 46:

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	Sherzan
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 2:

Fogarty Jesse

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 505 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 688, a bill for an act relating to 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.

Also: That the Senate has on May 2, 1991, appointed the conference committee to Senate File 101, a bill for an act relating to the loss of pay while on military leave of absence, and the members of the Senate are: The Senator from Linn, Senator Running, Chair; the Senator from Palo Alto, Senator Kibbie; the Senator from Polk, Senator Buhr; the Senator from Marshall, Senator Soorholtz; the Senator from Black Hawk, Senator Slife.

Also: That the Senate has on May 2, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 545, a bill for an act relating to fuel, by providing for the production and consumption of renewable fuel, and providing for the imposition of taxes upon certain fuel.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 12:38 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SENATE MESSAGE CONSIDERED

Senate File 545, by committee on ways and means, a bill for an act relating to fuel, by providing for the production and consumption of renewable fuel, and providing for the imposition of taxes upon certain fuel.

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

SPECIAL PRESENTATION

Pavich of Pottawattamie presented to the House six sixth grade students from Carter Lake Elementary School. They are members of D.A.R.E. and presented a "rap" song and dance. They were accompanied by their teacher Linda Nelson.

The House rose and expressed its welcome.

SENATE AMENDMENTS CONSIDERED

Hammond of Story called up for consideration **House File 668**, a bill for an act relating to the certificate of need program and providing penalties, amended by the Senate amendment H—4006 as follows:

H—4006

1 Amend House File 668, as passed by the House, as
2 follows:

3 1. Page 5, line 29, by striking the word "two"
4 and inserting the following: "three".

5 2. Page 8, line 14, by inserting after the word
6 "refunded." the following: "Notwithstanding the
7 required payment of an application fee under this
8 subsection, an applicant for a new institutional
9 health service or a changed institutional health
10 service offered or developed by an intermediate care
11 facility for the mentally retarded or an intermediate
12 care facility for the mentally ill as defined pursuant
13 to section 135C.1 is exempt from payment of the
14 application fee."

15 3. Page 11, by striking lines 17 through 23 and
16 inserting the following:

17 "m. The special needs and circumstances of health
18 maintenance organizations."

19 4. Page 14, by striking line 28 and inserting the
20 following:

21 "Sec. _____. Section 135.69, Code".

22 5. Page 14, by inserting after line 29 the
23 following:

24 "COUNCIL TO MAKE FINAL DECISION."

25 6. Page 15, by inserting after line 13 the
26 following:

27 "Failure by the council to issue a written decision
28 on an application for a certificate of need within the
29 time required by this section shall constitute denial
30 of and final administrative action on the application;
31 and is subject to appeal under section 135.70."

32 7. Page 15, by striking lines 17 through 31 and
33 inserting the following:

34 "The council's decision on an application for
35 certificate of need, when announced pursuant to
36 section 135.69, is a final decision. Any dissatisfied
37 party who is an affected person with respect to the
38 application, and who participated or sought
39 unsuccessfully to participate in the formal review
40 procedure prescribed by section 135.66, may request a
41 rehearing in accordance with chapter 17A and rules of
42 the department. If a rehearing is not requested or an
43 affected party remains dissatisfied after the request
44 for rehearing, an appeal may be taken in the manner
45 provided by chapter 17A. Notwithstanding the Iowa
46 administrative procedures Act, chapter 17A, a request
47 for rehearing is not required, prior to appeal under
48 section 17A.19."

49 8. Page 18, by inserting after line 4, the
50 following:

Page 2

1 "Sec. _____. FULL-TIME EQUIVALENT POSITIONS —
2 HIRING PROHIBITED. For the fiscal year beginning July
3 1, 1991, and ending June 30, 1992, the department
4 shall not add any new full-time equivalent positions
5 for administration of the certificate of need program
6 and shall submit a full-time equivalent position needs
7 report to the general assembly by January 1, 1992."
8 9. By renumbering, relettering, or redesignating
9 and correcting internal references as necessary.

Hammond of Story offered the following amendment H—4023, to the Senate amendment H—4006, filed by her from the floor and moved its adoption:

H—4023

1 Amend the Senate amendment, H—4006, to House File
2 668, as passed by the House, as follows:

- 3 1. By striking page 1, line 49, through page 2,
 4 line 7.
 5 2. By renumbering as necessary.

Amendment H—4023 was adopted.

On motion by Hammond of Story, the House concurred in the Senate amendment H—4006, as amended.

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

On the question "Shall the bill pass?" (H.F. 668)

The ayes were, 93:

Baker	Banks	Bartz	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	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	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 7:

Adams	Beaman	Hanson, D. E.	Haverland
Holveck	Jochum	Wise	

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

Carpenter of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—3996:

H—3996

- 1 Amend House File 672, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "surgery," the following: "one of whom practices in
- 5 counties with populations of fifty thousand or less,"
- 6 2. Page 1, line 12, by inserting after the word
- 7 "surgery," the following: "one of whom practices in
- 8 counties with populations of fifty thousand or less,"
- 9 3. Page 1, line 32, by striking the word and
- 10 figure "and 3" and inserting the following: " , 3, and
- 11 6".
- 12 4. Page 2, by inserting after line 6, the
- 13 following:
- 14 "A podiatrist may use the prefix "Dr." but or
- 15 "Doctor", and shall add after the person's name the
- 16 letters "D.P.M" or the word "Podiatrist","
- 17 5. Page 7, by inserting after line 27, the
- 18 following:
- 19 "For purposes of this section, "resident physician"
- 20 means a person at any level of training in an
- 21 organized program of graduate medical education in an
- 22 institution approved for this purpose by the medical
- 23 examiners."
- 24 6. Page 9, by striking line 14, and inserting the
- 25 following: " "Osteopathic Physician and Surgeon
- 26 Fellowship License", and".
- 27 7. Page 10, by inserting after line 6, the
- 28 following:
- 29 "For purposes of this section, "resident
- 30 osteopathic physician and surgeon" means a person at
- 31 any level of training in an organized program of
- 32 graduate medical education in an institution approved
- 33 for this purpose by the medical examiners."
- 34 8. By renumbering, relettering, or redesignating
- 35 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3996.

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

On the question "Shall the bill pass?" (H.F. 672)

The ayes were, 97:

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	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 3:

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Haverland of Polk.

SENATE MESSAGE CONSIDERED

Senate File 533, by committee on ways and means, a bill for an act relating to the rate of the Shelby Tennant community school district income surtax and the refund of any excess income surtax paid and providing effective and applicability dates.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 668** be immediately messaged to the Senate.

HOUSE REFUSED TO CONCUR

Shoultz of Black Hawk called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4009 to the House amendment:

H—4009

- 1 Amend the House amendment, S—3648, to Senate File
- 2 478, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 19 through 21.
- 5 2. Page 1, by striking lines 39 through 45.
- 6 3. By renumbering as necessary.

Roll call was requested by Daggett of Adams and Petersen of Muscatine.

On the question "Shall the House concur in the Senate amendment H—4009, to the House amendment?" (S.F. 478)

The ayes were, 41: \$

Baker	Beatty	Bernau	Bisignano
Blanshan	Brammer	Brand	Brown
Burke	Chapman	Cphoon	Dickinson
Doderer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Haverland	Holveck	Jay	Jesse
Jochum	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Schrader
Shearer	Sherzan	Shoultz	Wissing
Mr. Speaker			
Arnould			

The nays were, 54:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Carpenter	Connors
Corbett	Daggett	De Groot	Diemer
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hibbard
Hurley	Iverson	Johnson	Kistler

Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Metcalf	Millage	Miller
Petersen, D. F.	Rolier	Rafferty	Renaud
Renken	Royer	Shoning	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 5:

Adams	Hatch	Knapp	Teaford
Wise			

The motion lost and the House refused to concur in the Senate amendment H—4009, to the House amendment.

SENATE AMENDMENT CONSIDERED

Hansen of Woodbury called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—3974 to the House amendment:

H—3974

- 1 Amend the House amendment, S—3464, to Senate File
- 2 317, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 17.
- 5 2. Page 1, by striking lines 22 through 26, and
- 6 inserting the following: "chapter. A person shall
- 7 cease billing and collecting for a pay-per-call
- 8 service which fails to comply with the requirements of
- 9 this chapter as soon as practicable, but in no event
- 10 more than thirty days, after acquiring knowledge of
- 11 the noncompliance."
- 12 3. By renumbering, relettering, or redesignating
- 13 and correcting internal references as necessary.

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

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

On the question "Shall the bill pass?" (S.F. 317)

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
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	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 2:

Shearer Teaford

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 May 2, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 687, 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.

JOHN F. DWYER, Secretary

The House stood at ease at 3:41 p.m., until the fall of the gavel.

The House resumed session at 4:54 p.m., Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 708, by committee on state government, a bill for an act providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 2, 1991, insisted on its amendment to 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 and penalties, and the members of the Conference Committee on the part of the Senate are: The Senator from Dubuque, Senator Connolly, Chair; the Senator from Fayette, Senator Murphy; the Senator from Marion, Senator Dieleman; the Senator from Polk, Senator Kramer; the Senator from Webster, Senator Kersten.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED (House File 455)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 455: Ollie of Clinton, Chair; Adams of Hamilton, Lageschulte of Bremer, Corbett of Linn and Wissing of Scott.

CONSIDERATION OF BILLS Unfinished Business Calendar

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

Groninga of Cerro Gordo offered the following amendment H-3623 filed by the committee on energy and environmental protection:

H-3623

1 Amend Senate File 362, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, by inserting after line 24 the fol-
4 lowing:

5 "Sec. _____. Section 455B.301, subsection 20, Code
6 1991, is amended to read as follows:

7 20. "Solid waste" means garbage, refuse, rubbish,
8 and other similar discarded solid or semisolid
9 materials, including but not limited to such materials
10 resulting from industrial, commercial, agricultural,
11 and domestic activities. Solid waste may include
12 vehicles, as defined by section 321.1, subsection 1.
13 However, this division does not prohibit the use of
14 dirt, stone, brick, or similar inorganic material for
15 fill, landscaping, excavation or grading at places
16 other than a sanitary disposal project. Solid waste
17 does not include hazardous waste as defined in section
18 455B.411 or source, special nuclear, or by-product
19 material as defined in the Atomic Energy Act of 1954,
20 as amended to January 1, 1979, or petroleum
21 contaminated soil which has been aerated to acceptable
22 state or federal standards."

23 2. Page 1, by striking lines 28 and 29 and
24 inserting the following:

25 "d. Establishing criteria for classifying sites
26 according to the release of a regulated substance in
27 connection with an underground storage tank."

28 3. Page 1, line 33, by inserting after the word
29 "including" the following: "but not limited to".

30 4. By striking page 1, line 35, through page 2,
31 line 1, and inserting the following: "sources."

32 5. Page 2, by striking lines 12 through 14 and
33 inserting the following: "likely to affect ground-
34 water; if the contamination is actually".

35 6. Page 2, line 16, by inserting after the word
36 "standards" the following: "adopted under section
37 455B.173".

38 7. Page 2, line 21, by inserting after the word
39 "standards," the following: "as established by rules
40 adopted by the environmental protection commission or
41 by superseding federal regulations,".

42 8. Page 2, line 29, by striking the words "sites
43 contaminated by tank releases" and inserting the
44 following: "the release of a regulated substance in
45 connection with an underground storage tank".

46 9. Page 2, line 30, by inserting after the word
47 "include" the following: "but not be limited to".

48 10. Page 2, by striking lines 32 and 33 and
49 inserting the following:

50 "(1) A requirement that the site cleanup report do

Page 2

1 all of the following:".

2 11. Page 3, line 1, by striking the word
3 "Determine" and inserting the following: "Provide
4 supporting data and a recommendation of".

5 12. Page 3, by striking lines 22 through 24 and
6 inserting the following: "conditions warrant. If,
7 after ten years of monitoring, no significant increase
8 in contamination results, monitoring shall be
9 discontinued."

10 13. Page 3, line 29, by inserting after the word
11 "groundwater." the following: "For purposes of this
12 subparagraph, "bioremediation" means the use of
13 biological organisms, including microorganisms or
14 plants, to degrade organic pollutants to common
15 natural products."

16 14. Page 4, by inserting after line 4 the
17 following:

18 "(9) The director may order an owner or operator
19 to immediately take all corrective actions deemed
20 reasonable and necessary by the director if the
21 corrective action is consistent with the
22 prioritization rules adopted under this paragraph."

23 15. Page 4, line 9, by striking the word "five"
24 and inserting the following: "ten".

25 16. Page 5, by inserting after line 33 the
26 following:

27 "Sec. _____. Section 455G.2, subsection 15,
28 unnumbered paragraph 2, Code 1991, is amended by
29 striking the unnumbered paragraph."

30 17. Page 6, line 3, by inserting after the word
31 "adopted." the following: "As used in this paragraph,
32 "community remediation" means a program of coordinated
33 testing, planning, or remediation, involving two or
34 more tank sites potentially connected with a
35 continuous contaminated area, pursuant to rules
36 adopted by the board. A community remediation does

37 not expand the scope of coverage otherwise available
38 or relieve liability otherwise imposed under state or
39 federal law."

40 18. Page 6, by inserting after line 3, the
41 following:

42 "Sec. _____. Section 455G.9, subsection 1, paragraph
43 a, subparagraph (1), Code 1991, is amended by adding
44 the following new unnumbered paragraph:

45 NEW UNNUMBERED PARAGRAPH. If an owner or operator
46 installed and operated a monitoring system in
47 compliance with 1985 monitoring standards, corrective
48 action costs shall be paid in accordance with
49 subsection 4."

50 19. Page 6, by inserting after line 22, the

Page 3

1 following:

2 "Sec. _____. Section 455G.9, subsection 1, paragraph
3 a, subparagraph (3), Code 1991, is amended by adding
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. If an owner or operator
6 installed and operated a monitoring system in
7 compliance with 1985 monitoring standards, corrective
8 action costs shall be paid in accordance with
9 subsection 4."

10 20. Page 6, by inserting after line 34 the
11 following:

12 "Sec. _____. Section 455G.9, subsection 1,
13 paragraphs b and c, Code 1991, are amended to read as
14 follows:

15 b. Corrective action and third-party liability for
16 a release discovered on or after January 24, 1989, for
17 which a responsible owner or operator able to pay
18 cannot be found and for which the federal underground
19 storage tank trust fund or other federal moneys do not
20 provide coverage. For the purposes of this section
21 property shall not be deeded or quitclaimed to the
22 state or board in lieu of cleanup. Additionally, the
23 ability to pay shall be determined after a claim has
24 been filed. The board is not liable for any cost
25 where either the responsible owner or operator, or
26 both, have a net worth greater than fifteen thousand
27 dollars, or where the responsible party can be
28 determined. Third-party liability specifically
29 excludes any claim, cause of action, or suit, for
30 personal injury including, but not limited to, loss of
31 use or of private enjoyment, mental anguish, false
32 imprisonment, wrongful entry or eviction, humiliation,
33 discrimination, or malicious prosecution.

34 c. Corrective action and third-party liability for
35 a tank owned or operated by a financial institution

36 eligible to participate in the remedial account under
37 section 455G.16 if the prior owner or operator is
38 unable to pay, if so authorized by the board as part
39 of a condition or incentive for financial institution
40 participation in the fund pursuant to section 455G.16.
41 Third-party liability specifically excludes any claim,
42 cause of action, or suit, for personal injury
43 including, but not limited to, loss of use or of
44 private enjoyment, mental anguish, false imprisonment,
45 wrongful entry or eviction, humiliation,
46 discrimination, or malicious prosecution."
47 21. Page 7, line 1, by striking the word
48 "paragraph" and inserting the following:
49 "paragraphs".
50 22. Page 7, by inserting after line 12, the

Page 4

1 following:
2 "NEW PARAGRAPH. h. Corrective action for the
3 costs of a release under all of the following
4 conditions:
5 (1) The property upon which the tank causing the
6 release was situated was transferred by inheritance,
7 devise, or bequest.
8 (2) The property upon which the tank causing the
9 release was situated has not been used to store or
10 dispense petroleum since January 1, 1974.
11 (3) The person who received the property by
12 inheritance, devise, or bequest was not the owner of
13 the property during the period of time when the
14 release which is the subject of the corrective action
15 occurred.
16 Corrective action costs and copayment amounts under
17 this paragraph shall be paid in accordance with
18 subsection 4.
19 A person requesting benefits under this paragraph
20 may establish that the conditions of subparagraphs
21 (1), (2), and (3) are met through the use of
22 supporting documents, including a personal affidavit.
23 The burden shall be on the board to prove that a
24 person is not eligible for benefits under this
25 paragraph."
26 23. Page 8, line 13, by inserting after the word
27 "value," the following: "adjusted for equipment and
28 capital improvements,".
29 24. Page 9, line 8, by striking the word
30 "subsection" and inserting the following:
31 "subsections".
32 25. Page 9, by inserting after line 17 the
33 following:

34 "NEW SUBSECTION. 9. WASTE OIL. An owner or
35 operator who is in the business of storing or
36 dispensing petroleum and who participates in the
37 remedial program under this section shall be required
38 to do all of the following:
39 a. Maintain a tank for the purpose of storing
40 waste oil.
41 b. Accept waste oil from the general public.
42 c. Post a notice at the site in a form and manner
43 approved by the administrator advertising that the
44 person will accept waste oil from the general public."
45 26. Page 10, by inserting after line 16 the
46 following:
47 "Sec. _____. Section 455G.11, subsection 1, Code
48 1991, is amended by adding the following new
49 unnumbered paragraph:
50 NEW UNNUMBERED PARAGRAPH. To the extent that

Page 5

1 coverage under this section includes third-party
2 liability, third-party liability specifically excludes
3 any claim, cause of action, or suit, for personal
4 injury including, but not limited to, loss of use or
5 of private enjoyment, mental anguish, false
6 imprisonment, wrongful entry or eviction, humiliation,
7 discrimination, or malicious prosecution."
8 27. Page 11, line 1, by inserting after the word
9 "INSTALLER'S" the following: "AND INSPECTOR'S".
10 28. Page 11, line 3, by striking the words "an
11 installer of a" and inserting the following:
12 "installers and inspectors of".
13 29. Page 11, line 4, by striking the word
14 "installation" and inserting the following:
15 "installations".
16 30. Page 11, line 18, by striking the words "an
17 installer" and inserting the following: "installers
18 and inspectors".
19 31. Page 11, line 23, by inserting after the word
20 "basis." the following: "The premium paid shall be
21 fully earned and is not subject to refund or
22 cancellation."
23 32. Page 11, by inserting after line 24 the fol-
24 lowing:
25 "(5) The board may offer coverage at rates based
26 on sales or payrolls, if the qualifying installer or
27 inspector cannot be rated on a per tank basis, or if
28 the work the installer or inspector performs involves
29 more than tank installation. The rates to develop
30 premiums shall be based on the premium charged per
31 tank under subparagraphs (1), (2), and (3)."

32 33. Page 11, line 25, by striking the words "An
33 installer" and inserting the following: "Installers
34 and inspectors".

35 34. Page 11, line 32, by striking the words "An
36 installer" and inserting the following: "Installers
37 and inspectors".

38 35. Page 12, by striking lines 13 through 15 and
39 inserting the following: "warranty conditions."

40 36. Page 12, line 19, by inserting after the word
41 "installers" the following: "and inspectors".

42 37. Page 12, line 29, by inserting after the word
43 "installer" the following: "or inspector".

44 38. Page 14, line 33, by striking the word "is"
45 and inserting the following: "may be".

46 39. Page 15, by inserting after line 14 the fol-
47 lowing:

48 "Sec. _____. Section 455G.12, Code 1991, is amended
49 to read as follows:

50 455G.12 BOARD AUTHORITY FOR PRIORITIZATION.

Page 6

1 1. If the board determines that within the realm
2 of sound business judgment and practice,
3 prioritization of assistance is necessary in light of
4 funds currently available for remedial benefits, the
5 board may develop rules for remedial assistance
6 prioritization for any or all of the remedial benefit
7 criteria contained in section 455G.9. The
8 prioritization criteria shall at minimum favor the
9 following:

10 a. Rural population sites.

11 b. Sites in which environmental, safety, and
12 health hazards are posed by the release.

13 c. Other criteria as the board, in its discretion,
14 finds necessary or convenient for the administration
15 and financing of remedial benefits.

16 2. If the board determines that, within the realm
17 of sound business judgment and practice,
18 prioritization of assistance is necessary in light of
19 funds available for loan guarantees or insurance
20 coverage, the board may develop rules for assistance
21 or coverage prioritization based upon adherence or
22 planned adherence of the owner or operator to higher
23 than minimum environmental protection and safety
24 compliance considerations.

25 Prior to the adoption of prioritization rules, the
26 board shall at minimum review the following issues:

27 1 a. The positive environmental impact of
28 assistance prioritization.

29 2 b. The economic feasibility, including the
30 availability of private financing, for an owner or
31 operator to obtain priority status.

32 3 c. Any negative impact on Iowa's rural petroleum
33 distribution network which could result from
34 prioritization.

35 4 d. Any similar prioritization systems in use by
36 the private financing or insurance markets in this
37 state, including terms, conditions, or exclusions.

38 5 e. The intent of this chapter that the board
39 shall maximize the availability of reasonably priced,
40 financially sound insurance coverage or loan guarantee
41 assistance."

42 40. Page 15, by inserting after line 25 the fol-
43 lowing:

44 "Sec. _____. Section 455G.12A, Code 1991, is amended
45 by adding the following new subsection:

46 NEW SUBSECTION. 4. PRIOR APPROVAL BY ADMINISTRA-
47 TOR. Unless emergency conditions exist, a contractor
48 performing services pursuant to this section shall
49 have the budget for the work approved by the adminis-
50 trator prior to commencement of the work. No expense

Page 7

1 incurred which is above the budgeted amount shall be
2 paid unless the administrator approves such expense
3 prior to it being incurred. All invoices or bills
4 shall be submitted with appropriate documentation as
5 deemed necessary by the board, no later than thirty
6 days after the work has been performed. Neither the
7 board nor an owner or operator is responsible for
8 payment for work incurred which has not been
9 previously approved by the board."

10 41. Page 15, line 31, by inserting after the word
11 "other" the following: "potentially responsible".

12 42. Page 15, by striking line 34 and inserting
13 the following: "and for all other costs; or including
14 reasonable attorney fees and costs of litigation for
15 which moneys are expended by the fund in".

16 43. Page 16, line 11, by striking the word
17 "person" and inserting the following: "person
18 potentially responsible party".

19 44. Page 16, line 23, by striking the word
20 "subsections" and inserting the following:
21 "subsection".

22 45. By striking page 16, line 30, through page
23 17, line 10.

24 46. Page 17, by inserting after line 10, the
25 following:

26 "Sec. _____. Section 455G.13, subsection 10, Code
27 1991, is amended to read as follows:

28 10. SUBROGATION RIGHTS CLAIMS AGAINST POTENTIALLY
29 RESPONSIBLE PARTIES.

30 Payment Upon payment of a claim by the fund
31 pursuant to this chapter, shall be conditioned upon
32 the board's acquiring by subrogation the rights of the
33 claimant to recover those costs and expenditures for
34 corrective action for which the fund has compensated
35 the claimant, from the person responsible or liable
36 for the unauthorized release any potentially
37 responsible party, are assumed by the board to the
38 extent paid by the fund. A claimant is precluded from
39 receiving double compensation for the same injury.

40 In an action brought pursuant to this chapter
41 seeking damages for corrective action or third-party
42 liability, the court shall permit evidence and
43 argument as to the replacement or indemnification of
44 actual economic losses incurred or to be incurred in
45 the future by the claimant by reason of insurance
46 benefits, governmental benefits or programs, or from
47 any other source.

48 Sec. _____. Section 455G.13, subsection 10, Code
49 1991, is amended by adding the following new
50 unnumbered paragraph:

Page 8

1 NEW UNNUMBERED PARAGRAPH. A claimant may elect to
2 permit the board to pursue the claimant's cause of
3 action for any injury not compensated by the fund
4 against any potentially responsible party, provided
5 the attorney general determines such representation
6 would not be a conflict of interest. If a claimant so
7 elects, the board's litigation expenses shall be
8 shared on a pro rata basis with the claimant, but the
9 claimant's share of litigation expenses are payable
10 exclusively from any share of the settlement or
11 judgment payable to the claimant.

12 Sec. _____. Section 455G.16, Code 1991, is amended
13 by adding the following new unnumbered paragraph:

14 "NEW UNNUMBERED PARAGRAPH. Third-party liability
15 expenses under this section specifically exclude any
16 claim, cause of action, or suit, for personal injury
17 including, but not limited to loss of use or of
18 private enjoyment, mental anguish, false imprisonment,
19 wrongful entry or eviction, humiliation,
20 discrimination, or malicious prosecution."

21 47. By striking page 17, line 11, through page
22 19, line 1, and inserting the following:

23 "Sec. _____. Section 455G.17, subsection 3, Code
24 1991, is amended to read as follows:

25 3. The board shall adopt approved curricula for
26 training persons to install underground storage tanks

27 in such a manner that the resulting installation may
28 be certified under section 455G.11, subsection 6, and
29 for training persons to remove tanks.

30 Sec. _____. Section 455G.17, subsection 4, Code
31 1991, is amended by striking the subsection.

32 Sec. _____. NEW SECTION. 455G.17A GROUNDWATER PRO-
33 FESSIONALS — REGISTRATION.

34 1. The department of natural resources shall adopt
35 rules pursuant to chapter 17A requiring that
36 groundwater professionals register with the department
37 of natural resources.

38 2. A groundwater professional is a person who
39 provides subsurface soil contamination and groundwater
40 consulting services or who contracts to perform
41 remediation or corrective action services and is one
42 or more of the following:

43 a. A person certified by the American institute of
44 hydrology, the national water well association, or the
45 association of groundwater scientists.

46 b. A professional engineer registered in Iowa.

47 c. Any person who has five years of direct and
48 related experience as a groundwater professional as of
49 the effective date of this Act.

50 d. Any other person with a license, certification,

Page 9

1 or registration to practice hydrogeology or
2 groundwater hydrology issued by any state in the
3 United States or by any national organization, '
4 provided that the license, certification, or
5 registration process requires, at a minimum, all of
6 the following:

7 (1) Possession of a bachelor's degree from an
8 accredited college.

9 (2) Five years of related professional experience.

10 3. The department of natural resources may provide
11 for a civil penalty of no more than fifty dollars for
12 the failure to register. An interested person may
13 obtain a list of registrants from the department of
14 natural resources. The department of natural
15 resources may impose a fee for the registration of
16 persons under this section."

17 48. Page 19, by inserting after line 28 the
18 following:

19 "Sec. _____. ABOVEGROUND PETROLEUM STORAGE TANK
20 STUDY. The board shall be required to study and make
21 recommendations to the general assembly on the effects
22 of including aboveground petroleum storage tanks, as
23 defined in section 101.21, subsection 1, in the fund.
24 The study shall assume that owners and operators of
25 aboveground tanks will receive the same benefits and

26 payment structures as exist for underground storage
27 tank owners and operators. In addition, it shall be
28 assumed that aboveground tanks will be required to pay
29 the equivalent diminution fee as required for
30 underground tanks. The report shall include cost
31 projections and the identification of any relevant or
32 proposed federal legislation affecting aboveground
33 storage tanks. The report shall be submitted to the
34 general assembly by January 15, 1992."

35 49. Title page, line 4, by inserting after the
36 word "factor," the following: "excluding aerated
37 petroleum contaminated soil from the definition of
38 solid waste,".

39 50. Title page, line 5, by inserting after the
40 word "product," the following: "claimant, potentially
41 responsible party, and release,".

42 51. Title page, line 8, by inserting after the
43 word "organizations" the following: "and certain
44 persons who inherit property".

45 52. Title page, line 10, by inserting after the
46 word "action," the following: "providing retroactive
47 benefits, requiring the collection of waste oil,".

48 53. Title page, line 13, by inserting after the
49 word "installers" the following: "and inspectors,".

50 54. Title page, line 14, by inserting after the

Page 10

1 word "transfers," the following: "establishing
2 prioritization criteria for remedial payments,
3 providing cost containment measures,".

4 55. Title page, line 15, by striking the word
5 "account" and inserting the following: "and remedial
6 accounts".

7 56. Title page, line 16, by striking the words
8 "certification and".

9 57. Title page, line 17, by inserting after the
10 word "offset," the following: "requiring an
11 underground storage tank study, making technical
12 corrections".

13 58. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

Hatch of Polk offered amendment H-4026, to the committee amendment H-3623, filed from the floor by Hatch, Groninga, Schrader, Osterberg, Hibbard and Muhlbauer. Division was requested as follows:

H-4026

1 Amend the amendment, H-3623, to Senate File 362, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

H-4026A

4 1. Page 1, by inserting after line 2 the fol-
5 lowing:

6 "_____. Page 1, by inserting before line 1 the
7 following:

8 "Section 1. Section 101.1, Code 1991, is amended
9 by adding the following new subsection:

10 **NEW SUBSECTION. 3.** For the conversion of existing
11 underground storage tanks to aboveground storage tanks
12 the rules shall not require movement or modification
13 of the existing pumps to complete the installation of
14 the aboveground system if the aboveground system is
15 located at a retail motor vehicle fuel outlet." "

H-4026B

16 2. Page 1, by inserting after line 2, the
17 following:

18 "_____. Page 1, by inserting before line 1, the
19 following:

20 Sec. _____. Section 101.12, Code 1991, is amended to
21 read as follows:

22 **101.12 ABOVEGROUND PETROLEUM TANKS AUTHORIZED.**

23 Rules of the state fire marshal shall permit
24 installation of aboveground petroleum storage tanks
25 for retail motor vehicle fuel outlets as permitted by
26 the latest edition of the national fire protection
27 association rule 30A, except that tanks are limited to
28 a maximum capacity of two thousand gallons per tank,
29 subject to the approval of the governing body of the
30 local governmental subdivision with jurisdiction over
31 the site of the outlet." "

H-4026C

32 3. Page 1, by inserting after line 2, the
33 following:

34 "_____. Page 1, by inserting before line 1, the
35 following:

36 "Sec. _____. Section 101.12, Code 1991, is amended
37 by adding the following new unnumbered paragraph:

38 **NEW UNNUMBERED PARAGRAPH.** Installation of tanks
39 shall only be permitted under this subsection at
40 retail motor vehicle fuel outlets with an attendant
41 present at all times the outlet is open for
42 business." "

H-4026A

43 4. Page 1, by inserting before line 3 the
44 following:

45 "_____. Page 1, by inserting after line 12 the
46 following:

H-4026A

47 "Sec. _____. Section 424.2, subsections 5, 9, and
48 12, Code 1991; are amended to read as follows:
49 5. "Depositor" means the person who deposits
50 petroleum into a an underground storage tank subject

Page 2

1 to regulation under chapter 455G or an aboveground
2 petroleum storage tank located at a retail motor
3 vehicle fuel outlet.

4 9. "Owner or operator" means "owner or operator"
5 of an underground storage tank as used in chapter 455G
6 or the "owner" or "operator" of an aboveground
7 petroleum storage tank located at a retail motor
8 vehicle fuel outlet.

9 12. "Tank" means an underground storage tank
10 subject to regulation under chapter 455G or an
11 aboveground petroleum storage tank located at a retail
12 motor vehicle fuel outlet."

13 5. Page 1, line 21, by striking the word
14 "aerated" and inserting the following: "remediated".

15 6. Page 1, by striking lines 23 through 41, and
16 inserting the following:

17 "_____. By striking page 1, line 28 through page 2,
18 line 27 and inserting the following:

19 "d. Establishing criteria for classifying sites
20 according to the release of a regulated substance in
21 connection with an underground storage tank.

22 (1) The classification system shall consider the
23 actual or potential threat to public health and
24 safety, and to the environment posed by the
25 contaminated site and shall take into account relevant
26 factors, including the presence of contamination in
27 soils, groundwaters, and surface waters, and the
28 effect of conduits, barriers, and distances on the
29 contamination found in those areas according to the
30 following factors:

31 (a) Soils shall be evaluated based upon the depth
32 of the existing contamination and its distance from
33 the ground surface to the contamination zone and the
34 contamination zone to the groundwater; the soil type
35 and permeability, including whether the contamination
36 exists in clay, till or sand and gravel; and the
37 variability of the soils, whether the contamination
38 exists in soils of natural variability or in a
39 disturbed area.

40 (b) Groundwaters shall be evaluated based upon the
41 depth of the contamination and its distance from the
42 ground surface to the groundwater and from the
43 contamination zone to the groundwater; the flow
44 pattern of the groundwater, the direction of the flow

H-4026A

45 in relation to the contamination zone and the
46 interconnection of the groundwater with the surface or
47 with surface water and with other groundwater sources;
48 the nature of the groundwater, whether it is located
49 in a high yield aquifer, an isolated, low yield
50 aquifer, or in a transient saturation zone; and use of

Page 3

1 the groundwater, whether it is used as a drinking
2 water source for public or private drinking water
3 supplies, for livestock watering, or for commercial
4 and industrial processing.

5 (c) Surface water shall be evaluated based upon
6 its location, its distance in relation to the
7 contamination zone, the groundwater system and flow,
8 and its location in relation to surface drainage.

9 (d) The effect of conduits, barriers, and
10 distances on the contamination found in soils,
11 groundwaters, and surface waters. Consideration
12 should be given to the following: the effect of
13 contamination on conduits such as wells, utility
14 lines, tile lines and drainage systems; the effect of
15 conduits on the transport of the contamination;
16 whether a well is active or abandoned; what function
17 the utility line serves, whether it is a sewer line, a
18 water distribution line, telephone line, or other
19 line; the existence of barriers such as buildings and
20 other structures, pavement, and natural barriers,
21 including rock formations and ravines; and the
22 distance which separates the contamination found in
23 the soils, groundwaters, or surface waters from the
24 conduits and barriers.

25 (2) A site shall be classified as a high,
26 moderate, low, or minimum risk site.

27 (a) A site shall be considered high risk if
28 contamination is present, and if the contamination is
29 actually affecting or likely to affect groundwater,
30 which is used as a source water for private or public
31 water supplies, to a level rendering the groundwater
32 unsafe for human consumption; if the contamination is
33 actually affecting or likely to affect surface water
34 bodies; or if harmful or explosive concentrations of
35 petroleum substances or vapors affecting structures or
36 utility installations exist or are likely to occur.

37 (b) A site shall be considered moderate risk if
38 contamination is present and is actually affecting or
39 likely to affect groundwater, but high risk conditions
40 do not exist and are not likely to occur.

41 (c) A site shall be considered low risk if the
42 contamination is above action level standards, but

H--4026A

43 high or moderate-risk conditions do not exist and are
44 not likely to occur.

45 (d) A site shall be considered minimum risk if
46 contamination is below action level standards and
47 high, moderate, or low risk conditions do not exist
48 and are not likely to occur.

49 (e) A site with a higher classification shall be
50 reclassified as a site with a lower classification

Page 4

1 when the site falls within a lower classification as
2 established under this subparagraph." "

3 7. Page 2, by striking lines 5 through 9 and
4 inserting the following:

5 "_____. Page 3, by striking lines 18 through 26 and
6 inserting the following:

7 "(4A) Moderate risk sites shall be monitored no
8 less than four times annually. A site may be upgraded
9 to a high risk classification based on monitoring if
10 conditions warrant. If, after ten years of
11 monitoring, no significant increase in contamination
12 results, the site shall be monitored no less than two
13 times annually, until such time as the site can be
14 reclassified as a low or minimum risk site.

15 (5) Low risk sites shall be monitored, not less
16 than once nor more than four times annually. Active
17 remediation of the contamination shall not be
18 required. A site may be upgraded to a moderate or
19 high risk classification based upon the monitoring if
20 conditions warrant. After five years of monitoring, a
21 site shall be reclassified as a minimum risk site if
22 the site is tested for two consecutive quarters of the
23 year and the contamination is found to be below action
24 level standards.

25 (5A) Minimum risk sites shall not be required to
26 be remediated or monitored." "

27 8. Page 2, by inserting after line 15, the
28 following:

29 "_____. Page 3, line 31, by inserting after the
30 word "high" the following: ", moderate," "

31 9. Page 2, by inserting after line 22, the
32 following:

33 "_____. Page 4, line 8, by inserting before the
34 word "low" the following: "moderate or" "

35 10. Page 2, by striking lines 23 and 24 and
36 inserting the following:

37 "_____. Page 4, line 13, by striking the word "no"
38 and inserting the following: "minimum" "

39 11. Page 3, by inserting after line 11, the
40 following:

H-4026A

41 "NEW SUBPARAGRAPH. (6) For the purposes of
42 calculating corrective action costs under this
43 paragraph, corrective action shall include the costs
44 associated with monitoring required by the corrective
45 action rules adopted under section 455B.474,
46 subsection 1, paragraph "F".

47 12. Page 3, by striking lines 47 through 49.

48 13. Page 3, by inserting before line 50, the
49 following:

50 "_____. By striking page 6, line 35, through page

Page 5

1 7, line 12."

2 14. Page 3, line 50, by striking the words and
3 figure "after line 12" and inserting the following:
4 "before line 13".

5 15. Page 4, by inserting before line 26, the
6 following:

7 "_____. Page 7, by striking lines 21 through 31,
8 and inserting the following:

9 "(1) If a site's total anticipated expenses are
10 not reserved for more than, or actual expenses do not
11 exceed fifty thousand dollars, an owner or operator
12 shall pay five thousand dollars for the total costs of
13 corrective action which do not exceed fifty thousand
14 dollars.

15 (2) If a site's total anticipated expenses are
16 reserved for more than, or actual expenses exceed
17 fifty thousand dollars, in addition to the amount as
18 designated in subparagraph (1), an owner or operator
19 shall pay twenty percent of the total corrective
20 action costs up to a total anticipated expense
21 reserved for no more than or an actual expense which
22 does not exceed seventy-five thousand dollars.

23 (3) If a site's total anticipated expenses are
24 reserved for more than, or actual expenses exceed
25 seventy-five thousand dollars, in addition to the
26 amounts designated under subparagraphs (1) and (2), an
27 owner or operator shall pay thirty-five percent of the
28 total costs of the corrective action for that release
29 which exceed seventy-five thousand dollars.

30 b. All payments relating to the costs of
31 corrective action made by an owner or operator to meet
32 the five thousand dollar deductible amount required
33 under subparagraph (1) shall include the board as co-
34 payee." "

35 16. Page 4, by striking lines 29 through 44.

36 17. Page 4, by inserting before line 45 the
37 following:

38 "_____. Page 9, by inserting after line 25 the

H—4026A

39 following:

40 "Sec. _____. Section 455G.10, subsection 1, Code
41 1991, is amended by adding the following new
42 paragraph:

43 NEW PARAGRAPH. c. All or a portion of the ex-
44 penses associated with the conversion of an existing
45 underground storage tank system to an aboveground
46 storage tank system if the aboveground system is
47 located at a retail motor vehicle fuel outlet."

48 _____. Page 9, line 26, by striking the words and
49 figure "subsections 5 and" and inserting the
50 following: "subsection 1, unnumbered paragraph 2, and

Page 6

1 subsection".

2 _____. By striking page 9, line 28 through page 10,
3 line 8, and inserting the following:

4 "Moneys from the revenues derived from the use tax
5 imposed under chapter 423 may be used to fund the loan
6 guarantee account according to the fund budget as
7 approved by the board. Loan guarantees shall be made
8 on terms and conditions determined by the board to be
9 reasonable, except that in no case may a loan
10 guarantee satisfy more than ninety ninety-five percent
11 of the outstanding balance of a loan."

12 18. Page 8, by inserting after line 46 the
13 following:

14 "_____. A professional geologist certified by a
15 national organization."

16 19. Page 8, by striking line 48 and inserting the
17 following: "related experience and training as a
18 groundwater professional or in the field of earth
19 sciences as of".

20 20. Page 9, by striking lines 17 through 34.

21 21. Page 9, by inserting before line 35 the
22 following:

23 "_____. Title page, line 1, by inserting after the
24 word "relating" the following: "to petroleum
25 aboveground storage tanks and".

26 22. Page 9, line 47, by striking the words "re-
27 quiring the collection of waste oil,".

28 23. Page 9, by inserting after line 47 the
29 following:

30 "_____. Title page, by striking lines 11 and 12 and
31 inserting the following: "payments extending loan
32 maturity dates, increasing the loan guarantees,
33 extending upgrade dates, offering".

34 24. Page 10, by striking lines 9 through 12.

35 25. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

On motion by Hatch of Polk amendment H—4026A, to the committee amendment H—3623, was adopted.

Hatch of Polk moved the adoption of amendment H—4026B, to the committee amendment H—3623.

A non-record roll call was requested.

The ayes were 32, nays 55.

Amendment H—4026B lost.

On motion by Hatch of Polk amendment H—4026C, to the committee amendment H—3623, lost.

Hatch of Polk offered the following amendment H—4027, to the committee amendment H—3623, filed by him from the floor:

H—4027

1 Amend the amendment, H—3623, to Senate File 362, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 47, by striking the words "but
5 not be limited to" and inserting the following: "
6 but not be limited to,".

7 2. Page 2, by inserting before line 25 the
8 following:

9 "_____. Page 5, line 3, by inserting after the word
10 "installer" the following: "or inspector"."

11 3. Page 2, by inserting after line 49 the follow-
12 ing:

13 "_____. Page 6, line 8, by striking the figure
14 "455G.12A" and inserting the following: "455G.12A
15 455G.12"."

16 4. Page 5, by inserting after line 37 the follow-
17 ing:

18 "_____. Page 12, line 3, by inserting after the
19 word "installer" the following: "or inspector".

20 _____. Page 12, line 9, by striking the words "or
21 installer" and inserting the following: "installer or
22 inspector"."

23 5. Page 5, line 41, by striking the words "and
24 inspectors" and inserting the following: "and
25 inspectors".

26 6. Page 5, by inserting before line 42 the
27 following:

28 "_____. Page 12, line 26, by inserting after the
29 word "installers" the following: "or inspectors"."

30 7. Page 7, by inserting after line 21 the fol-
31 lowing:

- 32 " _____. Page 16, line 24, by inserting after the
33 word "INSTALLERS" the following: "AND INSPECTORS".
34 _____. Page 16, line 28, by inserting after the
35 word "installer" the following: "or an inspector".
36 8. Page 7, by striking lines 29 and 30 and
37 inserting the following: "RESPONSIBLE PARTIES.
38 Payment Upon payment of a claim by the fund".
39 9. Page 10, by striking lines 4 through 6.
40 10. Page 10, line 11, by striking the word
41 "underground" and inserting the following:
42 "aboveground".
43 11. By renumbering as necessary.

The Speaker announced that lines 40 through 42 of amendment H—4027 are out of order with the adoption of amendment H—4026A.

On motion by Hatch of Polk, amendment H—4027 was adopted.

SPONSOR ADDED

(Amendment H—4028, to amendment H—3623, to Senate File 362)

Bartz of Worth requested to be added as a sponsor of amendment H—4028, to amendment H—3623, to Senate File 362.

Hatch of Polk offered the following amendment H—4028, to the committee amendment H—3623, filed from the floor by Hatch, Schrader, Hibbard, Groninga and Bartz and moved its adoption:

H—4028

- 1 Amend the amendment, H—3623, to Senate File 362, as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. By striking page 2, line 40 through page 3,
5 line 9.
6 2. Page 3, by inserting before line 10, the
7 following:
8 " _____. Page 6, by inserting after line 3, the
9 following:
10 "Sec. _____. Section 455G.9, subsection 1, paragraph
11 a, subparagraph (1), Code 1991, is amended to read as
12 follows:
13 (1) Corrective action for an eligible release
14 reported to the department of natural resources on or
15 after July 1, 1987, but prior to May 5, 1989. Third-
16 party liability is specifically excluded from remedial
17 account coverage. For a claim for a release under
18 this subparagraph, the remedial program shall pay no
19 more than the lesser of twenty-five thousand dollars
20 or one-third of the total costs of corrective action
21 for that release, in accordance with subsection 4
22 notwithstanding. For a release to be eligible for
23 coverage under this subparagraph the following
24 conditions must be satisfied:

25 (a) The owner or operator applying for coverage
26 shall not be a person who is maintaining, or has
27 maintained, proof of financial responsibility for
28 federal regulations through self-insurance.

29 (b) The owner or operator applying for coverage
30 shall not have claimed bankruptcy any time on or after
31 July 1, 1987.

32 (c) The claim for coverage pursuant to this
33 subparagraph must have been filed with the board prior
34 to January 31, 1990.

35 (d) The owner or operator at the time the release
36 was reported to the department of natural resources
37 must have been in compliance with then current
38 monitoring requirements, if any, or must have been in
39 the process of compliance efforts with anticipated
40 requirements, including installation of monitoring
41 devices, a new tank, tank improvements or retrofit, or
42 any combination.

43 Total payments for claims pursuant to this
44 subparagraph are limited to no more than eight million
45 dollars. Claims for eligible retroactive releases
46 shall be prorated if claims filed in a permitted
47 application period or for a particular priority class
48 of applicants exceed eight million dollars or the then
49 remaining balance of eight million dollars. If claims
50 remain partially or totally unpaid after total

Page 2

1 payments equal eight million dollars, all remaining
2 claims are void, and no entitlement exists for further
3 payment."

4 _____. Page 6, by striking lines 18 through 22 and
5 inserting the following: "26, 1990.

6 Sec. _____. Section 455G.9, subsection 1, paragraph
7 a, subparagraph (3), unnumbered paragraph 1, Code
8 1991, is amended to read as follows:

9 Corrective action for an eligible release reported
10 to the department of natural resources on or after
11 January 1, 1985, but prior to July 1, 1987. Third-
12 party liability is specifically excluded from remedial
13 account coverage. For a claim for a release under
14 this subparagraph, the remedial program shall pay no
15 more than the lesser of twenty-five thousand dollars
16 or one-third of the total costs of corrective action
17 for that release, in accordance with subsection 4
18 notwithstanding. For a release to be eligible for
19 coverage under this subparagraph the following
20 conditions must be satisfied:"

21 _____. Page 6, line 24, by striking the word
22 "subparagraph" and inserting the following:
23 "subparagraphs".

24 3. Page 3, by inserting after line 11, the
25 following:
26 "NEW SUBPARAGRAPH. (5) For the purposes of
27 calculating corrective action costs under this
28 paragraph, corrective action shall include the cost of
29 a tank system upgrade required by section 455B.474,
30 subsection 1, paragraph "f", subparagraph (7).
31 Payments under this subparagraph shall be limited to a
32 maximum of ten thousand dollars for any one site."

Amendment H—4028 was adopted, placing out of order lines 11 through 15 of amendment H—4027, previously adopted.

Grubbs of Scott offered the following amendment H—3710, to the committee amendment H—3623, filed by him and moved its adoption:

H—3710

1 Amend amendment, H—3623, to Senate File 362, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by striking lines 23 through 25.

Amendment H—3710 was adopted.

Grubbs of Scott asked and received unanimous consent to withdraw amendments H—3812 and H—3953 filed by him on April 25 and 26, 1991, respectively.

Groninga of Cerro Gordo offered the following amendment H—4034, to the committee amendment H—3623, filed by him and Hatch of Polk from the floor and moved its adoption:

H—4034

1 Amend the amendment, H—3623, to Senate File 362, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting before line 26, the
5 following:
6 "_____. Page 7, by inserting before line 13, the
7 following:
8 "Sec. _____. Section 455G.9, subsection 1, Code
9 1991, is amended by adding the following new
10 paragraph:
11 NEW PARAGRAPH. i. One hundred percent of the
12 costs of corrective action for a governmental
13 subdivision in connection with a tank which was in
14 place on the date the release was discovered or
15 reported if the governmental subdivision did not own
16 or operate the tank which caused the release and if
17 the governmental subdivision did not obtain the
18 property upon which the tank giving rise to the

19 release is located on or after May 3, 1991. Property
 20 acquired pursuant to eminent domain in connection with
 21 a United States department of housing and urban
 22 development approved urban renewal project is eligible
 23 for payment of costs under this paragraph whether or
 24 not the property was acquired on or after May 3,
 25 1991." "

Amendment H—4034 was adopted.

On motion by Hatch of Polk the committee amendment H—3623,
 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?" (S.F. 362)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	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.	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:

Brammer

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 362** be immediately messaged to the Senate.

Connors of Polk in the chair at 6:05 p.m.

SENATE AMENDMENTS CONSIDERED

Hatch of Polk called up for consideration **House File 610**, a bill for an act to create a Missouri river preservation and land use authority and fund, amended by the Senate, and moved that the House concur in the following Senate amendment H—3980:

H—3980

- 1 Amend House File 610, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by striking the words
- 4 "exclusive right and".
- 5 2. Page 1, line 19, by striking the words "to
- 6 exercise the exclusive power".
- 7 3. Page 1, line 23, by striking the words
- 8 "acquisition and" and inserting the following:
- 9 "acquisition."
- 10 4. Page 1, by striking line 24, and inserting the
- 11 following: "Planning and implementation activities
- 12 shall be coordinated with plans and implementation
- 13 activities of the department of natural resources for
- 14 lands owned or acquired by the department. The".
- 15 5. Page 1, line 34, by inserting after the word
- 16 "protection" the following: "and one of whom shall
- 17 also be actively engaged in the business of farming".
- 18 6. Page 2, line 21, by striking the words "all
- 19 Iowa".
- 20 7. Page 3, line 17, by inserting after the figure
- 21 "1993." the following: "As part of the authority's
- 22 planning and coordinating effort, the authority shall
- 23 consult, at least annually, with the Iowa boundary
- 24 commission and shall send copies of the minutes of all
- 25 meetings of the authority to the commission. Within
- 26 one year of the effective date of this Act, the
- 27 authority shall meet with the Iowa boundary
- 28 commission. Meetings with the Iowa boundary
- 29 commission shall be held at a time and a place agreed
- 30 to between the commission and the authority."
- 31 8. Page 4, line 3, by inserting after the word
- 32 "state" the following: ", but no land shall be
- 33 acquired through condemnation proceedings and all

- 34 purchases shall be from willing sellers".
- 35 9. Page 4, line 3, by inserting after the word
- 36 "state." the following: "The authority may transfer
- 37 jurisdiction over any lands the authority acquires to
- 38 the department of natural resources, or may enter into
- 39 agreements with the department or the appropriate
- 40 county conservation board, for the management of the
- 41 lands."
- 42 10. Page 4, lines 10 and 11, by striking the
- 43 words "same manner as other state-owned parks" and
- 44 inserting the following: "manner provided under
- 45 agreements between the authority and the agency
- 46 responsible for management of the property".
- 47 11. By renumbering, relettering, or redesignating
- 48 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—3980.

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

On the question "Shall the bill pass?" (H.F. 610)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Bennett	Bernau
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, 3:

Beatty

Bisignano

Brammer

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

Jesse of Jasper called up for consideration **House File 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, amended by the Senate amendment H-4010 as follows:

H-4010

1 Amend House File 302 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 10, by striking the figure "1979"
4 and inserting the following: "1979 1990".

5 2. Page 2, line 35, by striking the word
6 "continuous" and inserting the following: "periodic".

7 3. Page 3, line 30, by inserting after the word
8 "liability." the following: "The department shall
9 submit proposed rules to the commission by January 15,
10 1992."

11 4. Page 4, by inserting after line 5, the
12 following:

13 "Sec. _____. **NEW SECTION. 455B.504 INFECTIOUS**
14 **WASTE TREATMENT AND DISPOSAL FACILITIES — NATIONAL**
15 **REGISTER OF HISTORIC PLACES.**

16 The department of natural resources shall not grant
17 a permit for the construction or operation of a
18 commercial infectious waste treatment or disposal
19 facility within one mile of a site or building which
20 has been placed on the national register of historic
21 places. This section does not apply to hospitals,
22 health care facilities licensed pursuant to chapter
23 135C, physicians' offices or clinics, and other health
24 service-related entities."

25 5. Page 4, line 9, by inserting after the word
26 "FACILITIES." the following:

27 "1."

28 6. Page 4, line 15, by striking the word and
29 figures "April 1, 1993" and inserting the following:
30 "July 1, 1992".

31 7. Page 4, line 20, by inserting after the word
32 "which" the following: "in addition to its own
33 waste".

34 8. Page 4, line 26, by inserting after the word
35 "entities" the following: "in this state or".

36 9. Page 4, line 28, by inserting after the word
37 "facility," the following: "The moratorium also does
38 not apply to an infectious waste autoclave facility
39 which has received a permit from the department prior
40 to July 1, 1991, to construct the facility."

41 10. Page 5, line 4, by inserting after the word
42 "manner," the following: "The department, in
43 cooperation with the Iowa department of public health,
44 shall adopt rules defining small quantity generators
45 of infectious waste subject to the provisions of this
46 subsection and which establish criteria for fulfilling
47 the precautionary requirements established."

48 11. Page 5, by inserting after line 4, the
49 following:

50 "2. An infectious waste treatment or disposal

Page 2

1 facility shall not be constructed or operated unless
2 the facility meets all of the following conditions, if
3 applicable:

4 a. The facility is designed to accept only medical
5 waste generated in the state and communities within
6 seventy-five miles of the state borders.

7 b. The facility is subject to monitoring and stack
8 testing at least every three years.

9 c. The facility incorporates the best available
10 control technology to ensure that the emissions from
11 the facility approach the goal of zero emissions.

12 d. The facility complies with standards and
13 limitations which are not less stringent, and may be
14 more stringent, than those promulgated by the
15 administrator of the United States environmental
16 protection agency.

17 e. The facility pays an operating fee as
18 established by the commission.

19 f. The facility requires large generators for
20 which the facility provides treatment or disposal to
21 certify that the generator submitted a comprehensive
22 plan to the department to provide for reduction or
23 recycling of infectious waste at the source. If the
24 generator is a small quantity generator, however, the
25 facility shall only require that the small quantity
26 generator, or a representative of the small quantity
27 generators, for which the facility provides treatment
28 or disposal, has participated in the development of
29 the comprehensive plan submitted by the city, county,
30 or public agency, pursuant to section 455B.302.

31 Comprehensive plans developed under this subsection
32 shall preferably be developed in conjunction with the

33 city, county, or public agency developing the plan
34 pursuant to section 455B.302.

35 g. The facility has applied for and has qualified
36 for all requisite federal, state, and local permits
37 for construction and operation of the facility.

38 h. The facility is in compliance with rules,
39 following adoption, pursuant to sections 455B.502 and
40 455B.503.

41 i. The facility has established a means of
42 treating or disposing of any residue or ash which
43 remains following treatment of the waste.

44 The commission shall give priority in the issuance
45 of permits to facilities which present the least
46 multimedia environmental threat.

47 3. The conditions imposed under subsection 2 shall
48 apply as follows:

49 a. An existing infectious waste treatment or dis-
50 posal facility shall comply with the standards and

Page 3

1 limitations adopted by July 1, 1993, or as federal
2 standards and limitations become final, whichever is
3 earlier.

4 b. An infectious waste treatment or disposal
5 facility which is established or becomes operational
6 on or after May 1, 1991, shall comply with standards
7 and limitations as they are adopted.

8 4. The department, in cooperation with the Iowa
9 department of public health, shall adopt rules
10 defining small quantity generators of infectious waste
11 subject to the provisions of this section.

12 Sec. _____. SEVERABILITY CLAUSE. If any provision
13 of this Act or any application thereof to any person
14 is invalid, the invalidity shall not affect the
15 provisions or application of this Act which can be
16 given effect without the invalid provisions or
17 application, and to this end, the provisions of this
18 Act are severable."

19 12. Title page, line 6, by inserting after the
20 word "standards," the following: "providing a
21 severability clause,".

22 13. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

Jesse of Jasper offered the following amendment H—4035, to the Senate amendment H—4010, filed by him and Brown of Lucas from the floor and moved its adoption:

H—4035

- 1 Amend the Senate amendment, H—4010, to House File
- 2 302, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 36 through 40.
- 5 2. By renumbering as necessary.

Amendment H—4035 was adopted.

On motion by Jesse of Jasper, the House concurred in the Senate amendment H—4010, as amended.

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

On the question "Shall the bill pass?" (H.F. 302)

The ayes were, 99:

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	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, as amended, was agreed to.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 302** be immediately messaged to the Senate.

Unfinished Business Calendar

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

Krebsbach of Mitchell asked and received unanimous consent to withdraw amendment H—3641 filed by Krebsbach, et al., on April 15, 1991.

Sherzan of Polk offered the following amendment H—4020 filed by him and McKean of Jones from the floor:

H—4020

1 Amend Senate File 496, 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 246.206, subsection 1, Code
6 1991, is amended to read as follows:

7 1. The correctional release center at Newton shall
8 be utilized for the preparation of inmates of the
9 correctional institutions for discharge, work release,
10 or parole. The director may transfer an inmate of a
11 correctional institution within ninety days of the
12 inmate's release from custody to the correctional
13 release center for intensive training to assist the
14 inmate in the transition to civilian living. The
15 statutes applicable to an inmate at the corrective
16 institution from which transferred shall remain
17 applicable during the inmate's stay at the
18 correctional release center."

19 2. Page 1, line 17, by striking the word "may"
20 and inserting the following: "shall".

21 3. Page 1, by striking line 20 and inserting the
22 following: "is for the confinement of offenders, for
23 no longer than sixty days, who have".

24 4. Page 2, line 4, by striking the words "and
25 interest" and inserting the following: "and
26 interest".

- 27 5. Page 2, line 9, by striking the words "deposit
28 is" and inserting the following: "deposits and
29 interest earned upon the deposits are".
- 30 6. Page 2, line 12, by inserting after the word
31 "deposits" the following: "and interest".
- 32 7. Page 2, line 17, by inserting after the word
33 "deposits" the following: "and interest".
- 34 8. Page 2, line 22, by inserting after the word
35 "deposits" the following: "and interest".
- 36 9. Page 2, line 24, by inserting after the word
37 "deposits" the following: "and interest".
- 38 10. Page 2, line 26, by inserting after the word
39 "fund" the following: "and interest earned upon those
40 deposits".
- 41 11. Page 2, by striking lines 28 through 31, and
42 inserting the following: "required under section
43 906.9.".
- 44 12. Page 2, line 35, by inserting after the word
45 "fund" the following: "and interest earned upon those
46 deposits".
- 47 13. Page 3, line 19, by inserting after the word
48 "facilities" the following: "and institutions".
- 49 14. By striking page 3, line 35, through page 4,
50 line 8, and inserting the following: "following

Page 2

- 1 ~~classification.~~ The facilities established shall meet
2 all the following requirements:
- 3 a. Is a treatment facility meeting the licensure
4 standards of the division of substance abuse of the
5 department of public health.
- 6 b. Is a facility meeting applicable standards of
7 the American corrections association.
- 8 c. Is a facility which meets any other rule or
9 requirement adopted by the department pursuant to
10 chapter 17A."
- 11 15. Page 5, lines 25 and 26, by striking the
12 words "in the same manner following the fifth day of
13 confinement".
- 14 16. Page 11, line 6, by inserting after the word
15 "corrections" the following: ", or an officer,
16 employee, or agent of a judicial district department
17 of correctional services,".
- 18 17. Page 11, line 8, by inserting after the word
19 "corrections" the following: "or a judicial district
20 department of correctional services".
- 21 18. Page 12, by inserting after line 24, the
22 following:
23 "Sec. _____. Section 907.9, unnumbered paragraph 2,
24 Code 1991, is amended to read as follows:

A probation officer or the director of the judicial district department of correctional services who acts in compliance with this section is acting in the course of the person's official duty and is not personally liable, either civilly or criminally, for the acts of a person discharged from probation by the officer after such discharge, unless the discharge constitutes willful disregard of the person's duty."

19. Page 12, line 32, by inserting after the figure "246.207" the following: "if the parole revocation officer or board panel determines that placement in a violator facility is necessary".

20. Page 15, by inserting after line 4, the following:

"Sec. _____. **NEW SECTION. 910.10 RESTITUTION LIEN.**

1. The state or a person entitled to restitution under a court order may file a restitution lien.

2. The restitution lien shall set forth all of the following information, if known:

a. The name and date of birth of the person whose property or other interests are subject to the lien.

b. The present address of the residence and principal place of business of the person named in the lien.

c. The criminal proceeding pursuant to which the lien is filed, including the name of the court, the

Page 3

1 title of the action, and the court's file number.

d. The name and business address of the attorney representing the state in the proceeding pursuant to which the lien is filed or the name and residence and business address of each person entitled to restitution pursuant to a court order.

e. A statement that the notice is being filed pursuant to this section.

f. The amount of restitution the person has been ordered to pay or is likely to be ordered to pay.

3. A restitution lien may be filed by either of the following:

a. A prosecuting attorney in a criminal proceeding in which restitution is likely to be sought after the filing of an information or indictment. At the time of arraignment, the prosecuting attorney shall give the defendant notice of any restitution lien filed.

b. A victim in a criminal proceeding after restitution is determined and ordered by the trial court following pronouncement of the judgment and sentence.

- 22 4. The filing of a restitution lien in accordance
23 with this section creates a lien in favor of the state
24 and the victim in any personal or real property
25 identified in the lien to the extent of the interest
26 held in that property by the person named in the lien.
27 5. This section does not limit the right of the
28 state or any other person entitled to restitution to
29 obtain any other remedy authorized by law."
30 21. By renumbering and correcting internal
31 references as necessary.

Sherzan of Polk offered the following amendment H—4030, to the amendment H—4020, filed by him and McKean of Jones from the floor and moved its adoption:

H—4030

- 1 Amend the amendment, H—4020, to Senate File 496, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 24 through 46.
5 2. Page 2, by inserting after line 20 the
6 following:
7 "_____. Page 12, by inserting after line 13 the
8 following:
9 "Sec._____. Section 901.3, subsection 7, Code 1991,
10 is amended by striking the subsection." "
11 3. By renumbering and correcting internal
12 references as necessary.

Amendment H—4030 was adopted.

On motion by Sherzan of Polk amendment H—4020, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 496)

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	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	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Jochum

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 496** be immediately messaged to the Senate.

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

Wissing of Scott offered the following amendment H—3562 filed by the committee on education and moved its adoption:

H—3562

- 1 Amend Senate File 184 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1 through page 2,
- 4 line 32.
- 5 2. Page 3, by striking lines 25 through 27.
- 6 3. Title page, by striking lines 1 and 2 and
- 7 inserting the following: "An Act relating to open
- 8 enrollment."
- 9 4. Title page, by striking lines 4 and 5 and

- 10 inserting the following: "dissolved and merged with
 11 contiguous districts to participate immediately in
 12 athletics."
 13 5. By renumbering as necessary.

Amendment H—3562 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. 184)

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	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	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer 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 Senate File 184 be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 707.

Ways and Means Calendar

House File 707, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds or money market funds, 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. 707)

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.

The House stood at ease at 7:03 p.m., until the fall of the gavel.

The House resumed session at 7:07 p.m., Connors of Polk in the chair.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 541.

Appropriations Calendar

Senate File 541, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing effective dates, with report of committee recommending passage was taken up for consideration.

Hammond of Story offered the following amendment H—4014 filed from the floor by Hammond, Hester and Teafor and moved its adoption:

H—4014

- 1 Amend Senate File 541, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 33, by inserting after the word
- 4 "services." the following: "Of the amount transferred
- 5 to the division under this subsection, an amount not
- 6 exceeding 5 percent shall be used by the department of
- 7 human services for administrative expenses."
- 8 2. Page 11, line 34, by striking the figure
- 9 "32,101,333" and inserting the following:
- 10 "31,853,745".
- 11 3. Page 12, line 9, by striking the figure
- 12 "1,852,247" and inserting the following: "1,837,961".
- 13 4. Page 12, line 24, by striking the figure
- 14 "12,680,027" and inserting the following:
- 15 "12,582,229".
- 16 5. Page 12, line 26, by striking the figure
- 17 "147,626" and inserting the following: "146,527".
- 18 6. Page 12, line 28, by striking the figure
- 19 "4,702,845" and inserting the following: "4,666,574".
- 20 7. Page 12, line 30, by striking the figure
- 21 "1,370,727" and inserting the following: "1,360,155".

- 22 8. Page 12, line 32, by striking the figure
23 "11,219,416" and inserting the following:
24 "11,132,884".
- 25 9. Page 12, line 34, by striking the figure
26 "128,405" and inserting the following: "127,415".
- 27 10. Page 13, lines 19 and 20, by striking the
28 words "MENTAL HEALTH SERVICES FOR THE HOMELESS BLOCK
29 GRANT" and inserting the following: "PROJECTS FOR
30 ASSISTANCE IN TRANSITION FROM HOMELESSNESS".
- 31 11. Page 13, line 20, by striking the word
32 "block" and inserting the following: "formula".
- 33 12. Page 13, by striking line 26, and inserting
34 the following: "formula grant from either the federal
35 or local match".
- 36 13. Page 14, by inserting after line 7, the
37 following:
38 "6. Projects may expend funds for housing services
39 including minor renovation, expansion and repair of
40 housing, security deposits, planning of housing,
41 technical assistance in applying for housing,
42 improving the coordination of housing services, the
43 costs associated with matching eligible homeless
44 individuals with appropriate housing, and one-time
45 rental payments to prevent eviction."
- 46 14. Page 15, by inserting after line 24, the
47 following:
48 "_____. CHILD CARE FOR CHILDREN IN FAMILY FOSTER
49 CARE. It is the intent of the general assembly that
50 of the funds received from the federal child care and

Page 2

- 1 development block grant or the federal at-risk child
2 care program, based on identified need, at least
3 \$1,341,000 shall be used during the fiscal year
4 beginning July 1, 1991, and ending June 30, 1992, for
5 care provided to children in family foster care. This
6 funding shall be used to supplement and not to
7 supplant existing state funding provided for this
8 purpose."
- 9 15. Page 34, by striking lines 33 through 35.
- 10 16. Page 35, line 2, by striking the figure
11 "51,000" and inserting the following: "67,000".
- 12 17. Page 35, line 8, by striking the figure
13 "344,000" and inserting the following: "419,000".
- 14 18. Page 35, line 10, by striking the figure
15 "475,945" and inserting the following: "75,945".
- 16 19. By renumbering as necessary.

Amendment H—4014 was adopted.

Hammond of Story offered the following amendment H—4019
filed by Adams of Hamilton from the floor and moved its adoption:

H-4019

- 1 Amend Senate File 541, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by inserting after line 20 the
- 4 following:
- 5 "It is the intent of the general assembly that the
- 6 department of education work with local head start
- 7 program agencies and the department of human services,
- 8 as necessary, to assist the agencies in obtaining
- 9 federal funding available under the federal Head Start
- 10 Act, § 640, as codified in 42 U.S.C. § 9835, including
- 11 provision of funds appropriated to the departments of
- 12 education and human services which remain unexpended."

Amendment H-4019 was adopted.

The following amendment H-4037, filed by Kremer of Buchanan from the floor, was adopted by unanimous consent:

H-4037

- 1 Amend Senate File 541, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 35, line 22, by striking the words
- 4 "comment of" and inserting the following: "comment
- 5 on".

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

On the question "Shall the bill pass?" (S.F. 541)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	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
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
Connors			
Presiding			

The nays were, none.

Absent or not voting, 3:

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

Speaker Arnould in the chair at 7:18 p.m.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 707 and Senate File 541.**

HOUSE RECEDES

Jay of Appanoose called up for consideration **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, and moved that the House recede from its amendment, which motion prevailed.

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, 91:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
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	Jay	Jesse	Jochum

Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	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	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 8:

Branstad	Carpenter	Halvorson, R. A.	Iverson
Maulsby	Miller	Rafferty	Van Maanen

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.

Regular Calendar

Senate Joint Resolution 9, a joint resolution to nullify an administrative rule of the department of human services relating to reimbursement for psychiatric medical institutions for children, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Hammond of Story moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 9)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	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
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, 3:

Brammer Carpenter Gill

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

MOTION TO RECONSIDER WITHDRAWN (House File 558)

Corbett of Linn asked and received unanimous consent to withdraw the motion to reconsider 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, filed by him on April 23, 1991.

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on May 2, 1991. Had I been present, I would have voted "aye" on Senate File 505.

FOGARTY of Palo Alto

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of May, 1991: House Files 343, 491, 518, 534, 593, 602 and 661.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 2, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 198, an act relating to nonsubstantive Code and Act corrections.

Senate File 327, an act requiring that certain settlements of claims involving governmental bodies be filed with the governmental bodies as public records.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

May 2, 1991

Honorable Joseph Welsh
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

Senate File 457, an act relating to collective bargaining, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 457 amends the Iowa Public Employment Relations Act by adding the words "discipline and discharge" to the list of mandatory subjects of bargaining in Section 20.9 of the Code of Iowa. In 1990, the General Assembly approved similar legislation. That Act, Senate File 385, was disapproved because it failed to address a conflict between the provisions of a contract relating to discipline and dismissal and the statutory termination procedures for certificated school employees and civil service employees, and because it failed to maintain a balance between the rights of public employers and employees.

It is clear that the General Assembly has attempted to address the conflicts with other termination procedures by excluding the application of those procedures to employees who are covered by discipline and discharge provisions in a collective bargaining agreement. However, the Act falls short of removing all conflicts in the law by failing to address the just cause procedures for teachers in Section 279.27. Senate File 457 would also disallow the application of a probationary period for beginning teachers. In view of the many efforts that have been made to improve the quality of teaching during the past decade, it would be a mistake to remove the authority of school boards to require a teacher to serve a probationary period before a continuing contract is issued under Section 279.13.

As Governor, I have encouraged the representatives of public employers and public employees to work together in an effort to address the issues raised by this legislation while maintaining the balance between employer and employee rights. I believe that it is possible to fashion legislation which would achieve these objectives.

Future efforts to expand the list of mandatory subjects of bargaining to include the terms "discipline and discharge" should be balanced with the following corresponding statutory changes.

1. Provide for judicial review of discipline or discharge decisions which involve professional employees.
2. Provide public employers with the exclusive right to determine the standards of performance for employees.
3. Provide that statutory procedures for termination under Chapters 279 and 400 are not available to employees covered by a collective bargaining agreement, and retain provisions for a probationary period for beginning teachers.
4. Provide direction to arbitrators or other third parties who rule in cases of discipline and discharge in order to protect the interests and welfare of the public.

It may also be appropriate for the Board of Educational Examiners and the State Board of Education to develop a model policy for the evaluation of certificated school employees. Quality teaching is a vital part of a world class school system. A model evaluation policy could help teachers, administrators, and school board members respond to the increasing demand for excellence in teaching and learning.

Additionally, other changes in the law which could shift the balance between employer and employee rights should be reviewed carefully before they are included in future legislation concerning this subject.

For the above reasons, I hereby respectfully disapprove Senate File 457.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

Connors of Polk presented to the House John Saulibe, Arnis Steinbloom and Modris Steinbloom, from the Republic of Latvia. They were accompanied by their Iowa family Reverend and Mrs. Leo Pelds and their son Ted.

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

Fifty 4-H members from Plymouth County. By Banks of Plymouth.

Forty-four fifth grade students from West Marshall Elementary School, State Center, accompanied by Mrs. Quick and Mrs. Eddie. By Black of Jasper and Svoboda of Tama.

Ninety fifth grade students from Kingsley Elementary School, Waterloo, accompanied by Carolyn Nyhus. By Hanson, Shoultz and Teaford, all of Black Hawk.

Thirty fifth grade students from Kingsley Elementary School, Waterloo, accompanied by Larry Dodge. By Hanson, Shoultz and Teaford of Black Hawk.

Thirty fifth grade students from Kingsley Elementary School, Waterloo, accompanied by Linda Blough. By Hanson, Shoultz and Teaford of Black Hawk.

Thirty-two fourth grade students from Stanton Elementary School, Stanton, accompanied by Cathy Means. By Harbor of Mills.

Thirty-five fourth, fifth and sixth grade students from St. Alberts School, Council Bluffs, accompanied by Mrs. Ficek. By Pavich and Siegrist of Pottawattamie.

One hundred fifth grade students from Orange City Elementary School, Orange City. By Plasier of Sioux.

Twenty-three eighth grade students from School For Christian Education, Oskaloosa, accompanied by Rod Spoelstra. By Van Maanen of Mahaska.

SUBCOMMITTEE ASSIGNMENTS

Senate File 83

Ways and Means: Doderer, Chair; Bennett and Osterberg.

Senate File 537

Ways and Means: Groninga, Chair; Dickinson and Renken.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 328

Ways and Means: Chapman, Chair; Bennett and Holveck.

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 542, a bill for an act relating to and making appropriations from the energy conservation trust for weatherization purposes.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-4033 May 2, 1991.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 327), providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 2, 1991.

RESOLUTION FILED

HCR 27, by Osterberg, a concurrent resolution relating to a day of recognition for the practice of the Islamic faith in Iowa and the establishment of the Islamic Council of Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-4015	H.F.	417	Senate Amendment
H-4016	S.F.	452	Senate Amendment
H-4018	H.F.	695	Murphy of Dubuque Bennett of Ida Groninga of Cerro Gordo
H-4021	S.F.	539	Tyrrell of Iowa
H-4024	H.F.	688	Senate Amendment
H-4025	H.F.	703	Spear of Lee
H-4029	H.F.	703	Spear of Lee
H-4031	H.F.	699	Bartz of Worth Jesse of Jasper Brown of Lucas
H-4032	H.F.	687	Senate Amendment
H-4033	S.F.	542	Committee on Appropriations
H-4036	S.F.	455	Burke of Marshall Svoboda of Tama
H-4038	S.F.	330	Tyrrell of Iowa

On motion by McKinney of Dallas, the House adjourned at 7:29 p.m., until 9:00 a.m., Friday, May 3, 1991.

JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day — Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 3, 1991

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

Prayer was offered by the Honorable Matt Wissing, state representative from Scott County.

The Journal of Thursday, May 2, 1991 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Pavich of Pottawattamie, from seventy constituents favoring passage of the parental notification bill.

By Siegrist of Pottawattamie, from two hundred thirty-six residents of the ninety-ninth district favoring passage of the parental notification bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper, until his arrival, on request of Brown of Lucas.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 614, a bill for an act relating to the reapportionment of county supervisor districts.

Also: That the Senate has on May 1, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 694, 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.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Tyrrell of Iowa called up for consideration **House File 233**, a bill for an act relating to the hunter safety and ethics education program, and providing a penalty for violations, amended by the Senate amendment H—3707 as follows:

H—3707

- 1 Amend House File 233, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. NEW SECTION. 109.125 OBSTRUCTION OF
- 6 LAWFUL ACTIVITIES PROHIBITED — PENALTY.
- 7 1. A person shall not intentionally obstruct the
- 8 participation of another person in the lawful activity
- 9 of hunting, fishing, or trapping. This subsection
- 10 shall not prohibit a landowner or lessee from
- 11 exercising the landowner's or lessee's lawful rights.
- 12 2. A person violating this section is guilty of a
- 13 simple misdemeanor."
- 14 2. Title page, line 2, by inserting after the
- 15 word "program," the following: "the obstruction of
- 16 lawful hunting, fishing, or trapping,".
- 17 3. By renumbering as necessary.

The following amendments, to the Senate amendment H—3707, were withdrawn by unanimous consent:

H—3964 filed by Osterberg of Linn and Hammond of Story on April 29, 1991, placing out of order amendment H—3982, to amendment H—3964, filed by Kremer of Buchanan on April 30, 1991.

H—3965 filed by Osterberg of Linn on April 29, 1991.

H—3960 filed by Hammond of Story and Osterberg of Linn on April 29, 1991.

On motion by Tyrrell of Iowa, the House refused to concur in the Senate amendment H—3707.

SENATE AMENDMENT CONSIDERED

Gruhn of Dickinson called up for consideration **Senate File 452**, a bill for an act relating to the administration of fairs, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4016 to the House amendment:

H-4016

1 Amend the House amendment, S-3630, to Senate File
2 452, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 37 by striking the word
5 "director" and inserting the following: "person".

6 2. Page 1, by striking lines 38 through 40 and
7 inserting the following: "elected as a director
8 pursuant to section 173.1 shall not serve for more
9 than five consecutive terms. A director who has ever
10 served five consecutive terms is again eligible to
11 serve for an additional five consecutive terms after
12 not serving as a director for at least one term." "

13 3. Page 2, by inserting after line 7 the
14 following:

15 "_____. The convention shall provide for staggered
16 terms of office for directors elected pursuant to this
17 Act. A limit shall be placed on the number of terms
18 that original directors may serve on or after the
19 effective date of this Act. At the time of the first
20 election held pursuant to this Act, an original
21 director who has served for the longest consecutive
22 period shall not be eligible to serve for the next
23 term. At each subsequent election, the original
24 director who has served for the longest period shall
25 not serve for the next term. A person who was an
26 original director is again eligible to serve for an
27 additional five consecutive terms after not serving as
28 a director for at least one term, as provided in
29 section 173.6.

30 As used in this subsection "original director"
31 means a person who was elected as a director pursuant
32 to section 173.1, and who served as a director
33 immediately prior to the first election held pursuant
34 to this Act."

35 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4016.

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

On the question "Shall the bill pass?" (S.F. 452)

The ayes were, 96:

Adams
Beaman

Baker
Beatty

Banks
Bennett

Bartz
Bernau

Bisignano	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	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, 1:

Brown

Absent or not voting, 3:

Brammer

Hatch

Jesse

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

CONSIDERATION OF BILLS, Unfinished Business Calendar

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 and placed on the unfinished business calendar.

Burke of Marshall offered the following amendment H—4036 filed by him and Svoboda of Tama and moved its adoption:

H—4036

- 1 Amend Senate File 455, as passed by the Senate, as
- 2 follows:
- 3 1. Page 13, line 12, by inserting after the words
- 4 "of abuse" the following: "with the exception of the
- 5 name of the alleged abuser which shall be expunged
- 6 immediately upon such a determination,".

Amendment H—4036 lost.

Svoboda of Tama offered the following amendment H—3981 filed by her and Burke of Marshall and moved its adoption:

H—3981

- 1 Amend Senate File 455, as passed by the Senate, as
- 2 follows:
- 3 1. Page 15, line 25, by striking the word "one"
- 4 and inserting the following: "five".

Amendment H—3981 was adopted.

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. 455)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
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	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
Spencer	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 1:

Burke

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.

HOUSE FILE 608 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 608 from further consideration by the House.

IMMEDIATE MESSAGES

Neuhauser of Johnson asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 233 and Senate File 455.**

MOTIONS TO RECONSIDER WITHDRAWN (Senate File 465)

Pavich of Pottawattamie and Burke of Marshall asked and received unanimous consent to withdraw their motions to reconsider 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, filed by them on April 25, 1991.

Ways and Means Calendar

House File 705, a bill for an act relating to the Iowa finance authority's housing trust fund program and increasing the real estate transfer tax for revenues for the fund, was taken up for consideration.

Petersen of Muscatine offered the following amendment H—4000 filed by him:

H—4000

- 1 Amend House File 705 as follows:
- 2 1. Page 4, line 23, by inserting after the word
- 3 "cents" the following: ", or fifty-five cents in the
- 4 case of commercial and agricultural property."

Iverson of Wright asked for unanimous consent that House File 705 be deferred.

Objection was raised.

McKinney of Dallas asked and received unanimous consent that House File 705 be deferred and that the bill retain its place on the calendar.

(Amendment H—4000 pending.)

SENATE AMENDMENTS CONSIDERED

Mertz of Kossuth called up for consideration **House File 687**, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-4032:

H-4032

- 1 Amend House File 687, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 27, by striking lines 17 through 19 and
- 4 inserting the following: "sale shall be made once by
- 5 the treasurer in an official newspaper in the county
- 6 designated by the treasurer at least".

The motion prevailed and the House concurred in the Senate amendment H-4032.

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

On the question "Shall the bill pass?" (H.F. 687)

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	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning

Shoultz
Svoboda
Weidman

Siegrist
Teaford
Wissing

Spear
Tyrrell
Mr. Speaker
Arnould

Spanner
Van Maanen

The nays were, none.

Absent or not voting, 1:

Wise

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

Sherzan of Polk in the chair at 11:00 a.m.

Halvorson of Webster called up for consideration 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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4005 to the House amendment:

H—4005

- 1 Amend the House amendment, S—3626, to Senate File
- 2 311, as passed by the Senate, as follows:
- 3 1. Page 7, by inserting after line 3, the
- 4 following:
- 5 "_____. Title page, line 1, by inserting after the
- 6 word "Act" the following: "relating to the machines
- 7 and access devices utilized to perform electronic
- 8 transfer of funds,."
- 9 2. Renumber as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4005, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 311)

The ayes were, 98:

Adams
Bartz
Bisignano
Brand
Carpenter
Corbett

Arnould, Spkr.
Beaman
Black
Branstad
Chapman
Daggett

Baker
Beatty
Blanshan
Brown
Cohoon
De Groot

Banks
Bennett
Brammer
Burke
Connors
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
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	Sherzan		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Bernau Eddie

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

MOTION TO RECONSIDER WITHDRAWN (Senate File 470)

Grubbs of Scott asked and received unanimous consent to withdraw the motion to reconsider Senate File 470, a bill for an act relating to federal-state public assistance programs, filed by him on April 11, 1991, placing out of order the following amendments:

H—3594 filed by Grubbs of Scott and Rafferty of Scott on April 11, 1991.

H—3654 filed by Rafferty of Scott on April 16, 1991.

RULES SUSPENDED

Neuhauser of Johnson asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 542.

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 542, a bill for an act relating to and making appropriations from the energy conservation trust for weatherization purposes,

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

Dvorsky of Johnson offered the following amendment H—4033 filed by the committee on appropriations and moved its adoption:

H—4033

1 Amend Senate File 542 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 5, by inserting after the words
4 "from the" the following: "available".

5 2. Page 2, line 7, by striking the words "and
6 supplemented by" and inserting the following: "with
7 the balance from".

8 3. Page 2, line 9, by striking the figure
9 "3,200,000" and inserting the following: "3,000,000".

10 4. Page 2, by inserting after line 14, the
11 following:

12 "Sec. _____. 1986 Iowa Acts, chapter 1249, section
13 4, unnumbered paragraph 1, as amended by 1987 Iowa
14 Acts, chapter 230, section 8; 1988 Iowa Acts, chapter
15 1281, section 6; 1989 Iowa Acts, chapter 312, section
16 6; and 1990 Iowa Acts, chapter 1265, section 3, is
17 amended to read as follows:

18 There is appropriated from the funds available in
19 the energy conservation trust, established in section
20 93.11, for the fiscal period beginning July 1, 1986,
21 and ending June 30, 1991-1992, to the department of
22 natural resources for disbursement under section
23 93.11, the following amounts, or so much thereof as is
24 necessary, to be used for the purposes designated
25 consistent with the expressed legislative intent of
26 this Act:"

27 5. Page 2, by inserting before line 15, the
28 following:

29 "Sec. 100. CONDITIONAL APPROPRIATION. If Senate
30 File 508 is enacted by the Seventy-fourth General
31 Assembly, 1991 Session, and following the initial
32 appropriation of \$150,000 to the department of natural
33 resources from the energy research and development
34 fund, the remaining moneys shall be used and are
35 appropriated for the purposes designated pursuant to
36 section 601K.102."

37 6. Page 2, by striking lines 15 through 34.

38 7. Page 2, by inserting after line 34, the
39 following:

40 "Sec. 101. Section 601K.102, subsection 2,
41 paragraph b, Code 1991, is amended to read as follows:

42 b. Moneys credited to the fund under section

43 ~~556.18~~ 93.11.

44 Sec. 102. CONDITIONAL EFFECTIVE DATE. Section 100

45 and 101 of this Act are effective only if Senate File
 46 508 is enacted by the Seventy-fourth General Assembly,
 47 1991 Session."
 48 8. Title page, line 2, by striking the words "for
 49 weatherization purposes" and inserting the following:
 50 " , and providing an effective date".

Page 2

1 9. By renumbering as necessary.

The committee amendment H—4033 was adopted.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—3991 filed by him on May 1, 1991.

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. 542)

The ayes were, 100:

Adams	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
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	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Sherzan
			Presiding

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that Senate File 542 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Haverland of Polk called up for consideration House File 688, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H—4024:

H—4024

- 1 Amend House File 688, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 11, by inserting after the word
- 4 "the" the following: "lowest".
- 5 2. Page 5, by inserting after line 20, the
- 6 following:
- 7 "e. Rates for individual employees or dependents
- 8 may be adjusted for claims experience or health status
- 9 at the date of issue as long as the total rates for
- 10 the small employer are in compliance with this
- 11 section. An individual employee or dependent
- 12 adjustment in rates for claims experience or health
- 13 status shall not be increased subsequent to the date
- 14 of issue. The commissioner may prohibit individual
- 15 rating upon adoption of health insurance access rules
- 16 pursuant to section 514H.11."
- 17 3. Page 13, by striking line 35, and inserting
- 18 the following: "contract shall be filed with, and is
- 19 subject to the approval of, the commissioner before
- 20 the basic benefit coverage policy or subscription
- 21 contract is issued or issued for delivery in this
- 22 state."
- 23 4. Page 14, by striking lines 1 and 2.
- 24 5. Page 14, by striking lines 9 through 11.
- 25 6. Page 14, line 28, by inserting after the word
- 26 "experience" the following: ", and health status and
- 27 duration from the date of issue".
- 28 7. Page 15, line 29, by striking the words
- 29 "licensed in the state" and inserting the following:
- 30 "issuing or issuing for delivery in this state basic
- 31 benefit coverage policies or subscription contracts".

- 32 8. Page 15, line 32, by inserting after the word
 33 "associations" the following: "requesting the
 34 inclusion of a benefit or requirement in a basic
 35 benefit coverage policy or subscription contract".
 36 9. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4024.

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

On the question "Shall the bill pass?" (H.F. 688)

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	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	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spanner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Sherzan	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Osterberg

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

Ways and Means Calendar

The House resumed consideration of **House File 705**, a bill for an act relating to the Iowa finance authority's housing trust fund program and increasing the real estate transfer tax for revenues for the fund, and amendment H—4000, found on page 2074 of the House Journal, previously deferred and retained on the calendar.

Petersen of Muscatine moved the adoption of amendment H—4000.

Roll call was requested by Bennett of Ida and Iverson of Wright.

Rule 75 was invoked.

On the question "Shall amendment H—4000 be adopted?"
(H.F. 705)

The ayes were, 49:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Diemer	Eddie	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	Muhlbauer
Petersen, D. F.	Peterson, M. K.	Plasier	Rafferty
Renken	Royer	Siegrist	Spear
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman			

The nays were, 51:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Carpenter	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	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Poncy	Renaud	Schrader
Shearer	Shoning	Shoultz	Teaford
Wise	Wissing	Sherzan	
		Presiding	

Absent or not voting, none.

Amendment H—4000 lost.

Speaker Arnould in the chair at 11:42 a.m.

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

On the question "Shall the bill pass?" (H.F. 705)

The ayes were, 55:

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

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Corbett	Daggett
De Groot	Eddie	Fogarty	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Harbor	Hurley	Iverson	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Maulsby	McKean
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Siegrist
Spear	Svoboda	Tyrrell	Van Maanen
Weidman			

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

Neuhauser of Johnson asked and received unanimous consent that **House File 705** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1991, amended and passed the following bill in which the concurrence of House is asked:

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 and an effective date.

Also: That the Senate has on May 3, 1991, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of 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.

Also: That the Senate has on May 3, 1991, passed the following bill in which the concurrence of House is asked:

Senate File 547, a bill for an act relating to housing and residential development within certain urban renewal areas and to tax exemption schedules for revitalization areas and providing an applicability date.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 455)

Ollie of Clinton called up for consideration the report of the conference committee on House File 455 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 455

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 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 and penalties, respectfully make the following report:

1. That the Senate amendment, H-4003, to House File 455, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 2, by striking lines 37 and 38, and inserting the following:

"_____. Page 11, line 5, by striking the words "by a licensed practitioner" and inserting the following: "by or under the supervision of a licensed practitioner in the manner provided under section 299B.2"."

2. Page 3, by striking lines 11 through 15, and inserting the following:

"_____. Page 12, lines 15 and 16, by striking the words "or other nationally recognized assessment tool" and inserting the following: "or other assessment tool developed or recognized by the department of education"."

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

"_____. Page 13, line 22, by striking the word "any" and inserting the following: "all".

_____. Page 13, line 33, by striking the word "which" and inserting the following: "if assessment tests".

4. Page 4, line 5, by striking the word "licensed" and inserting the following: "qualified, licensed, Iowa".

5. Page 4, line 7, by striking the words "agreed to" and inserting the following: "approved".

6. Page 4, line 42, by striking the word "use" and inserting the following: "review and consider".

7. By numbering and renumbering as necessary.

ON THE PART OF THE HOUSE:

C. ARTHUR OLLIE, Chair
JANET ADAMS
RON CORBETT
RAYMOND LAGESCHULTE
MATTHEW WISSING

ON THE PART OF THE SENATE:

MIKE CONNOLLY, Chair
WILLIAM DIELEMAN
JAMES KERSTEN
MARY KRAMER
LARRY MURPHY

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 455)

The ayes were, 84:

Adams	Baker	Banks	Bartz
Beaman	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Carpenter	Chapman	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Eddie	Fogarty	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hammond	Hanson, D. E.
Hanson, D. R.	Harbor	Haverland	Hester

Hibbard	Hurley	Iverson	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	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 16:

Beatty	Branstad	Burke	Cohoon
Dickinson	Dvorsky	Garman	Halvorson, R. N.
Hansen, S. D.	Hatch	Holveck	Jay
Jesse	Maulsby	Schrader	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

Neuhauser of Johnson asked and received unanimous consent that **House File 455** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Doderer of Johnson called up for consideration **House File 417**, a bill for an act relating to private club expense deductions for individual and corporate state income tax purposes, amended by the Senate amendment H—4015 as follows:

H—4015

- 1 Amend House File 417, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 422.7, Code 1991, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 24. If the federal adjusted gross
- 8 income includes income or loss from a business or farm
- 9 or from an interest in a corporation whose income is
- 10 taxed to the shareholders, add the expenses otherwise
- 11 deductible under section 162(a) of the Internal
- 12 Revenue Code which were incurred by the business,
- 13 farm, or corporation, for which the taxpayer was

14 entitled to all or part of the deduction, with respect
15 to expenditures made at, or payments made to, a club
16 which restricts membership or the use of its services
17 or facilities on the basis of age, sex, marital
18 status, race, religion, color, ancestry, or national
19 origin.

20 A club described in this subsection holding an
21 alcoholic beverage license pursuant to chapter 123,
22 shall provide on each receipt furnished to a taxpayer
23 a printed statement as follows: "The expenditures
24 covered by this receipt are nondeductible for state
25 income tax purposes."

26 For the purposes of this subsection, a club means
27 any nonprofit corporation or association of
28 individuals, which is the owner, lessee, or occupant
29 of a permanent building or part of a building,
30 membership in which entails the prepayment of regular
31 dues, and which is not operated for a profit other
32 than such profits as would accrue to the entire
33 membership."

34 2. Page 1, line 3, by striking the word
35 "expenses" and inserting the following: "amounts paid
36 as membership dues and other periodic fees".

37 3. Page 1, line 23, by striking the word
38 "Subtract" and inserting the following: "Add".

39 4. Page 1, line 23, by striking the word
40 "expenses" and inserting the following: "amounts paid
41 as membership dues and other periodic fees".

42 5. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

Doderer of Johnson offered the following amendment H—4042,
to the Senate amendment H—4015, filed by her and Groninga of Cerro
Gordo from the floor and moved its adoption:

H—4042

- 1 Amend the Senate amendment, H—4015, to House File
- 2 417 as passed by the House as follows:
- 3 1. Page 1, by striking lines 34 through 41.

Amendment H—4042 was adopted.

On motion by Doderer of Johnson, the House concurred in the
Senate amendment H—4015, as amended.

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

On the question "Shall the bill pass?" (H.F. 417)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
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	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:

Bisignano Jay

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House File 417** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 4**, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city, previously deferred and placed on the unfinished business calendar.

Bernau of Story offered the following amendment H—3627 filed by the committee on local government:

H-3627

1 Amend Senate File 4, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 368.1, subsection 13, Code
6 1991, is amended to read as follows:

7 13. "Urbanized area" means the land area within
8 three miles of the boundaries of a city of fifteen
9 thousand or more population which is located in an
10 area that contains a city of at least fifty thousand
11 population, or an urban area of at least fifty
12 thousand with a total metropolitan population of at
13 least one hundred thousand.

14 Sec. 2. Section 368.7, unnumbered paragraph 3,
15 Code 1991, is amended to read as follows:

16 An application for annexation of territory within
17 the urbanized area of a city other than the city to
18 which the annexation is directed must be approved both
19 by resolution of the council which receives the
20 application and by the board. A copy of the
21 application shall be mailed by certified mail, at
22 least ten days prior to the filing of the application
23 with the city council, to the council of each city
24 whose boundary adjoins the territory or is within two
25 miles of the territory, to the board of supervisors of
26 each county which contains a portion of the territory,
27 and to the regional planning authority of the
28 territory. Notice of the filing of the application
29 shall be published in a newspaper of general
30 circulation in each affected county and city at least
31 ten days prior to the filing of the application with
32 the city council. In the discretion of a city
33 council, the resolution may include a provision for a
34 transition for the imposition of taxes as provided in
35 section 368.11, subsection 13. The annexation is
36 completed when the board has filed copies of
37 applicable portions of the proceedings as required by
38 section 368.20, subsection 2.

39 Sec. 3. Section 368.7, Code 1991, is amended by
40 adding the following new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. If one or more
42 applications for a voluntary annexation and one or
43 more petitions for an involuntary annexation for a
44 common territory are submitted to the board within
45 thirty days of each other, the board shall either
46 approve the application for voluntary annexation or
47 consider the applications and the petitions together
48 without prejudice, provided that the applications or
49 petitions meet the applicable requirements of this
50 chapter. In consideration of the requests, the board

Page 2

1 may seek additional information from the applicant for
2 voluntary annexation as necessary, including the
3 information required of petitioners pursuant to
4 section 368.11.

5 Sec. 4. Section 368.9, Code 1991, is amended to
6 read as follows:

7 **368.9 BOARD CREATED.**

8 1. A city development board is created. The
9 department of economic development shall provide
10 office space and staff assistance, and shall budget
11 funds to cover expenses of the board and committees.
12 The board consists of three five members appointed by
13 the governor subject to confirmation by the senate.
14 The appointments must be for six-year staggered terms
15 beginning and ending as provided by section 69.19, or
16 to fill an unexpired term in case of a vacancy.
17 Members are eligible for reappointment, but no member
18 shall serve more than two complete six-year terms.

19 2. The board shall be composed of the following
20 members:

21 a. One member appointed from a city with a
22 population of more than forty-five thousand, according
23 to the most recent certified federal census.

24 b. One member appointed from a city with a
25 population of forty-five thousand or less, according
26 to the most recent certified federal census.

27 c. One member appointed from a county with a
28 population of more than fifty thousand, according to
29 the most recent certified federal census.

30 d. One member appointed from a county with a
31 population of fifty thousand or less, according to the
32 most recent certified federal census.

33 e. One member appointed to represent the general
34 public.

35 3. Each member is entitled to receive from the
36 state actual and necessary expenses in performance of
37 board duties and may also be eligible to receive
38 compensation as provided in section 7E.6.

39 Sec. 5. Section 368.11, Code 1991, is amended by
40 adding the following new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. At least ten days before
42 a petition for involuntary city development action
43 within an urbanized area is filed as provided in this
44 section, the applicant shall make its intention known
45 to all affected parties by sending a letter of intent
46 or a proposed action plan by certified mail to the
47 council of each city, the board of supervisors of each
48 county within the urbanized area, and the regional
49 planning authority of the territory involved.

50 Sec. 6. Section 368.12, Code 1991, is amended to

Page 3

1 read as follows:

2 368.12 DISMISSAL.

3 The board may dismiss a petition only an
4 application for voluntary annexation within an
5 urbanized area or a petition for involuntary
6 annexation if it finds that the petition or
7 application does not meet the applicable requirements
8 of this part chapter, or that substantially the same
9 incorporation, discontinuance, or boundary adjustment
10 has been disapproved by a committee formed to consider
11 the proposal, or by the voters, within the two years
12 prior to the date the petition is filed with the
13 board. The board shall file for record a statement of
14 each dismissal and the reason for it, and shall
15 promptly notify the parties to the proceeding of its
16 decision.

17 Sec. 7. Section 368.14, unnumbered paragraph 1,
18 Code 1991, is amended to read as follows:

19 If a petition an application for voluntary
20 annexation within an urbanized area or a petition for
21 involuntary annexation is not dismissed, the board
22 shall direct the appointment of local representatives
23 to serve with board members as a committee to consider
24 the proposal. Each local representative is entitled
25 to receive from the state the representative's actual
26 and necessary expenses spent in performance of
27 committee duties. Two ~~Three~~ board members and one
28 local representative, or if the number of local
29 representatives exceeds one, two ~~three~~ board members
30 and at least one-half of the appointed local
31 representatives, are required for a quorum of the
32 committee. A local representative must be a qualified
33 elector of the territory or city which the
34 representative represents, and must be selected as
35 follows:

36 Sec. 8. Section 368.14, Code 1991, is amended by
37 adding the following new unnumbered paragraph:

38 NEW UNNUMBERED PARAGRAPH. If multiple applications
39 or petitions are being considered together, the board
40 shall direct the appointment of an equal number of
41 city and county local representatives as a committee
42 to consider the applications or petitions.

43 Sec. 9. TRANSITION.

44 1. The members of the city development board
45 serving unexpired terms of office immediately before
46 the effective date of this Act may continue to serve
47 their unexpired terms unless they are otherwise
48 disqualified under this Act. Within thirty days of
49 the effective date of this Act, the governor shall
50 appoint only those additional members needed to comply

Page 4

1 with section 368.9, subsection 2. Of the board
2 members appointed by the governor pursuant to section
3 368.9, subsection 2, paragraphs "a" through "e", one
4 shall be appointed to an initial term of two years,
5 two shall be appointed to an initial term of four
6 years, and the remainder to an initial term of six
7 years.

8 2. Any voluntary application or involuntary city
9 development petition which is pending before the board
10 or a committee of the board on the effective date of
11 this Act shall be remanded to the board for action
12 under chapter 368 as amended by this Act. Notice of
13 the remand shall be served upon the council of each
14 city whose boundary adjoins the territory or is within
15 two miles of the territory, the board of supervisors
16 of each county which contains a portion of the
17 territory, and the regional planning authority of the
18 territory involved.

19 Sec. 10. EFFECTIVE DATE. This Act, being deemed
20 of immediate importance, takes effect upon enactment."

21 2. Title page, line 2, by inserting after the
22 word "city" the following: "and providing an
23 effective date".

Dvorsky of Johnson offered the following amendment H-4041,
to the committee amendment H-3627, filed by him and Bernau of
Story from the floor:

H-4041

1 Amend amendment, H-3627, to Senate File 4, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 7 through 13, and
5 inserting the following:

6 "13. "Urbanized area" means the land area within
7 three miles of the boundaries of a city of fifteen
8 thousand or more population a metropolitan statistical
9 area as determined by the United States census bureau
10 in the statistical abstract of the United States."

11 NEW SECTION. 368.6 INTENT.

12 It is the intent of the general assembly to provide
13 an annexation approval procedure which gives due
14 consideration to the wishes of the residents of
15 territory to be annexed, and to the interests of the
16 residents of all territories affected by an
17 annexation. The general assembly presumes that a
18 voluntary annexation of territory more closely
19 reflects the wishes of the residents of territory to
20 be annexed, and, therefore, intends that the
21 annexation approval procedure include a presumption of
22 validity for voluntary annexation approval."

23 2. By striking page 1, line 45 through page 2,
24 line 1, and inserting the following: "thirty days of
25 each other, the board shall approve the application
26 for voluntary annexation, provided that the
27 application meets the applicable requirements of this
28 chapter, unless the board determines by a
29 preponderance of the evidence that the application was
30 filed in bad faith, or that the application as filed
31 is contrary to the best interests of the citizens of
32 the urbanized area, or that the applicant cannot
33 within a reasonable period of time meet its obligation
34 to provide services to the territory to be annexed
35 sufficient to meet the needs of the territory. In
36 consideration of the requests, the board may appoint a
37 committee in the manner provided in section 368.14 to
38 seek additional information from the applicant for".
39 3. Page 3, by striking lines 36 through 42 and
40 inserting the following:

41 "Sec. _____. NEW SECTION. 368.14A SPECIAL LOCAL
42 COMMITTEES.

43 When two or more involuntary petitions for boundary
44 adjustment describing common territory are being
45 considered together pursuant to section 368.11, the
46 board shall direct the appointment of representatives
47 for each of the petitions to serve on one special
48 committee to consider the petitions. Expense
49 reimbursement and qualifications of these
50 representatives shall be as provided in section

Page 2

1 368.14. Three board members and at least one-half of
2 the appointed local representatives are required for a
3 quorum of the special local committee. The manner of
4 appointment of representatives shall be the same as
5 for single petition committees except that if one or
6 more of the territories to be annexed is in more than
7 one county, the board of supervisors of the county
8 containing the greatest area of the territory proposed
9 to be annexed shall appoint one representative. The
10 special committee shall consider the petitions in
11 conformity with the provisions of this part, and shall
12 resolve common territory issues between petitioners.
13 The special committee shall conduct a public hearing
14 on the petitions pursuant to section 368.15. If the
15 common territory issue is resolved, the special local
16 committee may approve the resulting compatible
17 petitions by a single vote or separately, in its
18 discretion."

19 4. Page 4, by striking lines 10 and 11, and
20 inserting the following: "or a committee of the board
21 on or after April 1, 1991, shall be remanded to the
22 board for action".

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, for the remainder of the day, on request of Van Maanen of Mahaska.

Cphoon of Des Moines in the chair at 12:50 p.m.

Dvorsky of Johnson moved the adoption of amendment H—4041, to the committee amendment H—3627.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 50, nays 41.

Amendment H—4041 was adopted.

Bernau of Story moved the adoption of the committee amendment H—3627, as amended.

A non-record roll call was requested.

The ayes were 59, nays 21.

The committee amendment H—3627, as amended, was adopted.

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?" (S.F. 4)

The ayes were, 67:

Adams	Arnould, Spkr.	Baker	Banks
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Burke	Chapman	Dickinson
Doderer	Dvorsky	Fogarty	Gill
Gipp	Groninga	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Haverland	Hester	Hibbard	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Krebsbach
McKinney	McNeal	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Royer
Schrader	Sherzan	Shoning	Shoultz

Spenner
Wise

Svoboda
Wissing

Teaford
Cohoon
Presiding

Weidman

The nays were, 32:

Bartz

Beaman

Brown

Carpenter

Connors

Daggett

De Groot

Diemer

Eddie

Garman

Grubbs

Gruhn

Halvorson, R. A.

Hanson, D. E.

Hatch

Holveck

Kistler

Kremer

Lageschulte

Lundby

Maulsby

McKean

Metcalf

Millage

Miller

Rafferty

Renken

Shearer

Siegrist

Spears

Tyrrell

Van Maanen

Absent or not voting, 1:

Corbett

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 4** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1991, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 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 May 2, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 697, a bill for an act relating to the collection of delinquent criminal fines by counties.

Also: That the Senate has on May 3, 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 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 May 3, 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 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 May 3, 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 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 May 3, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 541, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing effective dates.

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 3rd day of May, 1991: House Files 197, 252, 297, 375, 420, 601 and 639.

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 CIVIL RIGHTS COMMISSION

The Annual Report for Fiscal Year 1990, pursuant to Chapter 601A.5(7), Code of Iowa.

PRESENTATION OF VISITORS

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

Fifty-four sixth grade students from Boyden Hull Elementary School, Boyden, accompanied by Marcene Cox, Evelyn Bakker, Ginny Eulberg, Ken Doorenbos, Dean Hoogeveen, Rhonda Boonestroo and Vince Huls. By De Groot of Lyon and Plasier of Sioux.

Thirty third, fourth and fifth grade students from Palmer Elementary School, Palmer, accompanied by Mrs. Hill, Mrs. Tjaden and Mrs. Christophers. By Eddie of Buena Vista.

Fifty-seven sixth grade students from Armstrong Ringsted Middle School, Ringsted, accompanied by Paula Dyer. By Gruhn of Dickinson.

Ninety fifth grade students from McKindry Elementary School, Waterloo, accompanied by Ivy Hanson. By Hanson, Teaford and Shultz, all of Black Hawk.

Thirty fifth grade students from Woodward Granger Elementary School, Granger, accompanied by Terry Danielson. By McKinney of Dallas.

Sixty-eight eighth grade students from St. Lawrence School, Carroll, accompanied by Ely Evangelista and Mrs. Sexton. By Peterson of Carroll.

Seventy-four eighth grade students from Van Buren Community Junior-Senior High School, Keosauqua, accompanied by Chuck Russell. By Wise of Lee.

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 EDUCATION

Senate Concurrent Resolution 24, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's early childhood, primary, and secondary education system and requiring reporting by certain dates.

Fiscal Note is not required.

Recommended **Do Pass** and laid over under Rule 25 May 3, 1991.

AMENDMENTS FILED

H-4039	S.F.	330	Weidman of Cass
H-4043	S.C.R.	24	Daggett of Adams
H-4044	S.F.	508	Senate Amendment
H-4045	H.F.	232	Senate Amendment
H-4046	S.C.R.	24	Ollie of Clinton
Hammond of Story			Wissing of Scott
Wise of Lee			Hanson of Black Hawk
Neuhauser of Johnson			Baker of Polk
Cohoon of Des Moines			Shearer of Louisa
Daggett of Adams			Shoultz of Black Hawk
Kistler of Jefferson			Adams of Hamilton
Iverson of Wright			Siegrist of Pottawattamie
Corbett of Linn			Nielsen of Linn
Lageschulte of Bremer			Hurley of Fayette
H-4047	S.F.	444	Senate Amendment
H-4048	S.F.	273	Senate Amendment
H-4049	S.F.	507	Senate Amendment
H-4050	H.F.	704	Hanson of Delaware
			Osterberg of Linn
			Carpenter of Polk
			Renken of Grundy
			Halvorson of Webster
			Metcalf of Polk
H-4051	H.F.	697	Senate Amendment
H-4052	S.C.R.	24	Spear of Lee
H-4053	S.C.R.	24	Brand of Benton

On motion by McKinney of Dallas, the House adjourned at 1:49 p.m., until 10:00 a.m., Monday, May 6, 1991.

JOURNAL OF THE HOUSE

One Hundred Thirteenth Calendar Day — Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, May 6, 1991

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

Prayer was offered by the Honorable Pat Murphy, state representative from Dubuque County.

The Journal of Friday, May 3, 1991 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Osterberg of Linn, from twenty-three constituents from district 43 favoring House File 409 and Senate File 530, bills benefiting retired federal employees.

By Siegrist of Pottawattamie, from one hundred thirty-six constituents favoring parental notification bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper on request of Fogarty of Palo Alto; Shearer of Louisa on request of Gruhn of Dickinson; McKean of Jones on request of Renken of Grundy, all until their arrival.

SENATE MESSAGE CONSIDERED

Senate File 547, by committee on ways and means, a bill for an act relating to housing and residential development within certain urban renewal areas and to tax exemption schedules for revitalization areas and providing an applicability date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1991, passed the following bill in which the concurrence of Senate was asked:

House File 182, a bill for an act relating to the annexation of land surrounded by one or more cities.

Also: That the Senate has on May 3, 1991, amended and passed the following bill in which the concurrence of House is asked:

House File 200, a bill for an act relating to the minutes required to be maintained by governmental bodies.

Also: That the Senate has on May 3, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on May 2, 1991, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 380, a bill for an act requiring the state registrar to provide a certified copy of a birth certificate when the certificate is registered.

Also: That the Senate has on May 3, 1991, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 417, a bill for an act relating to private club expense deductions for individual and corporate state income tax purposes.

Also: That the Senate has on May 3, 1991, adopted the conference committee report and passed 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 and penalties.

Also: That the Senate has on May 2, 1991, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 517, a bill for an act relating to workers' compensation medical benefits and weekly benefit claims, burial expenses, and minimum benefit payments.

Also: That the Senate has on May 3, 1991, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 668, a bill for an act relating to the certificate of need program and providing penalties.

Also: That the Senate has on May 3, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 698, a bill for an act relating to school bus driver education and qualifications, establishing a fund for school bus driver and passenger safety programs, and providing for a fee.

Also: That the Senate has on May 2, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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 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.

Also: That the Senate has on May 3, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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 May 3, 1991, insisted on its amendment to Senate File 471, a bill for an act relating to state policies and procedures affecting children, and the members of the Conference Committee on the part of the Senate are: The Senator from Story, Senator Rosenberg, Chair; the Senator from Polk, Senator Szymoniak; the Senator from Jones, Senator Hannon; the Senator from Polk, Senator Kramer; the Senator from Scott, Senator Tinsman.

Also: That the Senate has on May 2, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on May 3, 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 542, a bill for an act relating to and making appropriations from the energy conservation trust for weatherization purposes.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 535, a bill for an act relating to increasing the fees for issuance or replacement or renewal of a permit to carry weapons, 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?" (S.F. 535)

The ayes were, 63:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs

Kremer	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Renaud
Schrader	Sherzan	Shoning	Shoultz
Spear	Spenner	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 34:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harbor	Hurley	Iverson	Johnson
Krebsbach	Lageschulte	Lundby	Maulsby
McNeal	Millage	Petersen, D. F.	Rafferty
Renken	Royer	Siegrist	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 3:

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

SENATE AMENDMENT CONSIDERED

Siegrist of Pottawattamie called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—4058:

H—4058

- 1 Amend House File 353, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 4 and inserting the
- 4 following: "battery, buzzer, electrical, mechanical
- 5 or other appliance device".
- 6 2. Page 1, lines 6 and 7, by striking the words
- 7 "or affecting its speed in" and inserting the
- 8 following: "or affecting its speed in during".

The motion prevailed and the House concurred in the Senate amendment H—4058.

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

On the question "Shall the bill pass?" (H.F. 353)

The ayes were, 96:

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

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 350, a bill for an act relating to the franchise tax on financial institutions and providing an effective date, 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. 350)

The ayes were, 93:

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
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	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Murphy
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Sherzan	Shoning	Siegrist
Spear	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 7:

Blanshan	McKean	Muhlbauer	Neuhauser
Shearer	Shoultz	Svoboda	

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

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Teaford of Black Hawk called up for consideration **House File 200**, a bill for an act relating to the minutes required to be maintained by governmental bodies, amended by the Senate, and moved that the House concur in the following Senate amendment H-4057:

H-4057

- 1 Amend House File 200, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "and" the following: "in the case of votes on final
- 5 actions."

The motion lost and the House refused to concur in the Senate amendment H-4057.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House File 200 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Renaud of Polk called up for consideration 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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4048 to the House amendment:

H-4048

- 1 Amend the House amendment, S-3684, to Senate File
- 2 273, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting before line 3, the
- 5 following:
- 6 "_____. Page 2, by inserting after line 7 the
- 7 following:
- 8 "Sec. _____. Section 123.30, Code 1991, is amended
- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. 4. Notwithstanding subsection 3,
- 11 paragraphs "a", "b", and "c", the division may issue,
- 12 upon application and payment of a surcharge, an
- 13 amended class "A", class "B", or class "C" liquor
- 14 control license authorizing the licensee to sell
- 15 alcoholic liquor in original containers for
- 16 consumption off the premises. The application shall
- 17 be made in the same manner as for other liquor control
- 18 licenses. The application shall be accompanied by a
- 19 surcharge as provided in section 123.36, subsection
- 20 11. A holder of a special class "C" liquor control
- 21 license is not eligible for the privilege authorized
- 22 under this subsection. The division shall not issue a
- 23 license which includes the privilege authorized under
- 24 this subsection to holders of seasonal, fourteen-day,

25 or five-day liquor control licenses. A business which
26 derives more than forty percent of its gross annual
27 sales from the sale of food, pharmaceuticals,
28 sundries, gasoline or other merchandise for the
29 purchaser's consumption or use off the business
30 premises is not eligible for the privilege authorized
31 under this subsection. The term "business" as used in
32 this subsection includes the term "person" as defined
33 in section 123.3, subsection 11. Food,
34 pharmaceuticals, sundries, gasoline and other
35 merchandise as used in this subsection do not include
36 alcoholic beverages as defined in section 123.3,
37 subsection 9.

38 Sec. 2. Section 123.36, Code 1991, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 11. For the privilege of selling
41 alcoholic liquor in original containers for
42 consumption off the premises, a class "A", class "B",
43 or class "C" liquor control licensee shall pay a
44 surcharge equal to ten percent of the regular license
45 fees only, excluding any other surcharges or Sunday
46 sale license or permit fees otherwise imposed pursuant
47 to this section. The surcharges paid under this
48 subsection shall be collected and deposited as
49 provided in subsection 10.

50 Sec. _____. Section 455C.2, subsection 1, Code 1991,

Page 2

1 is amended to read as follows:

2 1. Except purchases of alcoholic liquor as defined
3 in section 123.3, subsection 8, by holders of class
4 "A", "B", and "C" liquor control licenses, a A refund
5 value of not less than five cents shall be paid by the
6 consumer on each beverage container sold in this state
7 by a dealer for consumption off the premises. Upon
8 return of the empty beverage container upon which a
9 refund value has been paid to the dealer or person
10 operating a redemption center and acceptance of the
11 empty beverage container by the dealer or person
12 operating a redemption center, the dealer or person
13 operating a redemption center shall return the amount
14 of the refund value to the consumer." "

15 2. Page 1, line 24, by striking the word "wine"
16 and inserting the following: "alcoholic beverage".

17 3. Page 1, by striking lines 25 through 27 and
18 inserting the following:

19 "_____. Title page, line 1, by inserting after the
20 word "Act" the following: "relating to the sale of
21 alcoholic beverages and" " .

22 4. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4048, to the House amendment.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 273** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Bisignano of Polk called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—3826 to the House amendment:

H—3826

1 Amend the House amendment, S—3360, to Senate File
2 276, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 “ _____. Page 1, by inserting before line 1, the
7 following:

8 “Section 1. **NEW SECTION. 497.35 STATEMENT TO**
9 **ESTATE OF STOCKHOLDER.**

10 The board of directors, upon receiving actual
11 notice of a stockholder's death, shall provide a
12 statement to the administrator or executor of the
13 stockholder's estate, or to the attorney representing
14 the stockholder's estate. The statement shall
15 describe agricultural products owned by the
16 stockholder which are in the possession of the
17 association.

18 This section shall not require an association to
19 conduct a search of the status of its stockholders.
20 The association shall exercise reasonable diligence in
21 determining to whom the statement must be delivered.
22 The statement shall be delivered to the administrator,
23 executor, or attorney, within thirty days following a
24 determination as to whom the statement must be
25 delivered. A statement is not required to be prepared
26 or delivered, if the association is not notified of
27 the stockholder's death within one year after the date
28 of death, or by the date that the stockholder's estate
29 is closed, whichever is later.

30 Sec. 2. **NEW SECTION. 498.37 STATEMENT TO ESTATE**
31 **OF STOCKHOLDER.**

32 The board of directors, upon receiving actual
33 notice of a member's death, shall provide a statement
34 to the administrator or executor of the member's
35 estate, or to the attorney representing the member's
36 estate. The statement shall describe agricultural
37 products owned by the member which are in the
38 possession of the association.

39 This section shall not require an association to
40 conduct a search of the status of its members. The
41 association shall exercise reasonable diligence in
42 determining to whom the statement must be delivered.
43 The statement shall be delivered to the administrator,
44 executor, or attorney, within thirty days following a
45 determination as to whom the statement must be
46 delivered. A statement is not required to be prepared
47 or delivered, if the association is not notified of
48 the member's death within one year after the date of
49 death, or by the date that the member's estate is
50 closed, whichever is later.

Page 2

1 Sec. 3. NEW SECTION. 499.72 STATEMENT TO ESTATE 2 OF MEMBERS AND STOCKHOLDERS.

3 The board of directors, upon receiving actual
4 notice of the death of a member or stockholder, shall
5 provide a statement to the administrator or executor
6 of the member's or stockholder's estate, or to the
7 attorney representing such estate. The statement
8 shall describe agricultural products owned by the
9 member or stockholder which are in the possession of
10 the association.

11 This section shall not require an association to
12 conduct a search of the status of its members or
13 stockholders. The association shall exercise
14 reasonable diligence in determining to whom the
15 statement must be delivered. The statement shall be
16 delivered to the administrator, executor, or attorney,
17 within thirty days following a determination as to
18 whom the statement must be delivered. A statement is
19 not required to be prepared or delivered, if the
20 association is not notified of the member's or
21 stockholder's death within one year after the date of
22 death, or by the date that the member's or
23 stockholder's estate is closed, whichever is later." "

24 2. Title page, line 1, by striking the words "An
25 Act amending the Iowa Uniform Securities Act, by" and
26 inserting the following: "An Act relating to
27 financial requirements of cooperative associations, by
28 providing for the preparation and delivery of certain
29 statements,".

30 3. Title page, line 3, by inserting before the
31 word "Act" the following: "Iowa Uniform Securities".

The motion prevailed and the House concurred in the Senate amendment H—3826, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 276)

The ayes were, 95:

Adams	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
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spencer
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Brammer	Connors	Jesse	Sherzan
Wissing			

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

Brand of Benton in the chair at 11:08 a.m.

Teaford of Black Hawk called up for consideration **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 and an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4045:

H—4045

- 1 Amend House File 232, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 30, by striking the words
- 4 "tobacco products and".
- 5 2. Page 4, lines 31 and 32, by striking the words
- 6 "tobacco products and".

The motion prevailed and the House concurred in the Senate amendment H—4045.

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

On the question "Shall the bill pass?" (H.F. 232)

The ayes were, 79:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Bennett	Bernau
Blanshan	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
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Nielsen	Ollie
Petersen, D. F.	Peterson, M. K.	Plasier	Rafferty
Renaud	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Wise	Wissing	Brand	
		Presiding	

The nays were, 16:

Beatty	Black	Brown	Doderer
Dvorsky	Gruhn	Halvorson, R. N.	Harbor

Neuhauser
Renken

Osterberg
Royer

Pavich
Schrader

Poncy
Weidman

Absent or not voting, 5:

Bisignano
Jochum

Brammer

Connors

Jesse

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

Svoboda of Tama called up for consideration **House File 697**, a bill for an act relating to the collection of delinquent criminal fines by counties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4051:

H—4051

1 Amend House File 697, as passed by the House, as
2 follows:

3 1. Page 1, line 2, by inserting after the word
4 "FINES" the following: "AND COURT COSTS".

5 2. Page 1, line 3, by inserting after the word
6 "fine" the following: "or court costs".

7 3. Page 1, line 4, by striking the word "was" and
8 inserting the following: "or court costs were".

9 4. Page 1, lines 5 through 7, by striking the
10 words "of the county in which the person subject to
11 the fine resided at the time of the imposition of the
12 fine".

13 5. Page 1, line 7, by inserting after the word
14 "collected," the following: "after payment of court
15 costs,".

16 6. Title page, line 1, by inserting after the
17 word "fines" the following: "and court costs".

The motion prevailed and the House concurred in the Senate amendment H—4051.

Svoboda of Tama 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. 697)

The ayes were, 88:

Adams
Bartz
Bernau
Brown
Corbett

Arnould, Spkr.
Beaman
Bisignano
Burke
Daggett

Baker
Beatty
Black
Chapman
De Groot

Banks
Bennett
Blanshan
Cohoon
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
Hibbard	Holveck	Hurley	Iverson
Jay	Johnson	Kistler	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	Poney	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Brand
			Presiding

The nays were, 3:

Branstad	Dickinson	Knapp
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Absent or not voting, 9:

Brammer	Carpenter	Connors	Hester
Jesse	Jochum	Metcalf	Sherzan
Teaford			

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:

Connors of Polk, until his return, on request of Siegrist of Pottawattamie.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund, with report of committee recommending amendment and passage was taken up for consideration.

Svoboda of Tama offered the following amendment H—3973 filed by the committee on ways and means:

H—3973

- 1 Amend Senate File 536 as follows:
- 2 1. Page 1, by inserting after line 28, the
- 3 following:

- 4 "Sec. _____. APPLICABILITY. This Act is applicable
5 to federal audits finalized on or after January 1,
6 1991. This Act is retroactive for claims for refund
7 filed with the department of revenue and finance
8 between December 1, 1989, and the effective date of
9 this Act, if the claims for refund were filed within
10 six months from the day of the final disposition of
11 any income tax matter between the taxpayer and the
12 internal revenue service, but were or will be denied
13 as untimely because the taxpayer did not notify the
14 department of revenue and finance in writing within
15 six months after the expiration of the three-year
16 limitations period of the existence of the income tax
17 matter. In order to obtain the retroactive relief
18 provided pursuant to this section, the taxpayer must
19 refile the claim for refund on or before September 30,
20 1991.
- 21 Sec. _____. EFFECTIVE DATE. This Act, being deemed
22 of immediate importance, is effective upon enactment."
- 23 2. Title page, line 2, by inserting after the
24 word "refund" the following: "and providing an
25 applicability date and effective date".
- 26 3. By renumbering as necessary.

Svoboda of Tama offered the following amendment H-4061, to the committee amendment H-3973, filed by her from the floor and moved its adoption:

H-4061

- 1 Amend the amendment, H-3973, to Senate File 536, as
2 passed by the Senate, as follows:
3 1. Page 1, line 20, by inserting after the figure
4 "1991." the following: "Claims for refund filed
5 pursuant to this section that are allowed by the
6 department shall be paid by the department in fiscal
7 year 1993."

Amendment H-4061 was adopted.

On motion by Svoboda of Tama, the committee amendment H-3973, 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. 536)

The ayes were, 92:

Adams
Bartz

Arnould, Spkr.
Beaman

Baker
Beatty

Banks
Bennett

Bernau	Black	Blanshan	Brammer
Branstad	Brown	Burke	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	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	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	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Brand
			Presiding

The nays were, 1:

Doderer

Absent or not voting, 7:

Bisignano	Carpenter	Connors	Hester
Jochum	Lundby	Metcalf	

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

HOUSE FILE 692 WITHDRAWN

Svoboda of Tama asked and received unanimous consent to withdraw House File 692 from further consideration by the House.

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **Senate File 536** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Adams of Hamilton called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4044 to the House amendment:

H—4044

- 1 Amend the House amendment, S—3632, to Senate File
- 2 508, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 11, by striking the figure "1995"
- 5 and inserting the following: "1994".
- 6 2. Page 1, line 15, by inserting after the word
- 7 "fuels," the following: "compressed natural gas,
- 8 propane,".
- 9 3. Page 1, line 35, by inserting after the word
- 10 "replacement" the following: ", but no later than
- 11 July 1, 2001".
- 12 4. Page 1, by striking line 36 and inserting the
- 13 following:
- 14 "_____. Page 9, line 9, by inserting after the word
- 15 "commissioner" the following: ", the Iowa department
- 16 of public health, and the plumbing manufacturers'
- 17 institute,".
- 18 _____. Page 9, line 10, by inserting after the
- 19 figure "103A" the following: "and chapter 135".
- 20 _____. Page 9, by inserting after line 16, the
- 21 following:
- 22 "3. For the purposes of this section, "covered
- 23 products" means water closets, urinals, showerheads,
- 24 lavatory faucets and replacement aerators, and
- 25 kitchen faucets and replacement aerators." "
- 26 5. Page 2, line 18, by inserting after the word
- 27 "section," the following: "However, all lighting
- 28 shall be replaced, whether or not it has completed its
- 29 useful life, by July 1, 2001."
- 30 6. By numbering and renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4044, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 508)

The ayes were, 86:

Adams	Arnould, Spkr.	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brown	Burke	Chapman	Cohoon
Connors	Corbett	Daggett	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	Hibbard	Holveck	Hurley
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
McKean	McKinney	McNeal	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	Brand		
	Presiding		

The nays were, 8:

Branstad	De Groot	Iverson	Krebsbach
Maulsby	Mertz	Renken	Royer

Absent or not voting, 6:

Baker	Carpenter	Hester	Jochum
Lundby	Metcalf		

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

On motion by Neuhauser of Johnson, the House was recessed at 11:35 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SPECIAL PRESENTATION

Connors of Polk escorted to the front of the well and presented to the House Michael Nunn of Davenport, winner of the International Boxing Federation's World Middleweight Championship, who will be defending his title in Davenport Friday, May 10, 1991. He was accompanied by his world famous trainer, Angelo Dundee.

A certificate of recognition was presented to Mr. Nunn on behalf of the Iowa House of Representatives extending best wishes for his continued success. Mr. Nunn and Mr. Dundee addressed the House briefly and the House rose and expressed its welcome.

The House stood at ease at 1:26 p.m., until the fall of the gavel.

The House resumed session at 1:31 p.m., Speaker Arnould in the chair.

SENATE AMENDMENT CONSIDERED

Hansen of Woodbury called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4049 to the House amendment:

H-4049

- 1 Amend the House amendment, S-3633, to Senate File
- 2 507, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 "Sec. _____. Section 524.901, subsection 3, Code
- 6 1991, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. m. Shares in a federal home loan
- 9 bank."
- 10 2. Page 1, by striking line 41 and inserting the
- 11 following: "had not been made.
- 12 Sec. _____. This Act, being deemed of immediate
- 13 importance, is effective upon enactment." "
- 14 3. Page 1, by striking line 43, and inserting the
- 15 following: "line 3, and inserting the following:
- 16 "Sec. _____. NEW SECTION. 524.228 INTERIM CEASE
- 17 AND DESIST ORDER - SUSPENSION.
- 18 1. If it appears to the superintendent that a
- 19 state bank, or any director, officer, employee, or
- 20 substantial shareholder of the state bank is engaging
- 21 in or is about to engage in an unsafe or unsound
- 22 practice or dishonest act in conducting the business
- 23 of the state bank that is likely to cause insolvency
- 24 or substantial dissipation of assets or earnings of
- 25 the state bank, or is likely to seriously weaken the
- 26 condition of the state bank or otherwise seriously
- 27 prejudice the interests of its depositors prior to the
- 28 completion of the proceedings conducted pursuant to

29 section 524.223, 524.606, subsection 2, or 524.707,
30 subsection 2, the superintendent may issue an interim
31 order requiring the bank, director, officer, employee,
32 or substantial shareholder to cease and desist from
33 any such practice or act, and to take affirmative
34 action, including suspension of the director, officer,
35 or employee to prevent such insolvency, dissipation,
36 condition, or prejudice pending completion of the
37 proceedings. The interim order becomes effective upon
38 service upon the state bank, or upon the director,
39 officer, employee, or substantial shareholder of the
40 state bank and, unless set aside, limited, or
41 suspended by a court as provided in this chapter,
42 remains effective and enforceable pending the
43 completion of the administrative proceedings pursuant
44 to the interim order and until such time as the
45 superintendent dismisses the charges specified in the
46 interim order, or, if a final cease and desist order
47 is issued against the state bank or the director,
48 officer, employee, or substantial shareholder until
49 the effective date of the final order.
50 2. Within ten days after the state bank concerned

Page 2

1 or any director, officer, employee, or substantial
2 shareholder is served with an interim order, the bank
3 or such director, officer, employee, or substantial
4 shareholder may apply to the district court in the
5 county in which the bank has its principal place of
6 business, for an injunction setting aside, limiting,
7 or suspending the enforcement, operation, or
8 effectiveness of such interim order pending the
9 completion of the administrative proceedings. If
10 serious prejudice to the interests of the
11 superintendent, the state bank, the officer, director,
12 employee, or substantial shareholder would result from
13 such hearing, the court may order the judicial
14 proceeding to be conducted in camera.
15 3. The interim order shall contain a concise
16 statement of the facts constituting the alleged unsafe
17 or unsound practice or alleged dishonest act, and
18 shall fix a time and place at which a hearing will be
19 held to determine whether a final order to cease and
20 desist should issue against the state bank or any
21 director, officer, employee, or substantial
22 shareholder. The hearing shall be fixed for a date
23 not later than thirty days after service of the
24 interim order unless a later date is set at the
25 request of the party so served. If the state bank, or
26 the director, officer, employee, or substantial
27 shareholder fails to appear at the hearing, the state

28 bank, or the director, officer, employee, or
29 substantial shareholder is deemed to have consented to
30 the issuance of a cease and desist order. In the
31 event of such consent, or if upon the record made at
32 the hearing the superintendent finds that any unsafe
33 or unsound practice or dishonest act specified in the
34 interim order has been established, the superintendent
35 may issue and serve upon the bank, or the director,
36 officer, employee, or substantial shareholder a final
37 order to cease and desist from any such practice or
38 act. The order may require the state bank, or the
39 director, officer, employee, or substantial
40 shareholder to cease and desist from any such practice
41 or act and, further, to take affirmative action,
42 including suspension of the director, officer, or
43 employee.

44 4. A hearing provided for in this section shall be
45 presided over by an administrative law judge appointed
46 in accordance with section 17A.11. The hearing shall
47 be private, unless the superintendent determines after
48 full consideration of the views of the party afforded
49 the hearing, that a public hearing is necessary to
50 protect the public interest. After the hearing, and

Page 3

1 within thirty days after the case has been submitted
2 for decision, the superintendent shall review the
3 proposed order of the administrative law judge and
4 render a final decision, including findings of fact
5 upon which the decision is predicated, and issue and
6 serve upon each party to the proceeding an order
7 consistent with this section.

8 5. Any final order issued by the superintendent
9 pursuant to subsection 3 becomes effective upon
10 service of the final order on the state bank,
11 director, officer, employee, or substantial
12 shareholder and shall remain effective except to the
13 extent that it is stayed, modified, terminated, or set
14 aside by action of the superintendent or of the
15 district court of the county in which the state bank
16 has its principal place of business in accordance with
17 the terms of chapter 17A.

18 6. In the case of violation or threatened
19 violation of, or failure to obey, an interim order
20 issued pursuant to subsection 1 or a final order
21 issued pursuant to subsection 3, the superintendent
22 may apply to the district court of the county in which
23 the state bank has its principal place of business for
24 the enforcement of the order and such court shall have
25 jurisdiction and power to order and require compliance
26 with the interim order or final order.

27 7. For purposes of this section, "substantial
28 shareholder" means a shareholder exercising a
29 controlling influence over the management or policies
30 of a state bank as determined by the superintendent.

31 Sec. _____. Section 524.606, subsection 2,
32 unnumbered paragraph 1, Code 1991, is amended to read
33 as follows:

34 When, in the opinion of the superintendent any
35 director of a state bank shall have ~~continued to~~
36 violate has violated any law relating to such state
37 bank or ~~shall have continued has engaged in~~ unsafe or
38 unsound practices in conducting the business of such
39 state bank, ~~after having been warned by the~~
40 ~~superintendent to discontinue or correct such~~
41 ~~violations of law or such unsafe or unsound practices,~~
42 the superintendent may cause notice to be served upon
43 such director, to appear before the superintendent to
44 show cause why the director should not be removed from
45 office. A copy of such notice shall be sent to each
46 director of the state bank affected, by registered or
47 certified mail. If, after granting the accused
48 director a reasonable opportunity to be heard, the
49 superintendent finds that the director ~~continued to~~
50 violate violated any law relating to such state bank

Page 4

1 or continued engaged in unsafe or unsound practices in
2 conducting the business of such state bank after
3 ~~having been warned by the superintendent to~~
4 ~~discontinue or correct such violations of law or such~~
5 ~~unsafe or unsound practices,~~ the superintendent, in
6 the superintendent's discretion, may order that such
7 director be removed from office. A copy of the order
8 shall be served upon such director and upon the state
9 bank of which the person is a director at which time
10 the person shall cease to be a director of the state
11 bank.

12 Sec. _____. Section 524.707, subsection 2, Code
13 1991, is amended to read as follows:

14 2. Subsection 2 of section 524.606 providing for
15 the removal of directors by the superintendent, shall
16 have equal application to officers and employees." "

17 4. Page 1, by striking lines 48 and 49 and
18 inserting the following: "the superintendent must
19 file an annual report, providing certain regulatory
20 authority over certain persons associated with a state
21 bank, suspending certain laws, authorizing certain
22 investments by a state bank, and providing an
23 effective date." "

24 5. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4049, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 507)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	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	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, 3:

Bisignano	Groninga	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.

HOUSE FILE 609 WITHDRAWN

Hansen of Woodbury asked and received unanimous consent to withdraw House File 609 from further consideration by the House.

ADOPTION OF HOUSE RESOLUTION 12

Hibbard of Madison called up for consideration House Resolution 12, a resolution honoring the founders of the National Bar Association.

Baker of Polk offered the following amendment H—3761 filed by him and moved its adoption:

H—3761

- 1 Amend House Resolution 12 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "inductee" the following: "at the University of
- 4 Iowa".
- 5 2. Page 1, line 30, by striking the words "Law
- 6 School" and inserting the following: "liberal arts
- 7 college".

Amendment H—3761 was adopted.

On motion by Hibbard of Madison, the resolution, as amended, was adopted.

On motion by McKinney of Dallas, the House was recessed at 1:42 p.m., until 3:00 p.m.

LATE 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 May 6, 1991, receded from the Senate amendment to, and passed the following bill in which the concurrence of the Senate was 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 May 6, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 556, a bill for an act relating to 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.

Also: That the Senate has on May 6, 1991, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on May 6, 1991, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was 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 May 6, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 29, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 530, a bill for an act relating to the deduction for individual income tax purposes of part of a governmental pension, annuity or retirement allowance received and providing retroactive and applicability dates.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED (Senate File 471)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 471: Haverland of Polk, Chair; Nielsen of Linn, Peterson of Carroll, Hurley of Fayette and Carpenter of Polk.

CONSIDERATION OF BILLS Ways and Means Calendar

Senate File 539, a bill for an act relating to the Iowa pharmacy practice Act and assessing fees, with report of committee recommending amendment and passage was taken up for consideration.

Holveck of Polk offered the following amendment H—4008 filed by the committee on ways and means and moved its adoption:

H—4008

- 1 Amend Senate File 539, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 1, line 34 through page 2,
- 4 line 2, and inserting the following: "distributed to
- 5 ultimate users in this state."

The committee amendment H—4008 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—4021 filed by him on May 2, 1991.

Holveck of Polk offered the following amendment H—4065 filed by him from the floor and moved its adoption:

H-4065

1 Amend Senate File 539, as passed by the Senate, as
2 follows:

3 1. Page 2, line 23, by striking the word
4 "chapter," and inserting the following: "section,
5 section 155A.15, subsection 2, paragraph "a", "b",
6 "d", "e", "f", "g", "h", or "i",."

Amendment H-4065 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. 539)

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	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spencer	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 1:

Plasier

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

SENATE MESSAGE CONSIDERED

Senate File 530, by committee on ways and means, a bill for an act relating to the deduction for individual income tax purposes of part of a governmental pension, annuity or retirement allowance received and providing retroactive and applicability dates.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 539** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 335, a bill for an act relating to a parent's right of action for the death of a child.

Also: That the Senate has on May 6, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 391, a bill for an act relating to the sale of alcoholic liquor, wine, and beer on Sunday.

Also: That the Senate has on May 6, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 683, a bill for an act relating to the establishment of a toxics pollution prevention program and establishing fees.

Also: That the Senate has on May 6, 1991, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on May 1, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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

The House stood at ease at 3:40 p.m., until the fall of the gavel.

The House resumed session at 5:40 p.m., Speaker Arnould in the chair.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 706.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 706, 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 offered the following amendment H—4064 filed from the floor by Shoultz, Dvorsky and Banks:

H—4064

1 Amend House File 706 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. **NEW SECTION. 9B.1 REGISTRATION OF**
5 **WASTE TIRE HAULERS.**

6 1. For the purposes of this section, "waste tire
7 hauler" means a person who transports for hire more
8 than forty waste tires in a single load for commercial
9 purposes.

10 2. A waste tire hauler shall register with, and
11 obtain a certificate of registration from, the
12 secretary of state before hauling waste tires in this
13 state. The waste tire hauler may apply for a
14 certificate of registration by submitting the forms
15 provided for that purpose and shall provide the name
16 of the applicant and the address of the applicant's
17 principal place of business and any additional
18 information as deemed appropriate by the secretary of
19 state.

20 3. A certificate of registration issued under this
21 section is valid for one year from the date of
22 issuance. A registered waste tire hauler may renew
23 the certificate by filing a renewal application in the
24 form prescribed by the secretary of state, accompanied
25 by any applicable renewal fee.

26 4. The secretary of state shall establish a
27 reasonable registration fee sufficient to offset
28 expenses incurred in the administration of this
29 section.

30 5. The secretary of state shall require that a

31 waste tire hauler have on file with the secretary of
32 state before the issuance or renewal of a registration
33 certificate, a surety bond executed by a surety
34 company authorized to do business in this state in the
35 sum of a minimum of ten thousand dollars, which bond
36 shall be continuous in nature until canceled by the
37 surety. A surety shall provide at least thirty days'
38 notice in writing to the agent and to the secretary of
39 state indicating the surety's intent to cancel the
40 bond and the effective date of the cancellation. The
41 surety bond shall be for the benefit of the citizens
42 of this state and shall be conditioned upon the waste
43 tire hauler's willingness to comply with this section,
44 pay all amounts due to any individual or group of
45 individuals when due, and pay all damages caused to
46 any person by reason of intentional misstatement,
47 misrepresentation, fraud, deceit, or any unlawful or
48 negligent acts or omissions by the registered waste
49 tire hauler or the waste tire hauler's employee while
50 acting within the scope of employment. The surety's

Page 2

1 liability under this subsection is limited to the
2 amount of the bond or the amount of the damages,
3 whichever is less. However, this subsection does not
4 limit the amount of damages recoverable from a waste
5 tire hauler to the amount of the surety bond. This
6 subsection shall not limit the recovery of damages to
7 the amount of the surety bond. The bond shall be made
8 in a form prescribed by the secretary of state and
9 written by a company authorized by the secretary of
10 state to do business in this state.

11 6. The secretary of state shall adopt rules
12 including imposition of civil penalties necessary for
13 the implementation and administration of this chapter.

14 7. A person who knowingly and willfully violates a
15 provision of this section is subject to a civil
16 penalty in an amount not to exceed ten thousand
17 dollars. Moneys collected from the penalties imposed
18 shall be deposited in the waste volume reduction and
19 recycling fund established pursuant to section
20 455D.15.

21 Sec. 2. Section 455B.310, subsection 2, Code 1991,
22 is amended by adding the following new unnumbered
23 paragraph:

24 NEW UNNUMBERED PARAGRAPH. In addition to the
25 tonnage fee amounts imposed under this subsection, in
26 the year beginning July 1, 1991, the tonnage fee shall
27 be increased by seventy-five cents per ton of solid
28 waste. The moneys collected under this paragraph are
29 appropriated and shall be used for the following

30 purposes:

31 a. Ten cents per ton per year is appropriated to
32 the department of natural resources to establish a
33 program to provide competitive grants to regional
34 coordinating councils for projects in regional
35 economic development centers related to a by-products
36 and waste exchange system. Grantees under this
37 program shall coordinate activities with other
38 available state or multistate waste exchanges,
39 including but not limited to the by-products and waste
40 search service at the university of northern Iowa.
41 The department shall consult with the department of
42 economic development and the waste reduction center at
43 the university of northern Iowa in establishing
44 criteria for and the awarding of grants under this
45 program. The department of natural resources may
46 expend thirty thousand dollars of the moneys
47 appropriated under this paragraph to contract with the
48 by-products and waste search service at the university
49 of northern Iowa to provide training and other
50 technical services to grantees under the program.

Page 3

1 b. Fifteen cents per ton per year is appropriated
2 to the department of natural resources to establish
3 three permanent household hazardous waste collection
4 sites so that both urban and rural population are
5 served. An additional five cents per ton per year is
6 appropriated to the department to be used for the
7 payment of transportation costs related to household
8 hazardous waste collection programs.

9 c. Twelve and one-half cents per ton per year is
10 appropriated to the department to provide additional
11 toxic cleanup days.

12 d. Twenty-seven and one-half cents per ton per
13 year is appropriated to the department to provide low
14 or no interest loans to Iowa businesses for the
15 manufacture or remanufacture of products from
16 postconsumer materials. The department, in
17 consultation with the department of economic
18 development, shall develop rating criteria for the
19 program including criteria which gives priority in the
20 approval of loans to firms involved in tire recycling.
21 The department, in cooperation with the department of
22 economic development, shall provide technical
23 assistance to and monitoring of the technical
24 operations of projects funded under this section.

25 e. Five cents per ton per year is appropriated to
26 the department of economic development to establish,
27 in cooperation with the department of natural
28 resources, a marketing initiative to assist Iowa

29 businesses in producing recycling or reclamation
30 equipment or services, recyclable products, or
31 products from recycled materials to expand into
32 national markets. For the fiscal year beginning July
33 1, 1991, and ending June 30, 1992, fifty thousand
34 dollars of the moneys appropriated under this
35 paragraph shall be allocated for the purposes of
36 developing advanced microbiological technologies for
37 reduction, destruction, or disposal of wet solid
38 waste.

39 Sec. 3. Section 455B.310, subsection 7, unnumbered
40 paragraph 1, Code 1991, is amended to read as follows:
41 The department shall grant exemptions from the fee
42 requirements of subsection 2, unnumbered paragraph 1,
43 for receipt of solid waste meeting all of the
44 following criteria:

45 Sec. 4. Section 455B.310, subsection 7, paragraph
46 e, Code 1991, is amended to read as follows:

47 e. The owner or operator of the sanitary landfill
48 applying for exemption demonstrates to the
49 satisfaction of the department that good faith efforts
50 were made to renegotiate the contract notwithstanding

Page 4

1 its terms, and has been unable to agree on an
2 amendment allowing the fee provided in subsection 2,
3 unnumbered paragraph 1, to be added to the
4 compensation or fee provisions of the contract.

5 Sec. 5. Section 455B.310, Code 1991, is amended by
6 adding the following new subsections:

7 NEW SUBSECTION. 9. The department shall grant
8 exemptions from the fee requirements of subsection 2,
9 unnumbered paragraph 2, for receipt of solid waste
10 meeting all of the following criteria:

11 a. Receipt of the solid waste is pursuant to a
12 written contract between the owner or operator of the
13 sanitary landfill and another person.

14 b. The contract was lawfully executed prior to
15 January 1, 1991.

16 c. The contract expressly prohibits an increase in
17 the compensation or fee payable to the owner or
18 operator of the landfill and does not allow voluntary
19 cancellation or renegotiation of the compensation or
20 fee during the term of the contract.

21 d. The contract has not been amended at any time
22 after January 1, 1991.

23 e. The owner or operator of the sanitary landfill
24 applying for exemption demonstrates to the
25 satisfaction of the department that good faith efforts
26 were made to renegotiate the contract notwithstanding
27 its terms, and has been unable to agree on an

28 amendment allowing the fee provided in subsection 2,
29 unnumbered paragraph 2, to be added to the
30 compensation or fee provisions of the contract.

31 f. Applications for exemption must be submitted on
32 forms provided by the department with proof of
33 satisfaction of all criteria.

34 g. Notwithstanding the time specified within the
35 contract, an exemption from payment of the fee
36 increase requirements for a multiyear contract shall
37 terminate by January 1, 1993.

38 NEW SUBSECTION. 10. Notwithstanding the tonnage
39 fee schedule prescribed under subsection 2, foundry
40 material that is deposited at a permitted sanitary
41 landfill and used to replace material that would
42 otherwise be purchased and transported from off-site
43 for daily cover, shall be subject to the following
44 fees:

45 a. For the fiscal year beginning July 1, 1991, and
46 ending June 30, 1992, the tonnage fee is one dollar
47 for each ton of foundry material which is not more
48 than forty percent of the total amount of foundry
49 material deposited at the sanitary landfill for daily
50 cover by any one source. The amount of foundry

Page 5

1 material deposited at the sanitary landfill which is
2 greater than forty percent of the total amount
3 deposited by any one source is subject to the tonnage
4 fee imposed in subsection 2 on other solid waste.

5 b. For the fiscal year beginning July 1, 1992, and
6 ending June 30, 1993, the tonnage fee is one dollar
7 and fifty cents for each ton of foundry material which
8 is not more than forty percent of the total amount of
9 foundry material deposited at the sanitary landfill
10 for daily cover by any one source. The amount of
11 foundry material deposited at the sanitary landfill
12 which is greater than forty percent of the total
13 amount deposited by any one source is subject to the
14 tonnage fee imposed in subsection 2 on other solid
15 waste.

16 c. For each fiscal year beginning on or after July
17 1, 1993, the tonnage fee imposed is the tonnage fee
18 imposed in subsection 2 on other solid waste."

19 2. By striking page 1, line 8, through page 2,
20 line 33, and inserting the following:

21 "(b) Fifteen cents per ton per year shall be
22 allocated to local agencies for use as provided by
23 law, used as follows:

24 (i) If the fees are collected by a city or county
25 or public agency, the moneys shall be retained by the
26 city, county, or public agency. Upon receipt of the

27 moneys, the city, county, or public agency shall
28 return the moneys to a city, county, or public agency
29 served by the sanitary disposal project for the
30 purpose of implementation of the waste volume
31 reduction and recycling requirements of the
32 comprehensive plans filed pursuant to section
33 455B.306.

34 (ii) If the fees are collected by a private agency
35 which provides for the final disposal of solid waste
36 by the residents of a city or county, the moneys shall
37 be remitted to the department. Upon receipt of the
38 moneys, the department shall return the moneys to the
39 city, county, or public agency served by the sanitary
40 disposal project for the implementation of the waste
41 volume reduction and recycling requirements of the
~42 comprehensive plans filed pursuant to section
43 455B.306.

44 Sec. _____. Section 455D.11, Code 1991, is amended
45 by adding the following new subsection:

46 NEW SUBSECTION. 7. The commission shall adopt
47 rules which provide the following:

48 a. That a person who contracts with another person
49 to transport more than forty waste tires, is required
50 to contract only with a person registered as a waste

Page 6

1 tire hauler pursuant to section 9B.1.

2 b. That a person who transports waste tires for
3 final disposal is required to only dispose of the
4 tires at a permitted sanitary disposal facility.

5 c. A person who does not comply with this
6 subsection is subject to the penalty imposed pursuant
7 to section 9B.1 and the moneys allocated shall be
8 deposited and used pursuant to 9B.1."

9 3. Title page, line 1, by striking the words
10 "waste and" and inserting the following: "waste,".

11 4. Title page, line 2, by inserting after the
12 word "collected" the following: ", and providing a
13 penalty".

14 5. By renumbering, relettering, and correcting
15 internal references as necessary.

Blanshan of Greene in the chair at 5:50 p.m.

Shoultz of Black Hawk offered amendment H—4068, to amendment H—4064, filed by him from the floor. Division was requested as follows:

H—4068

1 Amend the amendment, H—4064, to House File 706 as
2 follows:

H—4068A

- 3 1. Page 2, line 45, by striking the word "may"
4 and inserting the following: "shall".

H—4068B

- 5 2. Page 5, by inserting after line 43 the follow-
6 ing:
7 "Each sanitary landfill owner or operator shall
8 submit to the department a return regarding the use of
9 the fees allocated under this subparagraph subdivision
10 (b) concurrently with the return submitted pursuant to
11 section 455B.310, subsection 5."
12 3. Page 6, line 8, by inserting after the word
13 "to" the following: "section".

Shoultz of Black Hawk moved the adoption of amendment H—4068A, to amendment H—4064.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 47.

Amendment H—4068A was adopted.

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.

Dvorsky of Johnson offered the following amendment H—4070, to amendment H—4064, filed by him from the floor and moved its adoption:

H—4070

- 1 Amend amendment, H—4064, to House File 706 as
2 follows:
3 1. Page 3, line 29, by striking the word "in".

Amendment H—4070 was adopted.

The House resumed consideration of amendment H—4068B, to amendment H—4064.

On motion by Shoultz of Black Hawk, amendment H—4068B was adopted.

Iverson of Wright rose on a point of order that amendment H—4064 was not germane.

The Speaker ruled the point well taken and amendment H—4064, as amended, not germane.

Shoultz of Black Hawk asked and received unanimous consent to suspend the rules to consider amendment H—4064, as amended.

On motion by Shoultz of Black Hawk, amendment H—4064, as amended, was adopted.

Schrader of Marion offered the following amendment H—4063 filed by him and Black of Jasper from the floor and moved its adoption:

H—4063

- 1 Amend House File 706 as follows:
- 2 1. Page 1, by striking lines 1 through 4.
- 3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 25, nays 46.

Amendment H—4063 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. 706)

The ayes were, 76:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bernau
Bisignano	Black	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	Dickinson	Diemer
Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Hahn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	McKean	McKinney	McNeal
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Royer	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Wise	Wissing	Blanshan
			Presiding

The nays were, 20:

Bennett	Branstad	De Groot	Doderer
Garman	Grubbs	Gruhn	Halvorson, R. N.
Hurley	Iverson	Krebsbach	Kremer
Maulsby	Mertz	Millage	Petersen, D. F.
Plasier	Renken	Shoning	Weidman

Absent or not voting, 4:

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 706** be immediately messaged to the Senate.

Speaker Arnould in the chair at 6:45 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, for the remainder of the day, on request of Siegrist of Potawattamie.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Sherzan of Polk called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4047 to the House amendment:

H-4047

- 1 Amend the House amendment, S-3638, to Senate File
- 2 444, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 8 and
- 5 inserting the following:
- 6 "_____. Page 1, by striking lines 1 through 9."

7 2. Page 1, line 12, by inserting after the word
8 "abuse." the following: "The council shall submit an
9 annual report to the general assembly by January 15 of
10 each year relating to the continuing education
11 requirements devoted to the topic of domestic abuse,
12 including the number of hours required, the substance
13 of the classes offered, and other related matters."

14 3. Page 2, line 1, by striking the words "by
15 telephone or otherwise" and inserting the following:
16 "in writing so that the county sheriff and the county
17 sheriff's dispatcher receive written notice".

18 4. Page 2, by inserting after line 17 the
19 following:

20 "_____. Page 8, by inserting after line 4 the
21 following:

22 "Sec. _____. Section 236.14, subsection 2,
23 unnumbered paragraph 1, Code 1991, is amended to read
24 as follows:

25 When a person arrested for a domestic abuse
26 assault, or taken into custody for contempt
27 proceedings pursuant to section 236.11, is brought
28 before a magistrate and the magistrate finds probable
29 cause to believe that domestic abuse or a violation of
30 an order or consent agreement has occurred and that
31 the presence of the alleged abuser in the victim's
32 residence poses a threat to the victim's safety of the
33 alleged victim, persons residing with the alleged
34 victim, or members of the alleged victim's immediate
35 family, the magistrate shall enter an order which
36 shall require the alleged abuser to have no contact
37 with the alleged victim, persons residing with the
38 alleged victim, or members of the alleged victim's
39 immediate family, and to refrain from harassing the
40 alleged victim, persons residing with the alleged
41 victim, or members of the alleged victim's relatives
42 immediate family, in addition to any other conditions
43 of release determined and imposed by the magistrate
44 under section 811.2. A no-contact order requiring the
45 alleged abuser to have no contact with the alleged
46 victim's children shall prevail over any existing
47 order awarding custody or visitation rights, which may
48 be in conflict with the no-contact order."

49 5. Page 3, by striking lines 2 through 5.

50 6. Page 3, by inserting after line 11 the fol—

Page 2

1 lowing:

2 "_____. Page 12, line 21, by striking the words
3 "support groups" and inserting the following:
4 "programs"."

5 7. Page 4, by inserting after line 17 the fol—

6 lowing:

7 "_____. Page 15, by inserting after line 32 the
8 following:

9 "Sec. 100. Section 602.8105, subsection 1, Code
10 1991, is amended by adding the following new
11 unnumbered paragraph after paragraph u:
12 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
13 other provision of law to the contrary, including but
14 not limited to the other provisions of this section,
15 five dollars of the fees imposed pursuant to paragraph
16 "a", the five dollar additional fee imposed pursuant
17 to paragraph "l", and fifteen dollars of the fees
18 imposed pursuant to paragraphs "m" and "n" shall be
19 remitted to the treasurer of state for deposit into
20 the general fund of the state, and shall not be
21 deposited in the court revenue distribution account,
22 and shall not be deposited in the judicial retirement
23 fund."

24 8. Page 4, by inserting before line 22 the
25 following:

26 "_____. Page 16, by inserting before line 26 the
27 following:

28 "Sec. 101. Section 602.8106, Code 1991, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 6. Notwithstanding any other
31 provision of law to the contrary, including but not
32 limited to the other provisions of this section, five
33 dollars of the fee for filing and docketing of a
34 complaint or information for a simple misdemeanor and
35 five dollars of the fee for filing and docketing of a
36 complaint or information for a nonscheduled simple
37 misdemeanor imposed pursuant to subsection 1 shall be
38 remitted to the treasurer of state for deposit into
39 the general fund of the state, and shall not be
40 deposited in the court revenue distribution account,
41 and shall not be deposited in the judicial retirement
42 fund."

43 9. Page 4, line 30, by inserting after the word
44 "fund" the following: "of the state. Notwithstanding
45 any other provision of law to the contrary, including
46 but not limited to the other provisions of this
47 section, the additional fee of five dollars imposed in
48 this paragraph shall not be deposited in the court
49 revenue distribution account, and shall not be
50 deposited in the judicial retirement fund".

Page 3

1 10. Page 5, line 11, by inserting after the
2 figure "907.3" the following: ", if the defendant has
3 not previously received a deferred sentence or
4 judgment for a violation of section 708.2 or 708.2A

5 which was issued on a domestic abuse assault.
6 However, once the defendant has received one deferred
7 sentence or judgment involving a violation of section
8 708.2 or 708.2A which was issued on a domestic abuse
9 assault, the defendant shall not be eligible to
10 receive another deferred sentence or judgment for a
11 violation of this section".

12 11. Page 5, by striking lines 12 and 13.

13 12. Page 5, line 15, by striking the word
14 "However" and inserting the following: "In addition".

15 13. Page 5, by striking lines 25 through 27 and
16 inserting the following: "inserting the following:
17 "domestic abuse offenders. Participation in the
18 batterers' treatment" ".

19 14. Page 5, by inserting after line 46 the
20 following:

21 "Sec. _____. Section 907.3, subsection 1, Code
22 1991, is amended by adding the following new
23 paragraph:

24 NEW PARAGRAPH. h. Prior to the commission of the
25 offense the defendant had been granted a deferred
26 judgment or deferred sentence for a violation of
27 section 708.2 or 708.2A which was issued on a domestic
28 abuse assault, or was granted similar relief anywhere
29 in the United States concerning that jurisdiction's
30 statutes which substantially correspond to domestic
31 abuse assault as provided in section 708.2A, and the
32 current offense is a violation of section 708.2A.

33 Sec. _____. Section 907.3, subsection 2, Code 1991,
34 is amended to read as follows:

35 2. At the time of or after pronouncing judgment
36 and with the consent of the defendant, the court may
37 defer the sentence and assign the defendant to the
38 judicial district department of correctional services.
39 However, the court shall not defer the sentence for a
40 violation of section 708.2A if the defendant has
41 previously received a deferred judgment or sentence
42 for a violation of section 708.2 or 708.2A which was
43 issued on a domestic abuse assault, or if similar
44 relief was granted anywhere in the United States
45 concerning that jurisdiction's statutes which
46 substantially correspond to domestic abuse assault as
47 provided in section 708.2A. Upon a showing that the
48 defendant is not fulfilling the conditions of
49 probation, the court may revoke probation and impose
50 any sentence authorized by law. Before taking such

Page 4

1 action, the court shall give the defendant an
2 opportunity to be heard on any matter relevant to the
3 proposed action. Upon violation of the conditions of

4 probation, the court may proceed as provided in
5 chapter 908."

6 15. Page 6, by inserting after line 10 the
7 following:

8 "_____. Page 20, line 30, by inserting after the
9 word "judge" the following: "or magistrate".

10 16. Page 6, by striking lines 11 and 12, and
11 inserting the following:

12 "_____. Page 23, line 5, by inserting after the
13 figure "1993." the following: "The pilot program
14 shall terminate on July 1, 1994." "

15 17. Page 6, lines 23 and 24, by striking the word
16 and figures "January 1, 1993" and inserting the
17 following: "August 1, 1992".

18 18. Page 6, line 27, by striking the word
19 "December" and inserting the following: "July".

20 19. Page 6, line 28, by striking the word "may"
21 and inserting the following: "shall".

22 20. Page 6, by inserting after line 41 the
23 following:

24 "_____. Page 24, by inserting after line 10 the
25 following:

26 "Sec. _____. INCREASE IN COURT COSTS AND FEES AND
27 RELATIONSHIP TO OTHER PROVISIONS OF LAW.

28 1. If House File 534 is enacted by the Seventy-
29 fourth General Assembly during its first regular
30 session, section 602.8105, subsection 1, paragraph
31 "m", Code 1991, shall be codified to read so that the
32 fee increase from fifteen to thirty dollars and the
33 sentence in this Act concerning issuance of a license
34 without the payment of fees shall prevail, and the
35 change in section 13 of House File 534 which strikes
36 two sentences from the current Code shall prevail.
37 All court cost and fee increases in this Act shall
38 prevail over any other provision to the contrary.

39 2. If House File 534 is not enacted by the
40 Seventy-fourth General Assembly during its first
41 regular session, sections 100 and 101 of this Act are
42 void and shall not take effect." "

43 21. Page 7, by striking lines 2 and 3.

44 22. By renumbering, relettering, or redesignating
45 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-4047, to the House amendment.

SENATE AMENDMENT CONSIDERED

Blanshan of Greene called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—4067:

H—4067

1 Amend House File 556 as follows:

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

4 "Sec. _____. Section 490.843, subsection 1, Code
5 1991, is amended to read as follows:

6 1. An officer may resign at any time by delivering
7 notice to the corporation. A resignation is effective
8 when the notice is delivered unless the notice
9 specifies a later effective date. If a resignation is
10 made effective at a later date and the corporation
11 accepts the future effective date, its board of
12 directors may fill the pending vacancy before the
13 effective date if the board of directors provides that
14 the successor does not take office until the effective
15 date. A resignation may be orally communicated
16 provided that the resignation is effective only if
17 written notice of the resignation is delivered within
18 twenty-four hours of such oral communication."

19 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4067.

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

On the question "Shall the bill pass?" (H.F. 556)

The ayes were, 68:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Carpenter	Chapman
Cohon	Corbett	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Gipp
Groninga	Grubbs	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Lageschulte	Lundby
McKinney	McNeal	Mertz	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich

Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 29:

Banks	Bartz	Beaman	Bennett
Branstad	Daggett	De Groot	Diemer
Eddie	Garman	Hahn	Hanson, D. E.
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Maulsby	McKean
Metcalf	Petersen, D. F.	Renken	Royer
Siegrist	Spencer	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 3:

Brammer	Connors	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.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 444** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 2, 1991. Had I been present, I would have voted "aye" on House Files 668, 672, and amendment H-4009 to Senate File 478.

ADAMS of Hamilton

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 6th day of May, 1991: House Files 152, 296, 385, 501, 570, 625 and 655.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 6, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 343, an act relating to the enforcement authority of the Iowa utilities board regarding intrastate pipelines and electric transmission lines and providing civil penalties.

House File 491, an act relating to acquisition of rights-of-way for highways.

House File 518, an act to establish an advanced placement summer program.

House File 534, an act relating to changes and corrections in the court administration system.

House File 593, an act relating to employment of personnel under sharing agreements and agreements to combine merged areas.

House File 602, an act relating to the transfer of ownership of a vehicle by operation of law.

House File 661, an act relating to certain general permits for activities affecting the environment, and providing an effective date.

Senate File 56, an act requiring reporting of county aid by societies organized to administer local fairs.

Senate File 112, an act relating to the membership on community-based correctional program project advisory committees.

Senate File 114, an act relating to the definition of a physician for the purpose of the practice of nursing.

Senate File 134, an act relating to the use of fireworks in state parks and preserves and providing a penalty.

Senate File 257, an act changing the definition of targeted small business and providing an effective date.

Senate File 313, an act relating to the accreditation process for schools and school districts.

Senate File 355, 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.

Senate File 479, 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.

Senate File 492, an act relating to the classified civil service status of two second deputy sheriffs in certain counties.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

May 6, 1991

Honorable Joseph Welsh
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

Senate File 422, an act allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the act, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 422 establishes a procedure to allow certain ballot issue elections involving counties, cities, school districts, and benefited water districts to be conducted by mail ballot. The bill limits the situations in which an election could be conducted by mail ballot to those that are nonpartisan, do not involve the election of candidates, and those at which qualified voters of the political subdivision would not be voting at another election the same day. Despite its limited application, I believe the mail ballot election procedure provided in this bill is unnecessary and increases the potential for voter fraud.

Individuals must exercise some responsibilities in a democracy. Currently, in this state there is little or no inconvenience associated with exercising the privilege to cast a vote. Registering to vote has become much easier, voting takes place in the neighborhoods, and absentee ballots provide great convenience to those unable to make it to the polls on election day. These provisions already offer great accommodations to Iowa voters. No evidence has been presented that voters are disenfranchised by the current process, therefore, I am not convinced of the need for this type of legislation.

While attempts were made to build in safeguards, the mail ballot election procedure provided in Senate File 422 would significantly increase the opportunity for voter fraud. All persons registered to vote would automatically receive a ballot by mail regardless of their intent or interest in voting in the election. The bill provides that additional ballots could be obtained by persons claiming the ballot previously mailed to them was destroyed, spoiled, lost or not received. The potential for abuse of the system, as well as an increased likelihood of non-valid ballots, recounts, and challenges of the votes cast, would seriously compromise the integrity of the election process.

For the above reasons, I hereby respectfully disapprove Senate File 422.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

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

Forty-five sixth grade students from East Union Elementary School, Lorimor, accompanied by Lynette Yozhi. By Beaman of Clarke.

Sixteen high school students from Creston High School, Creston, accompanied by Jody Emerson. By Beaman of Clarke.

Six high school students from Central Decatur, Leon, accompanied by Peg Erke and Julie Grooms. By Daggett of Adams.

Nineteen sixth grade students from Gilmore City-Bradgate Junior Senior High School, Gilmore City. By Mertz of Kossuth.

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

- | | |
|----------|--|
| 1991-138 | Tim Hoback, Columbus Junction — For being chosen to sing bass with the 1991 Iowa State Fair Singers and Jazz Band. |
| 1991-139 | Aaron Adam, Washington — For being chosen to play percussion in the 1991 Iowa State Fair Singers and Jazz Band. |
| 1991-140 | The Citizens of Columbus City — For celebrating its 150th Anniversary and the Sesquicentennial Committee deserves recognition for its efforts. |
| 1991-141 | Eric Brunsen, Woden-Crystal Lake High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-142 | Christine Fox Garner-Hayfield High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-143 | Mikkie Smith, North Kossuth High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-144 | Colin Krantz, North Iowa High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-145 | Shane Metzger, Sentral-Burt High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-146 | Gina Wellik, West Hancock High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |

- 1991-147 Eric Fleming, Iowa Falls High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-148 James Kropa, Mount Pleasant Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-149 Jennifer Gerdomb, Mediapolis Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-150 Robert Bannister, New London Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-151 Jodi Messer, Waco Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-152 Julie Anderson, Winfield-Mount Union Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-153 Alison Gipp, Decorah — For participating in the Iowa State Math Bee, having achieved 1st place in the Keystone A.E.A. team competition.
- 1991-154 Zachary Robinson, Decorah — For participating in the Iowa State Math Bee, having achieved 1st place in the Keystone A.E.A. team competition.
- 1991-155 Jessica Oftelie, Decorah — For participating in the Iowa State Math Bee, having achieved 1st place in the Keystone A.E.A. team competition.
- 1991-156 Ryan Trytten, Decorah — For participating in the Iowa State Math Bee, having achieved 1st place in the Keystone A.E.A. team competition.
- 1991-157 Vernon L. Vance, Director of Special Education, Mississippi Bend A.E.A. — For forty years of dedicated service and leadership as an educator, administrator, and friend of children with special needs.
- 1991-158 Arlo Leach, Galva-Holstein Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-159 Rebecca Winterrowd, Battle Creek Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-160 Nicholas Platt, Ida Grove Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.

- 1991-161 Amy Jensen, East Monona Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-162 David Wagner, Jr., West Monona Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-163 Christine Conover, Maple Valley Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-164 The 1168th Transportation Company, Red Oak — For serving their country with personal sacrifice, honor, and pride for the preservation of peace, freedom and dignity of the people of the Persian Gulf area.
- 1991-165 Dr. Sylvio Scorza, Orange City — For receiving the Governor's Award for 1990 for Persons with Disabilities.
- 1991-166 Rodney Frascht, Charles City — For receiving the Agricultural Proficiency Gold Award for Outdoor Recreation.
- 1991-167 Kevin H. Minnis, Riceville — For receiving the Iowa FFA Degree Award and an Ag Sales Contest Gold Award.
- 1991-168 Dana A. Smith, Charles City — For receiving the Iowa FFA Degree Award, and the Agricultural Proficiency Award.
- 1991-169 Tony L. Wright, Osage — For receiving the Iowa FFA Degree Award, and for being an Iowa FFA Chorus Member.
- 1991-170 Malinda Ruzicka, Charles City — For being an Iowa FFA Chorus Member.
- 1991-171 Steve Ruzicka, Charles City — For receiving the Iowa FFA Degree Award.
- 1991-172 Jay T. W. Wendt, Charles City — For receiving the Iowa FFA Degree Award.
- 1991-173 Charles A. Staudt, Charles City — For receiving the Iowa FFA Degree Award, AG ED/FFA Journalism Award, and the WHO Farm Radio AG ED/FFA Public Relations Award.
- 1991-174 Al Witt, Osage — For receiving the Iowa FFA Degree Award, and the Farm Radio AG ED/FFA Public Relations Award.
- 1991-175 Chad Mitchell, Charles City — For receiving the Iowa FFA Degree Award.
- 1991-176 Stacy Thorson, Charles City — For receiving the Iowa FFA Degree Award.
- 1991-177 Terry A. Fritcher, Riceville — For receiving the Iowa FFA Degree Award, and an AG Sales Contest Gold Award.

- 1991-178 Jessica Marth, Charles City — For receiving the freshman Creed Speaking Gold Award.
- 1991-179 Michael Nunn, Davenport — For winning the International Boxing Federation's World Middleweight Championship.
- 1991-180 Emma Hugg, Westside — For receiving the Volunteer Health Service Award from the Iowa Medical Society Auxiliary.

SUBCOMMITTEE ASSIGNMENTS

Senate File 533

Ways and Means: Chapman, Chair; Daggett and Svoboda.

Senate File 545

Ways and Means: Groninga, Chair; Osterberg and Petersen of Muscatine.

AMENDMENTS FILED

H—4054	H.F. 698	Senate Amendment
H—4055	S.C.R. 24	Spear of Lee
H—4056	S.F. 542	Senate Amendment
H—4059	S.F. 294	Osterberg of Linn
H—4060	S.C.R. 24	Spear of Lee
H—4062	H.F. 699	Bartz of Worth
H—4066	H.F. 703	Poncy of Wapello
H—4069	H.F. 708	Blanshan of Greene
H—4071	H.F. 335	Senate Amendment
H—4072	H.F. 683	Senate Amendment
H—4073	H.F. 554	Spear of Lee

On motion by McKinney of Dallas, the House adjourned at 6:50 p.m., until 9:00 a.m., Tuesday, May 7, 1991.

JOURNAL OF THE HOUSE

One Hundred Fourteenth Calendar Day — Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, May 7, 1991

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

Prayer was offered by Alfred Edwards, House Doorkeeper, from Des Moines.

The Journal of Monday, May 6, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Ollie and Johnson of Clinton, from two hundred fifty-two constituents opposing House File 708 on reapportionment.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his arrival, on request of Haverland of Polk.

SENATE AMENDMENT CONSIDERED

Svoboda of Tama called up for consideration **House File 698**, a bill for an act relating to school bus driver education and qualifications, establishing a fund for school bus driver and passenger safety programs, and providing for a fee, amended by the Senate, and moved that the House concur in the following Senate amendment H—4054:

H—4054

- 1 Amend House File 698, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 10.
- 4 2. Page 1, line 26, by inserting after the word
- 5 and figure "subsection 2." the following: "The
- 6 department of education shall recommend, and the state
- 7 board of education shall adopt under chapter 17A,
- 8 rules and procedures for the revocation and issuance
- 9 of permits to persons. Rules and procedures adopted
- 10 shall include, but are not limited to, provisions for
- 11 the revocation of, or refusal to issue, permits to
- 12 persons who are determined to have committed any of
- 13 the acts proscribed under section 321.375, subsection
- 14 2."
- 15 3. Page 2, by inserting after line 19, the
- 16 following:

17 "Sec. _____. RULEMAKING. The department of
 18 education shall recommend, and the state board of
 19 education shall adopt under chapter 17A, rules which
 20 shall be effective by January 1, 1992, which require
 21 local school districts to immediately notify the
 22 parent, guardian, or legal custodian of a child, that
 23 the child is being questioned as provided under
 24 section 280.17 and permit the parent, guardian, or
 25 legal custodian to be present during the questioning."

The motion prevailed and the House concurred in the Senate amendment H—4054.

Svoboda of Tama 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. 698)

The ayes were, 72:

Adams	Baker	Bartz	Beaman
Beatty	Bernau	Bisignano	Black
Blanshan	Brand	Brown	Burke
Carpenter	Cohon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Gill	Gipp
Groninga	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Haverland	Hester	Hibbard	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lundby	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Teaford	Wise	Wissing	Mr. Speaker
			Arnould

The nays were, 23:

Banks	Bennett	Branstad	Daggett
Dickinson	Garman	Grubbs	Halvorson, R. A.
Harbor	Hurley	Iverson	Johnson
Krebsbach	Kremer	Maulsby	McKean
Petersen, D. F.	Renken	Royer	Siegrist
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 5:

Brammer
Neuhauser

Chapman

Hatch

Holveck

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

CONSIDERATION OF BILLS Unfinished Business Calendar

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

Jay of Appanoose offered the following amendment H-4074 filed by him from the floor:

H-4074

1 Amend Senate File 102, as passed by the Senate, as
2 follows:

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

5 "Sec. _____. Section 804.19, Code 1991, is amended
6 to read as follows:

7 804.19 RECEIPT GIVEN.

8 When if money or other property is taken from the
9 defendant arrested on a charge of a public offense,
10 the officer taking it the money or other property
11 shall, at the time, give duplicate receipts therefor
12 for the money or other property, specifying
13 particularly the amount of money and the kind of
14 property taken; one of which receipts the. The
15 officer must shall deliver one of the receipts to the
16 defendant, and the other the officer must forthwith
17 file with the clerk of the district court of the
18 county where the depositions and statements are to be
19 sent by the magistrate shall place the other receipt
20 in the file containing the report of the defendant's
21 arrest.

22 Sec. _____. Section 144.37, Code 1991, is repealed."

23 2. Title page, line 1, by striking the word
24 "requirement" and inserting the following:
25 "requirements".

26 3. Title page, line 3, by inserting after the
27 word "recognizances" the following: ", collect and
28 forward to the Iowa department of public health
29 statistics on marriage dissolutions, and receive

- 30 copies of receipts of property taken from an arrestee
 31 by a peace officer".
 32 4. By renumbering as necessary.

Tyrrell of Iowa rose on a point of order that amendment H—4074 was not germane.

The Speaker ruled the point well taken and amendment H—4074 not germane.

Jay of Appanoose asked for unanimous consent to suspend the rules to consider amendment H—4074.

Objection was raised.

Dvorsky of Johnson in the chair at 10:04 a.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?" (S.F. 102)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
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	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	Dvorsky		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Bisignano
Holveck

Brammer
Jochum

Chapman

Connors

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 330**, a bill for an act relating to tinted windows and making penalties applicable, previously deferred and placed on the unfinished business calendar.

Pavich of Pottawattamie offered the following amendment H—3604 filed by the committee on transportation and moved its adoption:

H—3604

- 1 Amend Senate File 330, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 10 through 32.

The committee amendment H—3604 was adopted.

Lageschulte of Bremer offered the following amendment H—3646 filed by him and moved its adoption:

H—3646

- 1 Amend Senate File 330, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 22 through 24 and
- 4 inserting the following:
- 5 "d. (1) The light transmittance from the
- 6 application of a suncreening device to safety glazing
- 7 materials on a side window or sidewing to the left or
- 8 right of the driver shall not be less than seventy
- 9 percent.
- 10 (2) A sunscreening device which allows fifty
- 11 percent or more light transmittance may be applied to
- 12 the safety glazing materials on windows to the rear of
- 13 the driver, but the light transmittance from a
- 14 combination of".

A non-record roll call was requested.

The ayes were 57, nays 15.

Amendment H—3646 was adopted.

McKinney of Dallas asked and received unanimous consent that Senate File 330 be deferred and that the bill retain its place on the unfinished business calendar.

Ways and Means Calendar

House File 704, a bill for an act granting urban renewal and urban revitalization authority to counties, was taken up for consideration.

Hanson of Delaware offered the following amendment H—4050 filed by Hanson, et al.:

H—4050

- 1 Amend House File 704 as follows:
- 2 1. Page 1, line 35, by striking the words "or
- 3 county".
- 4 2. Page 2, line 1, by inserting after the word
- 5 "state" the following: "or any county in the state
- 6 which has adopted zoning ordinances under chapter 358A
- 7 for areas of the county outside of the incorporated
- 8 areas of the cities".
- 9 3. Page 3, by inserting after line 6 the
- 10 following:
- 11 "Sec. _____. Section 404.2, subsection 2, paragraph
- 12 h, Code 1991, is amended by adding the following new
- 13 unnumbered paragraph:
- 14 NEW UNNUMBERED PARAGRAPH. In the case of a county,
- 15 the tax schedules used shall only be applicable to
- 16 property of the type for which the revitalization area
- 17 is zoned for at the time the county designates the
- 18 area a revitalization area."

Hanson of Delaware offered the following amendment H—4077, to amendment H—4050, filed from the floor by Hanson, Dvorsky, Metcalf and Carpenter:

H—4077

- 1 Amend amendment, H—4050, to House File 704, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the figure
- 4 "358A" the following: "which are effective not later
- 5 than January 1, 1993".
- 6 2. Page 1, by inserting after line 8 the
- 7 following:
- 8 "_____. Page 2, by inserting after line 22 the
- 9 following:
- 10 "Sec. _____. Section 403.19, Code 1991, is amended
- 11 by adding the following new subsection:
- 12 NEW SUBSECTION. 7. For the purposes of this
- 13 section, a county shall include taxes levied on
- 14 industrial property within an urban renewal area only.
- 15 Sec. _____. Section 404.2, subsection 2, paragraph
- 16 f, Code 1991, is amended to read as follows:
- 17 f. A statement specifying whether the
- 18 revitalization is applicable to none, some, or all of

19 the property assessed as residential, agricultural,
20 commercial or industrial property within the
21 designated area or a combination thereof and whether
22 the revitalization is for rehabilitation and additions
23 to existing buildings or new construction or both. If
24 revitalization is made applicable only to some
25 property within an assessment classification, the
26 definition of that subset of eligible property must be
27 by uniform criteria which further some planning
28 objective identified in the plan. The city shall
29 state how long it is estimated that the area shall
30 remain a designated revitalization area which time
31 shall be longer than one year from the date of
32 designation and shall state any plan by the city to
33 issue revenue bonds for revitalization projects within
34 the area. For a county, a revitalization area shall
35 include property assessed as industrial property
36 only."

Harbor of Mills asked and received unanimous consent that House File 704 be deferred and that the bill retain its place on the calendar.

(Amendment H—4077, to amendment H—4050, pending.)

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for a meeting of the committee on judiciary and law enforcement at 2:00 p.m. today.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 7, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 700, a bill for an act raising the city transit property tax levy limit.

Also: That the Senate has on May 7, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund.

Also: That the Senate has on May 7, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 539, a bill for an act relating to the Iowa pharmacy practice Act and assessing fees.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 11:42 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 709, by McKinney and Van Maanen, 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.

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

The House stood at ease at 3:08 p.m., until the fall of the gavel.

The House resumed session at 3:19 p.m., Speaker Arnould in the chair.

CONSIDERATION OF BILLS

Ways and Means Calendar

The House resumed consideration of **House File 704**, a bill for an act granting urban renewal and urban revitalization authority to counties, and amendment H—4077 (found on pages 2152 and 2153 of the House Journal), to amendment H—4050, (found on page 2152 of the House Journal).

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—4077.

Black of Jasper in the chair at 3:20 p.m.

Hanson of Delaware offered amendment H—4080, to amendment H—4050, filed by him from the floor. Division was requested as follows:

H—4080

- 1 Amend amendment, H—4050, to House File 704, as
- 2 follows:

H—4080A

- 3 1. Page 1, by striking lines 2 through 8 and
- 4 inserting the following:
- 5 "_____. Page 2, line 1, by inserting after the word
- 6 "state." the following: "However, effective January
- 7 1, 1993, a county, within the definition of

H-4080A

8 "municipality", means a county which has adopted
9 zoning ordinances under chapter 358A for areas of the
10 county outside of the incorporated areas of cities."

H-4080B

11 2. Page 1, by inserting after line 8 the
12 following:

13 "_____. Page 2, by inserting after line 22 the
14 following:

15 "Sec. _____. Section 403.19, Code 1991, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 7. For the purposes of this
18 section, a county shall include taxes levied on
19 industrial property within an urban renewal area only.

20 Sec. _____. Section 404.2, subsection 2, paragraph
21 f, Code 1991, is amended to read as follows:

22 f. A statement specifying whether the
23 revitalization is applicable to none, some, or all of
24 the property assessed as residential, agricultural,
25 commercial or industrial property within the
26 designated area or a combination thereof and whether
27 the revitalization is for rehabilitation and additions
28 to existing buildings or new construction or both. If
29 revitalization is made applicable only to some
30 property within an assessment classification, the
31 definition of that subset of eligible property must be
32 by uniform criteria which further some planning
33 objective identified in the plan. The city shall
34 state how long it is estimated that the area shall
35 remain a designated revitalization area which time
36 shall be longer than one year from the date of
37 designation and shall state any plan by the city to
38 issue revenue bonds for revitalization projects within
39 the area. For a county, a revitalization area shall
40 include only property which will be used as industrial
41 property only."

Hanson of Delaware asked and received unanimous consent to defer action on amendment H-4080A.

On motion by Hanson of Delaware, amendment H-4080B was adopted.

On motion by Hanson of Delaware, amendment H-4080A was adopted.

On motion by Hanson of Delaware, amendment H-4050, as amended, was adopted.

Dickinson of Jackson offered the following amendment H—4011 filed by him and moved its adoption:

H—4011

1 Amend House File 704 as follows:
 2 1. Page 2, by striking lines 5 through 17, and
 3 inserting the following:
 4 "17. "Area of operation" shall mean of a city
 5 means the area within the corporate limits of the
 6 municipality and the area within five two miles of
 7 such limits, except that it shall does not include any
 8 area which lies within the territorial boundaries of
 9 another incorporated city, unless a resolution shall
 10 have has been adopted by the governing body of such
 11 other the city declaring a need therefor to be
 12 included in the area. The "area of operation" of a
 13 county means an area outside the corporate limits of a
 14 city. However, in that area outside a city's boundary
 15 but within two miles of the city's boundary, a joint
 16 agreement between the city and the county is required
 17 allowing the county to proceed with the activities
 18 authorized under this chapter. In addition, a county
 19 may proceed with activities authorized under this
 20 chapter in an area inside the boundaries of a city,
 21 provided a joint agreement is entered into with
 22 respect to such activities between a city and a
 23 county."

Amendment H—4011 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. 704)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Brammer	Brand
Branstad	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	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
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby

Maulsby	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	Spencer
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Black
			Presiding

The nays were, 6:

Brown	Garman	Jesse	McKean
Mertz	Osterberg		

Absent or not voting, 2:

Blanshan	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.

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House File 704** be immediately messaged to the Senate.

House File 695, 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, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—3771 filed by him and De Groot of Lyon and moved its adoption:

H—3771

- 1 Amend House File 695 as follows:
- 2 1. By striking page 2, line 30 through page 3,
- 3 line 5 and inserting the following:
- 4 "The revenue arising from the operation of this
- 5 chapter shall be credited to the road use tax fund."

Amendment H—3771 was adopted.

Murphy of Dubuque offered the following amendment H—4018 filed by Murphy, et al., and moved its adoption:

H—4018

- 1 Amend House File 695 as follows:
- 2 1. Page 3, line 7, by striking the word

- 3 "subsection" and inserting the following:
 4 "subsections".
 5 2. Page 3, line 9, by inserting after the word
 6 "rental" the following: "or registered and titled by
 7 a motor vehicle dealer licensed pursuant to chapter
 8 322 for rental use, and held for rental for a period
 9 of one hundred twenty days or more".
 10 3. Page 3, by striking lines 14 through 21 and
 11 inserting the following: "subject to taxation under
 12 chapter 422C."
 13 NEW SUBSECTION. 15. Motor vehicles subject to
 14 registration which were registered and titled between
 15 July 1, 1982, and October 1, 1991, to a motor vehicle
 16 dealer licensed under chapter 322 and which were
 17 rented to a user as defined in section 422C.2 if the
 18 following occurred:".
 19 4. Page 3, by striking lines 27 through 33.
 20 5. Page 3, line 34, by striking the word
 21 "September" and inserting the following: "October".

Amendment H—4018 was adopted.

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. 695)

The ayes were, 99:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	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	Jáy	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	Shoultz

Siegrist
Teaford
Wise

Spear
Tyrrell
Wissing

Spenner
Van Maanen
Black
Presiding

Svoboda
Weidman

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 was agreed to.

The House stood at ease at 4:02 p.m., until the fall of the gavel.

The House resumed session at 4:15 p.m., Black of Jasper in the 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 Appoint- ment</u>	<u>Eff. Date</u>
Legislative Research Analyst I	Susan D. Severino	27-3 to	P-FT	04/26/91
Legislative Research Analyst II		30-1		
Legislative Research Analyst I	Greg E. Watson	27-3 to	P-FT	04/26/91
Legislative Research Analyst II		30-1		

SHEARER of Louisa, Chair

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 6, 1991. Had I been present, I would have voted "aye" on Senate File 276.

WISSING of Scott

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of

the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of May, 1991: House Files 500, 502, 566, 577, 649, 689 and 691.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 6, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 197, an act relating to the operation and dissolution of certain special districts organized to provide a municipal service.

House File 375, an act relating to the prohibiting of the disposal of baled solid waste at a sanitary landfill.

House File 601, 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.

House File 639, an act relating to the Iowa community cultural grants program.

Senate File 211, an act relating to consumer frauds against the elderly, providing a civil penalty, and creating a special fund.

Senate File 340, 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.

Senate File 412, 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.

Senate File 453, an act relating to judicial officers having jurisdiction over civil commitment proceedings and providing an effective date.

COMMUNICATION RECEIVED

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

DEPARTMENT OF REVENUE AND FINANCE

An analysis of the income wealth and other nonproperty wealth of Iowans, pursuant to Chapter 135.28, 1989 Acts of the Seventy-third General Assembly.

PRESENTATION OF VISITORS

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

Seven high school students from Grace Baptist School, Marion, accompanied by Roy Owens. By Corbett of Linn and Lundby of Linn.

Thirty sixth grade students from Netherlands Reformed Christian School, Rock Valley, accompanied by Sharla Boon. By Plasier of Sioux.

Forty-three sixth grade students from Traer Elementary School, Traer, accompanied by Marcia Gookin. By Svoboda of Tama.

SUBCOMMITTEE ASSIGNMENT

Senate File 547

Ways and Means: Groninga, Chair; Bennett and Doderer.

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

House File 709, 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.

Fiscal Note is not required.

Recommended **Do Pass** May 7, 1991.

Senate File 460, a bill for an act relating to the establishment of certain county roads and legalizing the proceedings concerning the establishment of certain county roads.

Fiscal Note is not required.

Recommended **Do Pass** May 7, 1991.

Pursuant to Joint Rule 20, Senate File 460 was rereferred to the committee on judiciary and law enforcement.

COMMITTEE ON WAYS AND MEANS

Senate File 83, a bill for an act 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-4081** May 7, 1991.

Senate File 537, a bill for an act relating to payment of property taxes on lands purchased by the department of natural resources.

Fiscal Note is not required.

Recommended Do Pass May 7, 1991.

Senate File 545, a bill for an act relating to fuel, by providing for the production and consumption of renewable fuel, and providing for the imposition of taxes upon certain fuel.

Fiscal Note is not required.

Recommended Do Pass May 7, 1991.

Senate File 547, a bill for an act relating to housing and residential development within certain urban renewal areas and to tax exemption schedules for revitalization areas and providing an applicability date.

Fiscal Note is not required.

Recommended Do Pass May 7, 1991.

AMENDMENTS FILED

H-4075	S.C.R.	24	Brand of Benton
H-4078	H.F.	700	Senate Amendment
H-4079	S.F.	330	Spear of Lee
H-4081	S.F.	83	Committee on Ways and Means
H-4082	H.F.	435	Gruhn of Dickinson
H-4083	S.C.R.	24	Svoboda of Tama

On motion by Neuhauser of Johnson, the House adjourned at 4:16 p.m., until 9:00 a.m., Wednesday, May 8, 1991.

JOURNAL OF THE HOUSE

One Hundred Fifteenth Calendar Day — Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, May 8, 1991

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Mark Shearer, state representative from Louisa County.

The Journal of Tuesday, May 7, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his arrival, on request of Garman of Story.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 6, 1991, failed to pass the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on May 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 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 BILL

House File 710, by McKinney and Van Maanen, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 22

Bernau of Story called up for consideration House Concurrent

Resolution 22, 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, and moved its adoption.

Roll call was requested by Bernau of Story and Grubbs of Scott.

Rule 75 was invoked.

On the question "Shall the resolution be adopted?" (H.C.R. 22)

The ayes were, 53:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Burke	Chapman	Cohoon	Daggett
De Groot	Dickinson	Doderer	Dvorsky
Gill	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Koenigs
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Connors			
Presiding			

The nays were, 42:

Banks	Beaman	Bennett	Carpenter
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
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 5:

Brammer	Corbett	Diemer	Jay
Knapp			

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 695 and House Concurrent Resolution 22.**

ADOPTION OF HOUSE CONCURRENT RESOLUTION 19

Haverland of Polk called up for consideration 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.

Hammond of Story offered the following amendment H-3582 filed by her:

H-3582

- 1 Amend House Concurrent Resolution 19 as follows:
- 2 1. Page 2, by inserting after line 12, the
- 3 following:
- 4 "*Be It Further Resolved*, That the universal system
- 5 should be a single payer, national plan, which
- 6 includes the following components: universal access
- 7 to health care, cost containment provisions,
- 8 mechanisms to ensure quality of care, elimination of
- 9 administrative waste and complexity, and provision of
- 10 long-term care for the elderly and disabled.
- 11 *Be It Further Resolved*, That although establishment
- 12 of the universal health care system is most
- 13 appropriate at the federal level, the health status of
- 14 Iowa's residents is at-risk until a universal system
- 15 is established. Because the successful operation of a
- 16 universal health care system is likely to involve
- 17 state governments as well as the federal government,
- 18 the state of Iowa should begin now to work toward
- 19 enactment of a single payer, universal health plan
- 20 within the borders of the state."

Hester of Pottawattamie rose on a point of order that amendment H-3582 was not germane.

The Speaker ruled the point not well taken and amendment H-3582 germane.

Hammond of Story moved the adoption of amendment H-3582.

Roll call was requested by Bernau of Story and Hammond of Story.

Rule 75 was invoked.

On the question "Shall amendment H—3582 be adopted?"
(H.C.R. 19)

The ayes were, 45:

Adams	Baker	Beatty	Bernau
Black	Blanshan	Brand	Brown
Burke	Chapman	Cohoon	Dickinson
Doderer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jesse	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Shoultz
Spear	Teaford	Wise	Wissing
Connors			
Presiding			

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	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	Pavich	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 10:

Arnould, Spkr.	Bisignano	Brammer	Corbett
Jay	Jochum	Ollie	Osterberg
Sherzan	Svoboda		

Amendment H—3582 lost.

On motion by Haverland of Polk, the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Adams of Hamilton called up for consideration **House File 700**, a bill for an act raising the city transit property tax levy limit, amended by the Senate, and moved that the House concur in the following Senate amendment H—4078:

H-4078

- 1 Amend House File 700, as passed by the House, as
- 2 follows:
- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 "one dollar and eight" and inserting the following:
- 5 "ninety-five".

The motion prevailed and the House concurred in the Senate amendment H-4078.

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

On the question "Shall the bill pass?" (H.F. 700)

The ayes were, 66:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Bisignano	Black
Blanshan	Brand	Brown	Burke
Carpenter	Chapman	Cphoon	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hibbard	Holveck
Iverson	Jesse	Knapp	Koenigs
Lageschulte	Lundby	McKean	McKinney
McNeal	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Renaud	Schrader
Shearer	Shoning	Shoultz	Spear
Spencer	Svoboda	Teaford	Wise
Wissing	Connors		
	Presiding		

The nays were, 29:

Banks	Beaman	Bennett	Branstad
Daggett	De Groot	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Harbor	Hester	Hurley	Johnson
Kistler	Krebsbach	Kremer	Maulsby
Millage	Petersen, D. F.	Rafferty	Renken
Royer	Siegrist	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 5:

Brammer	Corbett	Jay	Jochum
Sherzan			

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House Concurrent Resolution 19** be immediately messaged to the Senate.

HOUSE RECEDES

Halvorson of Webster called up for consideration **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, and moved that the House recede from its amendment, which motion prevailed.

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, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	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
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	Royer
Schrader	Shoning	Siegrist	Spear
Spanner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Connors			
Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer
Shearer

Corbett
Sherzan

Jay
Shultz

Jochum

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

The House stood at ease at 10:43 a.m., until the fall of the gavel.

The House resumed session at 11:13 a.m. Connors of Polk in the chair.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for a meeting of the committee on state government at 11:30 a.m. and a meeting of the committee on appropriations at 1:00 p.m. today.

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, 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 eighty-four members present, sixteen absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 25, 1991, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 214, a bill for an act relating to the reproductive toxicity of alcoholic beverages, and providing a penalty.

Also: That the Senate has on May 8, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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 May 8, 1991, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was 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.

JOHN F. DWYER, Secretary

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House Files 709 and 710.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House File 710, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—4087 May 8, 1991.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of McKinney of Dallas; Holveck of Polk, until his return, on request of Haverland of Polk.

CONSIDERATION OF BILLS

Regular Calendar

House File 709, 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, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 709)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brammer
Branstad	Brown	Burke	Carpenter
Cohoon	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	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	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Bisignano	Brand	Chapman	Corbett
Groninga	Holveck	Jochum	Mertz

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 13

Svoboda of Tama called up for consideration Senate Concurrent Resolution 13, a concurrent resolution relating to assistive technology and endorsing the efforts of the Iowa Council on Assistive Technology, and moved its adoption.

The motion prevailed and the resolution was adopted.

Regular Calendar

House File 710, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—4087 filed by the committee on state government and moved its adoption:

H—4087

- 1 Amend House File 710 as follows:
- 2 1. Page 1, line 14, by striking the word
- 3 "members" and inserting the following: "selected by
- 4 leaders".
- 5 2. Page 1, line 18, by striking the words
- 6 "legislative members," and inserting the following:
- 7 "members selected by leaders of the general
- 8 assembly,".
- 9 3. Page 1, line 24, by inserting after the word
- 10 "senate." the following: "Persons making appointments
- 11 shall consult with one another to ensure that the
- 12 commission is balanced by gender, political
- 13 affiliation, and geographic location, and to ensure
- 14 selection of members representing diverse historical
- 15 interest groups."

The committee amendment H—4087 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. 710)

The ayes were, 92:

Adams
Bartz
Bernau
Brand

Arnould, Spkr.
Beaman
Black
Branstad

Baker
Beatty
Blanshan
Brown

Banks
Bennett
Brammer
Burke

Carpenter	Cohoon	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.	Harbor	Hatch	Haverland
Hester	Hibbard	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	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Bisignano	Chapman	Corbett	Groninga
Hanson, D. R.	Holveck	Jochum	Mertz

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 709 and 710.**

The House stood at ease at 3:24 p.m., until the fall of the gavel.

The House resumed session at 3:32 p.m., Connors of Polk in the chair.

RULES SUSPENDED

Schrader of Marion asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 545.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 545, a bill for an act relating to fuel, by providing for the production and consumption of renewable fuel, and providing for

the imposition of taxes upon certain fuel, 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. 545)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	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
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.	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, 8:

Bisignano	Corbett	Groninga	Holveck
Jesse	Jochum	Mertz	Sherzan

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 5

Shearer of Louisa called up for consideration 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, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 3:43 p.m., until the fall of the gavel.

The House resumed session at 4:44 p.m., Connors of Polk in the chair.

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **House File 335**, a bill for an act relating to a parent's right of action for the death of a child, amended by the Senate amendment H—4071 as follows:

H—4071

- 1 Amend House File 335, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "child." the following: "A parent of an adult child
- 5 may sue for the actual expense, loss of services,
- 6 support, companionship, and society of an adult child
- 7 lost due to injury or death of the adult child if the
- 8 parent is dependent on the adult child for support or
- 9 services."

Millage of Scott offered the following amendment H—4091, to the Senate amendment H—4071, filed by him from the floor and moved its adoption:

H—4091

- 1 Amend the Senate amendment, H—4071, to House File
- 2 335, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 4 through 9 and
- 5 inserting the following: " "child." the following:
- 6 "Recovery may be made due to the injury or death of an
- 7 adult child by a parent for the loss of companionship
- 8 and society of the adult child. However, recovery for
- 9 actual expense and loss of services or support may
- 10 only be allowed when the parent is dependent upon the
- 11 adult child for actual services or support." "

A non-record roll call was requested.

The ayes were 53, nays 25.

Amendment H—4091 was adopted.

On motion by Millage of Scott, the House concurred in the Senate amendment H—4071, as amended.

Millage of Scott moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 335)

The ayes were, 70:

Adams	Arnould, Spkr.	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Dickinson	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	Iverson	Jay
Jochum	Kistler	Knapp	Koenigs
Kremer	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	Wise
Wissing	Connors		
	Presiding		

The nays were, 27:

Banks	Beaman	Bennett	Branstad
Carpenter	Daggett	De Groot	Diemer
Garman	Grubbs	Halvorson, R. A.	Harbor
Hester	Johnson	Krebsbach	Lageschulte
Lundby	Maulsby	Metcalf	Miller
Petersen, D. F.	Plasier	Renken	Royer
Siegrist	Tyrrell	Weidman	

Absent or not voting, 3:

Baker	Corbett	Jesse
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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 File 335 and Senate Concurrent Resolutions 5 and 13.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 8, 1991, adopted the conference committee report and passed Senate File 42, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances.

JOHN F. DWYER, Secretary

Neuhauser of Johnson in the chair at 5:02 p.m.

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 42)**

Blanshan of Greene called up for consideration the report of the conference committee on Senate File 42 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 42**

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 42, a bill for an act relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances, respectfully make the following report:

1. That the House recedes from its amendment, S—3495.

2. That Senate File 42, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 1 through 14.

2. Page 1, by striking line 17 and inserting the following:

"NEW SUBSECTION. 3A. Notwithstanding subsection 3, a physician assistant shall not dispense prescription drugs as an incident to the practice of the supervising physician or the physician assistant, but may supply."

3. Page 1, line 26, by inserting after the word "devices." the following: "Prescription drugs supplied under the provisions of this subsection shall be supplied for the purpose of accommodating the patient and shall not be sold for more than the cost of the drug and reasonable overhead costs, as they relate to supplying prescription drugs to the patient, and not at a profit to the physician or the physician assistant. If prescription drug supplying authority is delegated by a supervising physician to a physician assistant, a nurse or staff assistant may assist the physician assistant in providing that service. Rules shall be adopted by the board of physician assistant examiners, after consultation with the board of pharmacy examiners, to implement this subsection."

4. Page 1, line 27, by inserting after the word and figure "subsection 1" the following: "and any other provision of this section to the contrary".

5. Page 2, line 4, by inserting after the word "examiners," the following: "after consultation with the board of medical examiners and the board of pharmacy examiners,".

6. Page 2, line 4, by inserting after the figure "1991." the following: "The rules shall be reviewed and approved by the physician assistant rules review group created under subsection 3D and shall be adopted in final form by January 1, 1993. However, the rules shall prohibit the prescribing of Schedule II controlled substances which are listed as stimulants or depressants pursuant to chapter 204."

7. Page 2, by striking lines 5 through 7, and inserting the following: "If rules are not reviewed and approved by the physician assistant rules review group created under subsection 3D and adopted in final form by January 1, 1993, a physician assistant may prescribe drugs as a delegated act of a supervising physician under rules adopted by the physician assistant board of examiners and subject to the rules review process established in section 148C.7. The board of".

8. Page 2, by striking lines 13 and 14 and inserting the following:

"NEW SUBSECTION. 3C. Health care providers shall".

9. Page 2, by inserting after line 18, the following:

"NEW SUBSECTION. 3D. A physician assistant rules review group is established consisting of two physician assistants selected by the board of physician assistants, two physicians selected by the board of medical examiners, and one physician currently practicing as a supervising physician of physician assistants selected by the four other members of the rules review group no later than August 1, 1991. The rules review group shall select its own chairperson.

The rules review group shall review and approve or disapprove rules proposed for adoption relating to the authority of physician assistants to supply or prescribe drugs, controlled substances, and medical devices pursuant to subsection 3B. Approval shall be by a simple majority of the members of the rules review group. A rule shall not become effective without the approval of the rules review group unless otherwise specified under this section."

10. Page 2, by inserting after line 24, the following:

"Sec. _____. EFFECTIVE DATE: This Act, being deemed of immediate importance, takes effect upon enactment."

11. Title page, line 3, by inserting after the word "substances" the following: ", and providing an effective date".

12. By renumbering, relettering, and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

GENE BLANSHAN, Chair
DOROTHY CARPENTER
SCOTT KREBSBACH
DAVID OSTERBERG
JANE TEAFORD

ON THE PART OF THE SENATE:

JAMES RIORDAN, Chair
BEVERLY HANNON
JOHN JENSEN
MARY KRAMER
LARRY MURPHY

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 42)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	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	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	Neuhauser		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Beaman Corbett

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

SENATE AMENDMENT CONSIDERED

Dvorsky of Johnson called up for consideration **Senate File 542**, a bill for an act relating to and making appropriations from the energy conservation trust for weatherization purposes, amended by the

House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4056 to the House amendment:

H—4056

- 1 Amend the House amendment, S—3708, to Senate File
- 2 542, as amended, passed, and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking line 37.
- 5 2. Page 1, by striking lines 48 through 50.

The motion prevailed and the House concurred in the Senate amendment H—4056, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 542)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	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	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	Neuhauser
			Presiding

The nays were, 1:

Petersen, D. F.

Absent or not voting, 3:

Brammer

Connors

Corbett

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

The House stood at ease at 5:12 p.m., until the fall of the gavel.

The House resumed session at 5:25 p.m., Adams of Hamilton in the chair.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 83.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 83, a bill for an act 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, with report of committee recommending amendment and passage was taken up for consideration.

Doderer of Johnson offered the following amendment H-4081 filed by the committee on ways and means:

H-4081

- 1 Amend Senate File 83, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 5 through 19, and
- 4 inserting the following:
- 5 "Sec. _____. Section 422.16, subsection 1, Code
- 6 1991, is amended by adding the following new
- 7 unnumbered paragraph:
- 8 **NEW UNNUMBERED PARAGRAPH.** For the purposes of this
- 9 subsection, state income tax shall be withheld from
- 10 pensions, annuities, other similar periodic payments,
- 11 and other income payments of those persons whose
- 12 primary residence is in Iowa in those circumstances in
- 13 which those persons have federal income tax withheld
- 14 from pensions, annuities, other similar periodic
- 15 payments, and other income payments under sections
- 16 3402(o), 3402(p), 3402(s), 3405(a), and 3405(b) of the
- 17 Internal Revenue Code at a rate to be specified by the
- 18 department."
- 19 2. By renumbering as necessary.

Doderer of Johnson offered the following amendment H—4096, to the committee amendment H—4081, filed by her from the floor and moved its adoption:

H—4096

- 1 Amend amendment, H—4081, to Senate File 83, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 5, by striking the word "Sec.
- 5 _____." and inserting the following: "Sec. 200."
- 6 2. Page 1, by inserting after line 18 the
- 7 following:
- 8 "_____. Page 3, by inserting after line 5 the
- 9 following:
- 10 "Sec. _____. Section 200 of this Act takes effect
- 11 January 1, 1992, for tax years beginning on or after
- 12 that date."

Amendment H—4096 was adopted.

On motion by Doderer of Johnson, the committee amendment H—4081, as amended, was adopted.

Doderer of Johnson offered the following amendment H—4093 filed by her from the floor:

H—4093

- 1 Amend Senate File 83, 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 100. Section 331.602, subsection 21, Code
- 6 1991, is amended by striking the subsection.
- 7 Sec. 101. Section 331.607, subsection 4, Code
- 8 1991, is amended by striking the subsection."
- 9 2. Page 2, by inserting after line 19, the
- 10 following:
- 11 "Sec. 102. Section 422.26, Code 1991, is amended
- 12 to read as follows:
- 13 422.26 LIEN OF TAX — COLLECTION — ACTION
- 14 AUTHORIZED.
- 15 Whenever any taxpayer liable to pay a tax and
- 16 penalty imposed refuses or neglects to pay the same,
- 17 the amount, including any interest, penalty, or
- 18 addition to such the tax, together with the costs that
- 19 may accrue in addition thereto, shall be a lien in
- 20 favor of the state upon all property and rights to
- 21 property, whether real or personal, belonging to said
- 22 taxpayer.
- 23 The lien shall ~~attach~~ attaches at the time the tax
- 24 becomes due and payable and shall continue for ten

25 years from the date an assessment is issued unless
26 sooner released or otherwise discharged. The lien
27 may, within ten years from the date an assessment is
28 issued, be extended by filing for record a notice with
29 the appropriate county official of any county office
30 of the secretary of state and from the time of such
31 the filing, the lien shall be extended to the property
32 in such county the state for ten years, unless sooner
33 released or otherwise discharged, with no limit on the
34 number of extensions. Liens having attached prior to
35 January 1, 1969, will expire on January 1, 1979,
36 unless extended by the director. The director shall
37 charge off any account whose lien is allowed to lapse
38 and may charge off any account and release the
39 corresponding lien before the lien has lapsed if the
40 director determines under uniform rules prescribed by
41 the director that the account is uncollectable or
42 collection costs involved would not warrant collection
43 of the amount due.

44 In order to preserve the aforesaid lien against
45 subsequent mortgagees, purchasers, or judgment
46 creditors, for value and without notice of the lien,
47 on any property situated in a county the state, the
48 director shall file with the recorder of the county,
49 in which said property is located, office of the
50 secretary of state a notice of said the lien.

Page 2

1 The county recorder of each county shall prepare
2 and keep in the recorder's office a book to be known
3 as "index of income tax liens", so ruled as to show in
4 appropriate columns the following data, under the
5 names of taxpayers, arranged alphabetically:

- 6 1. The name of the taxpayer.
- 7 2. The name "State of Iowa" as claimant.
- 8 3. Time notice of lien was received.
- 9 4. Date of notice.
- 10 5. Amount of lien then due.
- 11 6. Date of assessment.
- 12 7. When satisfied.

13 The recorder secretary of state shall endorse on
14 each notice of lien the day, hour, and minute when
15 received and preserve the same, and shall forthwith
16 index said the notice in said index book and shall
17 forthwith record said lien in the manner provided for
18 recording real estate mortgages, and the said by the
19 name and either the social security or tax identifying
20 number of the person against whom the lien applies.
21 The lien shall be effective from the time of the
22 indexing thereof.

23 The department shall pay a recording fee as

24 provided in section 331.604, for the recording of the
25 lien, or for its satisfaction.

26 Upon the payment of a tax as to which the director
27 has filed notice with a county recorder the office of
28 the secretary of state, the director shall forthwith
29 file with said recorder the office of the secretary of
30 state a satisfaction of said the tax and the recorder
31 secretary of state shall enter said the satisfaction
32 on the notice on file in the recorder's secretary of
33 state's office and indicate said the fact on the index
34 aforesaid.

35 The department shall, substantially as provided in
36 sections 445.6 and 445.7, proceed to collect all taxes
37 and penalties as soon as practicable after the same
38 they become delinquent, except that no property of the
39 taxpayer shall be is exempt from the payment of said
40 the tax. In the event service has not been made on a
41 distress warrant by the officer to whom addressed
42 within five days from the date the distress warrant
43 was received by the officer, the authorized revenue
44 agents of the department are hereby empowered to serve
45 and make return of such the warrant to the clerk of
46 the district court of the county named in the distress
47 warrant, and all subsequent procedure shall be in
48 compliance with chapter 626.

49 The attorney general shall, upon the request of the
50 director, bring an action at law or in equity, as the

Page 3

1 facts may justify, without bond, to enforce payment of
2 any taxes and penalties, and in such this action the
3 attorney general shall have the assistance of the
4 county attorney of the county in which the action is
5 pending.

6 It is expressly provided that the foregoing
7 remedies of the state shall be cumulative and that no
8 action taken by the director or attorney general shall
9 be construed to be an election on the part of the
10 state or any of its officers to pursue any remedy
11 hereunder in this section to the exclusion of any
12 other remedy provided by law.

13 For purposes of this section, "assessment issued"
14 means the most recent assessment against the taxpayer
15 for the tax type and tax period.

16 Sec. 103. NEW SECTION. 422.26A FILING OFFICER.

17 The secretary of state is the filing officer for
18 notices of liens upon real, tangible, and intangible
19 property for the obligations payable to the state, and
20 certificates and notices effecting the liens, if the
21 person against whose interest the lien applies is a
22 person as defined in section 4.1, and in the case of a

23 corporation or a partnership, its principal executive
24 office is located in this state.

25 Sec. 104. NEW SECTION. 422.26B ELECTRONIC
26 FILING.

27 1. The director shall coordinate with the office
28 of the secretary of state the necessary requirements
29 for completion of electronic filing to properly
30 provide the secretary of state with the information
31 necessary to complete the secretary of state's tax
32 lien index. The information shall include, but is not
33 limited to, the following:

- 34 a. Full name and middle initial of the taxpayer.
- 35 b. The name "state of Iowa" as claimant.
- 36 c. The time the notice of lien was received.
- 37 d. The date of the notice.
- 38 e. The amount of the lien then due.
- 39 f. The date of assessment.

40 g. The social security or tax identifying number.
41 2. The electronic lien index shall be the
42 prescribed method for the director to record liens
43 relating to all taxes for which the director is
44 responsible for collection. These taxes include, but
45 are not limited to, the personal income tax pursuant
46 to division II, business tax on corporations pursuant
47 to division III, retail sales and services tax
48 pursuant to division IV, taxes on financial
49 institutions pursuant to division V, hotel and motel
50 tax pursuant to chapter 422A, local option taxes

Page 4

1 pursuant to chapter 422B, use tax pursuant to chapter
2 423, inheritance tax pursuant to chapter 450,
3 generation skipping transfer tax pursuant to chapter
4 450A, qualified use inheritance tax pursuant to
5 chapter 450B, Iowa estate tax pursuant to chapter 451,
6 cigarette and tobacco products tax pursuant to chapter
7 98, motor fuel taxes pursuant to chapter 324, excise
8 tax on controlled and other substances pursuant to
9 chapter 421A, and environmental protection charges
10 pursuant to chapter 424.

11 3. The director in consultation with the secretary
12 of state shall adopt rules under chapter 17A to
13 provide for the manner in which the electronic
14 information will be transmitted to provide the
15 secretary of state's office with the information
16 needed to record the liens and the information
17 necessary to release the liens. The agreement shall
18 specify the costs, if any, for which the director is
19 responsible."

20 3. Page 2, by inserting after line 35, the
21 following:

22 "Sec. 105. NEW SECTION. 584A.1 FEDERAL LIENS.

23 1. APPLICABILITY. Except as provided in chapter
24 554, chapter 558, or other provision of law, notices
25 of federal liens, and certificates, and other notices
26 affecting the liens shall be filed in accordance with
27 this section. However, notices of federal tax liens
28 and certificates and notices affecting the federal tax
29 liens shall only be filed in accordance with this
30 section.

31 2. FILING OFFICER. The secretary of state is the
32 filing officer for notices of federal liens, and
33 certificates and notices affecting liens upon real
34 property and tangible and intangible personal property
35 for obligations payable to the United States, if the
36 person against whose interest the lien applies is a
37 person as defined in section 4.1.

38 3. FILING PROCEDURES.

39 a. Notices of federal liens, or certificates, or
40 other notices affecting the liens issued by an agency
41 of the United States are entitled to be filed without
42 attestation, certification, or acknowledgment.

43 b. Notices of federal liens, and certificates, and
44 notices affecting the liens issued by an agency of the
45 United States may be executed by electronic means in
46 accordance with an agreement pursuant to chapter 28E
47 between the federal agency and the secretary of state.

48 c. A notice of federal lien, or certificate or
49 other notice affecting the lien presented to the
50 secretary of state shall be indexed by the social

Page 5

1 security or tax identifying number of the person
2 against whom the lien applies.

3 d. Upon request of a person, the secretary of
4 state shall issue a certificate stating whether there
5 is on file, on the date and hour stated, a notice of
6 federal lien, or certificate or notice affecting the
7 lien naming a particular person, and if a notice or
8 certificate is on file, giving the date and hour of
9 filing of each notice or certificate.

10 e. Except as provided in paragraph "f", the fee
11 for filing and indexing each notice of lien, or
12 certificate or notice affecting the lien shall be as
13 provided in section 554.9403. The secretary of state
14 shall bill an agency of the United States on a monthly
15 basis for fees for documents filed.

16 f. For the duration of an agreement pursuant to
17 chapter 28E for the electronic filing and indexing of
18 notices of federal liens, or certificates or notices
19 affecting the liens, the fee for filing and indexing
20 each notice of federal lien, or certificate or notice

21 affecting the lien shall be no more than a reasonable
22 estimate of the cost of providing the electronic
23 filing service, not to exceed the cost imposed by
24 section 554.9403 for the filing of a financing
25 statement.

26 4. TRANSITIONAL PROVISIONS.

27 a. On July 1, 1992, or a later date mutually
28 agreed upon by an agency of the United States and the
29 secretary of state and adopted by rule by the
30 secretary of state, an agency of The United States
31 that has filed a notice of federal lien, or
32 certificate or notice affecting the lien in this
33 state, may exchange information with the secretary of
34 state concerning all effective notices of liens upon
35 real property, and tangible and intangible personal
36 property for obligations payable to the United States,
37 including information concerning all certificates and
38 notices affecting the liens, filed against any person
39 under this statute, former section 331.609, or any
40 predecessor statute. On July 1, 1992, or such
41 alternate date as may be specified pursuant to this
42 subsection, the notices of liens and certificates and
43 notices affecting the liens contained in the federal
44 agency's information exchange with the secretary of
45 state shall constitute the official public record of
46 the federal liens in this state.

47 b. This section has no effect on the validity of
48 notices of federal liens, or certificates or other
49 notices affecting the liens that have been filed in
50 any location in this state against real or personal

Page 6

1 property and that are effective on the effective date
2 of this Act. The transfer of information pursuant to
3 paragraph "a" of this subsection shall constitute no
4 more than the transfer of the public record of the
5 notices of liens from the former filing officers to
6 the secretary of state and shall not affect the filing
7 date, duration, priority, or any other characteristic
8 of the notices of liens or their underlying statutory
9 liens in any respect.

10 c. A notice or other document that affects a
11 federal lien filed prior to the effective date of this
12 Act shall be filed pursuant to this section.

13 Sec. 106. The director shall file all tax liens
14 with the office of the county recorder and the office
15 of the secretary of state until January 1, 1993, at
16 which time, all tax liens shall be filed pursuant to
17 section 422.26. Failure by the director to file a tax
18 lien with the office of the county recorder and the
19 office of the secretary of state during the period

20 beginning July 1, 1992, and ending January 1, 1993,
21 shall not invalidate the lien. The refiling of a tax
22 lien in the office of the county recorder to the
23 office of the secretary of state in order to comply
24 with this Act shall not affect the original filing
25 date of a tax lien for purposes of preserving a tax
26 lien against subsequent mortgages, purchasers, or
27 judgment credits.
28 Sec. _____. Section 331.609, Code 1991, is repealed.
29 Sec. _____. Sections 102 through 106 of this Act are
30 effective July 1, 1992.
31 Sec. _____. Sections 100 and 101 of this Act are
32 effective January 1, 1993."
33 4. Title page, line 3, by inserting after the
34 words "income credit," the following: "federal and
35 state tax liens,".

Doderer of Johnson offered the following amendment H—4097, to amendment H—4093, filed by her from the floor and moved its adoption:

H—4097

- 1 Amend the amendment, H—4093, to Senate File 83, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, line 15, by striking the word
- 5 "January" and inserting the following: "July".
- 6 2. Page 6, line 20, by striking the word
- 7 "January" and inserting the following: "July".
- 8 3. Page 6, line 32, by striking the word
- 9 "January" and inserting the following: "July".

Amendment H—4097 was adopted.

Renken of Grundy rose on a point of order that amendment H—4093 was not germane.

The Speaker ruled the point well taken and amendment H—4093 not germane.

McKinney of Dallas moved that the rules be suspended to consider amendment H—4093, as amended.

Roll call was requested by Bennett of Ida and De Groot of Lyon.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—4093?" (S.F. 83)

The ayes were, 51:

Arnould, Spkr.	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Hibbard
Holveck	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	Adams	
		Presiding	

The nays were, 44:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	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

Absent or not voting, 5:

Brammer	Connors	Corbett	Haverland
Jay			

The motion prevailed and the rules were suspended to consider amendment H—4093.

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

The House resumed session and consideration of amendment H—4093, as amended, to Senate File 83 at 6:34 p.m., Adams of Hamilton in the chair.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—4093, as amended, found on pages 2183 through 2187 of the House Journal.

Schrader of Marion in the chair at 6:38 p.m.

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

On the question "Shall the bill pass?" (S.F. 83)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beamman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Daggett
De Groot	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	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	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	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Schrader		
	Presiding		

The nays were, 3:

Dickinson	Gill	Knapp
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Absent or not voting, 3:

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 83 be immediately messaged to the Senate.

HOUSE INSISTS

Svoboda of Tama called up for consideration **Senate File 536**, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED

(Senate File 536)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 536: Svoboda of Tama, Chair; Burke of Marshall, Adams of Hamilton, Daggett of Adams and Metcalf of Polk.

HOUSE INSISTS

Hatch of Polk called up for consideration **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, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED

(Senate File 362)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 362: Hatch of Polk, Chair; Grubbs of Scott, Banks of Plymouth, Osterberg of Linn and Hibbard of Madison.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has

on May 8, 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 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

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 8th day of May, 1991: House Files 575, 612, 644, 651 and 679.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 7, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 252, an act relating to exempting certain cargo tank motor vehicles from hazardous materials transportation regulations, and providing for the repeal of the Act.

House File 297, an act relating to minor's restricted licenses and driver's license reciprocity for minors.

House File 420, an act relating to corrective changes to Iowa's election laws, providing emergency powers to the state commissioner of elections, relating to election nomination papers and affidavits, the affidavit filing requirements for a single public office by primary election candidates and certain general election candidates, and relating to absentee voting.

Senate File 115, an act relating to the obstetrical and newborn indigent patients care program by providing for the reversion of the unencumbered balance to the state general fund and by increasing the income eligibility level for the payment of indigent obstetrical and newborn care costs.

Senate File 138, an act requiring the acceptance of any student's postsecondary options credits as high school academic or vocational-technical credits by a school district or accredited nonpublic school and providing an effective date.

Senate File 297, an act relating to the confidentiality of information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

Senate File 314, an act relating to federal reimbursements for certain special education services.

Senate File 473, 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 and providing an effective date.

Also: That on May 8, 1991, the Governor approved and transmitted to the Secretary of State the following bills:

House File 152, an act relating to boxing and wrestling laws administered by the athletic commissioner.

House File 296, 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.

House File 385, an act requiring the state department of transportation to publish an official Iowa map.

House File 501, an act relating to establishing a durable power of attorney authorized to make health care decisions and providing an effective date.

House File 570, an act relating to limitations on the use of automatic dialing-announcing device equipment and providing a penalty.

House File 625, an act relating to issuance of junking certificates and certificates of title.

Senate File 2, an act relating to sexual exploitation by a counselor or therapist and providing penalties.

Senate File 97, an act increasing penalties for interfering with a traffic control device and relating to the use of flashing white lights.

Senate File 172, an act establishing a state fair foundation.

Senate File 338, an act relating to movement of indivisible loads of excessive size and weight and increasing the fee for escort services.

Senate File 382, an act relating to rural water districts.

Senate File 411, an act relating to the availability of certain information concerning nonprofit agencies or corporations receiving public funds.

Senate File 503, 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, the definition of a contractor, and out-of-state contractor bonding requirements.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

The Proposed Social Services Block Grant Pre-Expenditure Report, pursuant to Chapter 1270.6(3), 1990 Acts of the Seventy-third General Assembly.

IOWA CITIZEN'S FOSTER CARE REVIEW BOARD

The 1990 Annual Report, pursuant to Chapter 237.18(b), Code of Iowa.

PRESENTATION OF VISITORS

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

Forty-one fourth grade students from Roosevelt Elementary School, Ames, accompanied by Marie Sunderman and Mrs. Hollenbach. By Bernau of Story and Hammond of Story.

Seventy eighth grade students from Rolfe Middle School, Rolfe, accompanied by Jennifer Hackbarth. By Mertz of Kossuth.

Eleven junior and senior students from Iowa Mennonite School, Kalona, accompanied by Dwight Gingerich. By Shearer of Louisa.

Twenty-five twelfth grade students from Anita High School, Anita, accompanied by Don Parkhurst. By Weidman of Cass.

Thirty-five sixth grade students from Walnut Middle School, Walnut, accompanied Cindy Lapel. 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 533, a bill for an act relating to the rate of the Shelby Tennant community school district income surtax and the refund of any excess income surtax paid and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** May 8, 1991.

Committee Bill (Formerly House Study Bill 328), establishing a state facilities authority to finance the acquisition, construction, and disposition of buildings and other property for use by political subdivisions, governmental entities, and state agencies including the issuance of anticipation notes and revenue bonds.

Fiscal Note is not required.

Recommended Amend and Do Pass May 8, 1991.

RESOLUTIONS FILED

HCR 28, by Gruhn, a concurrent resolution expressing congratulations to the Iowa State Horticultural Society on the occasion of the Society's 125th Anniversary.

Laid over under **Rule 25**.

HCR 29, by Shoultz, Dvorsky, Osterberg, Jesse, Brown, Wise, Schrader, Lundby, Adams, Bernau, Siegrist and Neuhauser, a concurrent resolution relating to the establishment of a solid waste and recycling consortium.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-4084	S.F.	184	Senate Amendment
H-4085	S.F.	294	Hibbard of Madison
			Brand of Benton
			Svoboda of Tama
			Jesse of Jasper
			Black of Jasper
H-4086	S.F.	294	Bernau of Story
H-4088	S.C.R.	24	Svoboda of Tama
H-4089	S.F.	537	Bennett of Ida
H-4090	H.F.	703	Hanson of Delaware
H-4092	S.F.	330	Shearer of Louisa
			Spear of Lee
H-4094	H.F.	703	Poncy of Wapello
H-4095	S.F.	537	Muhlbauer of Crawford
			Fogarty of Palo Alto
			Maulsby of Calhoun
			Petersen of Muscatine
H-4098	S.F.	496	Senate Amendment
H-4099	S.C.R.	24	Ollie of Clinton

On motion by McKinney of Dallas, the House adjourned at 6:45 p.m., until 9:00 a.m., Thursday, May 9, 1991.

JOURNAL OF THE HOUSE

One Hundred Sixteenth Calendar Day — Seventy-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, May 9, 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 Wednesday, May 8, 1991 was approved.

PETITION FILED

The following petition was received and placed on file:

By Pavich of Pottawattamie, from one hundred eleven constituents favoring parental notification before a minor obtains an abortion.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 700 and Senate Files 42, 491, 542 and 545.**

The House stood at ease at 10:17 a.m., until the fall of the gavel.

The House resumed session at 11:45 a.m., Connors of Polk in the chair.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for a meeting of the committee on appropriations at 1:00 p.m. today.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 9, 1991, appointed the conference committee to Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund, and the members of the Senate are: The Senator from Polk, Senator Palmer, Chair; the Senator from Dubuque, Senator Connolly; the Senator from Marion, Senator Dieleman; the Senator from Pottawattamie, Senator Hester; the Senator from Buena Vista, Senator Fuhrman.

Also: That the Senate has, on May 9, 1991, appointed the conference committee to 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, and the members of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Tama, Senator Husak; the Senator from Lee, Senator Fraise; the Senator from Muscatine, Senator Drake; the Senator from Fremont, Senator McLaren.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 11:47 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 711, by committee on ways and means, a bill for an act establishing a state of Iowa facilities authority to finance the acquisition, construction, and disposition of buildings and other property for use by governmental entities and state agencies, including the issuance of anticipation notes and revenue bonds.

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

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 547.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 547, a bill for an act relating to housing and residential development within certain urban renewal areas and to tax exemption schedules for revitalization areas and providing an applicability date, 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?" (S.F. 547)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	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.	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	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:

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

IMMEDIATE MESSAGE

Schrader of Marion asked and received unanimous consent that **Senate File 547** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Hatch of Polk called up for consideration **House File 683**, a bill for an act relating to the establishment of a toxics pollution prevention program and establishing fees, amended by the Senate, and moved that the House concur in the following Senate amendment H-4072:

H-4072

1 Amend House File 683 as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 4, line 22, through page 5,
4 line 9.

5 2. By striking page 5, line 31, through page 7,
6 line 24, and inserting the following:

7 "5. Develop and implement guidelines regarding
8 assistance to toxics users to ensure that the plans
9 are multimedia in approach and are not duplicated by
10 the department or other agencies of the state.

11 6. Identify obstacles to the promotion, within the
12 toxics user community, of toxics pollution prevention
13 techniques and practices.

14 7. Compile an assessment inventory, through
15 solicitation of recommendations of toxics users and
16 owners and operators of air contaminant sources, of
17 the informational and technical assistance needs of
18 toxics users and air contaminant sources.

19 8. Function as a repository of research, data, and
20 information regarding toxics pollution prevention
21 activities throughout the state.

22 9. Provide a forum for public discussion and
23 deliberation regarding toxic substances and toxics
24 pollution prevention.

25 10. Promote increased coordination between the
26 department, the Iowa waste reduction center at the
27 university of northern Iowa, and other departments,
28 agencies, and institutions with responsibilities
29 relating to toxic substances.

30 11. Coordinate state and federal efforts of
31 clearinghouses established to provide access to toxics
32 reduction and management data for the use of toxics
33 users.

34 12. Make recommendations to the general assembly
35 by January 1, 1992, regarding a funding structure for
36 the long-term implementation and continuation of a
37 toxics pollution prevention program.

38 13. Work with the Iowa waste reduction center at
39 the university of northern Iowa to assist small
40 business toxics users with plan preparation and
41 technical assistance."

42 3. Page 8, by striking lines 7 through 21 and
43 inserting the following:

44 "b. The identification and quantities of toxic
45 substances used and released by groups of related
46 production processes or by processes used in producing
47 an identifiable product.

48 c. An assessment of the applicability of the
49 approaches designated as toxic pollution prevention
50 techniques including the following: input

Page 2

1 substitution; production reformulation; production
2 process redesign or modification; production process
3 modernization; improved operation and maintenance of
4 existing production process equipment and methods; and
5 recycling, reuse, or extended use of toxic substances,
6 to the toxic users production processes as identified
7 in paragraph "b".

8 4. By striking page 10, line 25, through page 11,
9 line 8, and inserting the following:

10 "1. Beginning July 1, 1991, and thereafter until
11 such time as the operating permit fee is established
12 by rule of the commission, and approved by the United
13 States environmental protection agency under section
14 502(b) of the federal Clean Air Act of 1990, an annual
15 fee of twenty-five dollars per ton of the hazardous
16 air pollutants included in Title III of the federal
17 Clean Air Act of 1990 shall be paid by the affected
18 sources. The fee paid shall be based upon the air
19 emissions of such pollutants as reported or estimated
20 by the source in the previous calendar year.

21 A source required to report hazardous air pollutant
22 emissions under section 313 of EPCRA shall pay a fee
23 based upon the most recently reported emissions. A
24 person shall pay the established fee for hazardous air
25 pollutants which are not included in section 313 of
26 EPCRA, but which are included in Title III of the
27 federal Clean Air Act of 1990, based upon the
28 facility's estimates of emissions as required by
29 section 313 of EPCRA including threshold
30 determinations and de minimus exclusions."

31 5. Page 12, by striking lines 4 and 5, and
32 inserting the following:

33 "b. To provide".

34 6. Page 12, line 7, by inserting after the word
35 "prevention" the following: "and to provide funding
36 for the costs of compiling data pursuant to section
37 30.7, subsection 5, and section 30.8, subsection 4".

38 7. Page 12, line 28, by striking the word
39 "issued." and inserting the following: "issued or
40 denied. Operating permits shall contain the requisite
41 conditions and compliance schedules to ensure
42 conformance with state and federal requirements. If
43 construction of a new air contaminant source is
44 proposed, the department may issue an operating permit
45 concurrently with the construction permit, if possible
46 and appropriate."

47 8. Page 13, by inserting after line 21 the
48 following:

49 "Sec. _____. Section 455D.19, subsection 6, para-
50 graph a, Code 1991, is amended to read as follows:

Page 3

1 a. Packaging or packaging components with a code
2 indicating a date of manufacture prior to July 1,
3 1990, and packaging or packaging components used by
4 the alcoholic beverage industry prior to July 1,
5 1992."

6 9. Page 13, line 24, by striking the figure "VI"
7 and inserting the following: "VII".

8 10. Page 13, by inserting after line 24, the
9 following:

10 "Sec. _____. USES OF AIR CONTAMINANT SOURCE FUND -
11 REASSESSMENT. For the fiscal year beginning July 1,
12 1991 and ending June 30, 1992, if five hundred
13 thousand dollars or less is deposited in the air
14 contaminant source fund created in section 455B.133B,
15 fifty thousand dollars of the moneys shall be used for
16 the purpose designated pursuant to section 455B.133B,
17 subsection 2, paragraph "b", and the remainder of the
18 moneys shall be used for the purposes designated
19 pursuant to section 455B.133B, subsection 2, paragraph
20 "a". Of the amount allocated for the purposes of
21 paragraph "a", two thousand dollars shall be used by
22 the department of employment services to compile data
23 as required pursuant to section 30.7, subsection 5.
24 For the fiscal year beginning July 1, 1991 and ending
25 June 30, 1992, if more than five hundred thousand
26 dollars is deposited in the air contaminant source
27 fund, however, not more than ninety percent of the
28 moneys shall be used for the purpose designated
29 pursuant to section 455B.133B, subsection 2, paragraph
30 "a", and not more than ten percent of the moneys shall
31 be used for the purposes designated pursuant to
32 section 455B.133B, subsection 2, paragraph "b", with
33 two thousand dollars of this portion being allocated
34 to the department of employment services to compile
35 data as required pursuant to section 30.7, subsection
36 5. Notwithstanding any limitations on division or
37 department full-time equivalent positions in any
38 enacted legislation, the moneys deposited in the air
39 contaminant source fund may be expended to employ
40 additional staff as necessary to carry out the
41 provisions of this Act.

42 For the fiscal year beginning July 1, 1991, and
43 ending June 30, 1992, a person required to pay the fee
44 imposed pursuant to section 455B.133A shall pay the
45 fee assessed to the department by November 1, 1991,
46 but no later than November 30, 1991. A person who
47 does not pay the fee by November 30, 1991, shall be
48 assessed a penalty of ten percent of the assessed fees
49 due. The department shall report to the general
50 assembly no later than February 15, 1992, as to the

Page 4

- 1 total amount of fees collected and deposited in the
- 2 air contaminant source fund, with the amount needed to
- 3 satisfy the difference between the fees collected and
- 4 five hundred thousand dollars.
- 5 Sec. _____. EFFECTIVE DATE. This Act, being deemed
- 6 of immediate importance, takes effect upon enactment."
- 7 11. Title page, line 2, by striking the words
- 8 "and establishing fees" and inserting the following:
- 9 "establishing fees, and providing an effective date".
- 10 12. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4072.

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

On the question "Shall the bill pass?" (H.F. 683)

The ayes were, 66:

Adams	Banks	Beatty	Bernau
Black	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Gipp	Grubbs	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Johnson	Knapp	Koenigs
Lundby	McKean	McKinney	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Peterson, M. K.	Poney
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Teaford	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 28:

Bartz	Beaman	Bennett	Branstad
Daggett	De Groot	Eddie	Garman
Hahn	Halvorson, R. A.	Harbor	Hester
Kistler	Krebsbach	Kremer	Lageschulte
Maulsby	McNeal	Mertz	Millage
Miller	Petersen, D. F.	Plasier	Renken
Royer	Tyrrell	Van Maanen	Weidman

Absent or not voting, 6:

Baker
Osterberg

Bisignano
Svoboda

Groninga

Jochum

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

HOUSE REFUSED TO CONCUR

Sherzan of Polk called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4098 to the House amendment:

H—4098

1 Amend the House amendment, S—3698, to Senate File
2 496, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "_____. Page 1, by inserting before line 1 the
7 following:

8 "Section 1. Section 80B.11, subsection 2, Code
9 1991, as amended by 1991 Iowa Acts, Senate File 444,
10 section 2, if enacted by the 1991 Session of the
11 Seventy-fourth General Assembly, is amended to read as
12 follows:

13 2. Minimum basic training requirements law
14 enforcement officers employed after July 1, 1968, must
15 complete in order to remain eligible for continued
16 employment and the time within which such basic
17 training must be completed. Minimum requirements
18 shall mandate training devoted to the topic of
19 domestic abuse. The council shall submit an annual
20 report to the general assembly by January 15 of each
21 year relating to the continuing education requirements
22 devoted to the topic of domestic abuse, including the
23 number of hours required, the substance of the classes
24 offered, and other related matters."

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

27 "Sec. _____. Section 236.5, subsection 4, Code 1991,
28 as amended by 1991 Iowa Acts, Senate File 444, section
29 8, if enacted by the 1991 Session of the Seventy-
30 fourth General Assembly, is amended to read as
31 follows:

32 4. A certified copy of any order or approved
33 consent agreement shall be issued to the plaintiff,
34 the defendant and the county sheriff having
35 jurisdiction to enforce the order or consent
36 agreement, and the twenty-four hour dispatcher for the
37 county sheriff. Any subsequent amendment or
38 revocation of an order or consent agreement shall be
39 forwarded by the clerk to all individuals and the
40 county sheriff previously notified. The clerk shall
41 notify the county sheriff and the twenty-four hour
42 dispatcher for the county sheriff by telephone or
43 otherwise in writing so that the county sheriff and
44 the county sheriff's dispatcher receive written notice
45 within six hours of filing the order, approved consent
46 agreement, amendment, or revocation. The county
47 sheriff's dispatcher shall notify all law enforcement
48 agencies having jurisdiction over the matter and the
49 twenty-four hour dispatcher for the law enforcement
50 agencies upon notification by the clerk. The clerk

Page 2

1 shall send or deliver a written copy of any such docu-
2 ment to the law enforcement agencies and the twenty-
3 four hour dispatcher within twenty-four hours of
4 filing the document.

5 Sec. _____. Section 236.14, subsection 2, unnumbered
6 paragraph 1, Code 1991, is amended to read as follows:

7 When a person arrested for a domestic abuse
8 assault, or taken into custody for contempt
9 proceedings pursuant to section 236.11, is brought
10 before a magistrate and the magistrate finds probable
11 cause to believe that domestic abuse or a violation of
12 an order or consent agreement has occurred and that
13 the presence of the alleged abuser in the victim's
14 residence poses a threat to the victim's safety of the
15 alleged victim, persons residing with the alleged
16 victim, or members of the alleged victim's immediate
17 family, the magistrate shall enter an order which
18 shall require the alleged abuser to have no contact
19 with the alleged victim, persons residing with the
20 alleged victim, or members of the alleged victim's
21 immediate family, and to refrain from harassing the
22 alleged victim, persons residing with the alleged
23 victim, or members of the alleged victim's relatives
24 immediate family, in addition to any other conditions
25 of release determined and imposed by the magistrate
26 under section 811.2. A no-contact order requiring the
27 alleged abuser to have no contact with the alleged
28 victim's children shall prevail over any existing
29 order awarding custody or visitation rights, which may
30 be in conflict with the no-contact order.

31 Sec. _____. Section 246.108, subsection 1, paragraph
32 p, Code 1991, as enacted by 1991 Iowa Acts, Senate
33 File 444, section 18, if enacted by the 1991 Session
34 of the Seventy-fourth General Assembly, is amended to
35 read as follows:

36 p. Adopt rules subject to the approval of the
37 board, requiring the establishment and implementation
38 of batterers' support groups programs in all of the
39 institutions under the jurisdiction of the
40 department."

41 3. Page 1, by inserting after line 40, the
42 following:

43 "_____. Page 10, by inserting after line 4, the
44 following:

45 "Sec. _____. Section 602.8105, subsection 1, Code
46 1991, is amended by adding the following new
47 unnumbered paragraph after paragraph u:

48 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
49 other provision of law to the contrary, including but
50 not limited to the other provisions of this section,

Page 3

1 five dollars of the fees imposed pursuant to paragraph
2 "a", the five dollar additional fee imposed pursuant
3 to paragraph "l", and fifteen dollars of the fees
4 imposed pursuant to paragraphs "m" and "n" shall be
5 remitted to the treasurer of state for deposit into
6 the general fund of the state, and shall not be
7 deposited in the court revenue distribution account,
8 and shall not be deposited in the judicial retirement
9 fund.

10 Sec. _____. Section 602.8106, Code 1991, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 6. Notwithstanding any other
13 provision of law to the contrary, including but not
14 limited to the other provisions of this section, five
15 dollars of the fee for filing and docketing of a
16 complaint or information for a simple misdemeanor and
17 five dollars of the fee for filing and docketing of a
18 complaint or information for a nonscheduled simple
19 misdemeanor imposed pursuant to subsection 1 shall be
20 remitted to the treasurer of state for deposit into
21 the general fund of the state, and shall not be
22 deposited in the court revenue distribution account,
23 and shall not be deposited in the judicial retirement
24 fund.

25 Sec. _____. Section 602.8105, subsection 1,
26 paragraph m, Code 1991, as amended by 1991 Iowa Acts,
27 Senate File 444, section 23, if enacted by the 1991
28 Session of the Seventy-fourth General assembly, is
29 amended to read as follows:

30 m. For filing an application for a license to
31 marry, thirty dollars. The clerk of the district
32 court shall remit to the treasurer of state twenty
33 dollars for each marriage license application filed.
34 The treasurer of state shall deposit the funds
35 received in the general fund of the state. For
36 issuing an application for an order of the district
37 court authorizing the issuance of a license to marry
38 prior to the expiration of three days from the date of
39 filing the application for the license, five dollars.
40 The court shall authorize the issuance of a marriage
41 license without the payment of any fees imposed by
42 this paragraph upon a showing that the applicant is
43 unable to pay the fees.”
44 _____. Page 11, by inserting after line 2, the
45 following:
46 “Sec. _____. Section 708.2A, subsection 4, Code
47 1991, as amended by 1991 Iowa Acts, Senate File 444,
48 section 27, if enacted by the 1991 Session of the
49 Seventy-fourth General Assembly, is amended to read as
50 follows:

Page 4

1 4. A person convicted of violating this section
2 shall serve a minimum term of two days of the sentence
3 imposed by law, and shall not be eligible for
4 suspension of the minimum sentence. The minimum term
5 shall be served on consecutive days. This section
6 does not prohibit the court from sentencing and the
7 defendant from serving the maximum term of confinement
8 or from paying the maximum fine permitted pursuant to
9 chapters 902 and 903, and does not prohibit the court
10 from entering a deferred judgment or sentence pursuant
11 to section 907.3, if the defendant has not previously
12 received a deferred sentence or judgment for a
13 violation of section 708.2 or 708.2A which was issued
14 on a domestic abuse assault. However, once the
15 defendant has received one deferred sentence or
16 judgment involving a violation of section 708.2 or
17 708.2A which was issued on a domestic abuse assault,
18 the defendant shall not be eligible to receive another
19 deferred sentence or judgment for a violation of this
20 section.

21 Sec. _____. Section 708.2A, subsection 6, Code 1991,
22 as amended by 1991 Iowa Acts, Senate File 444, section
23 27, if enacted by the 1991 Session of the Seventy-
24 fourth General Assembly, is amended to read as
25 follows:

26 6. In addition to the mandatory minimum term of
27 confinement imposed by this section, the court may
28 shall order the defendant to participate in a

29 batterers' treatment program as required under section
30 708.2B. However In addition, as a condition of
31 deferring judgment or sentence pursuant to section
32 907.3, the court shall order the defendant to
33 participate in a batterers' treatment program. The
34 clerk of the district court shall send a copy of the
35 judgment or deferred judgment to the judicial district
36 department of correctional services." "

37 4. Page 2, by inserting after line 3, the
38 following:

39 "Sec. _____. Section 907.3, subsection 1, Code 1991,
40 is amended by adding the following new paragraph:

41 NEW PARAGRAPH. h. Prior to the commission of the
42 offense the defendant had been granted a deferred
43 judgment or deferred sentence for a violation of
44 section 708.2 or 708.2A which was issued on a domestic
45 abuse assault, or was granted similar relief anywhere
46 in the United States concerning that jurisdiction's
47 statutes which substantially correspond to domestic
48 abuse assault as provided in section 708.2A, and the
49 current offense is a violation of section 708.2A.

50 Sec. _____. Section 907.3, subsection 2, Code 1991,

Page 5

1 is amended to read as follows:

2 2. At the time of or after pronouncing judgment.
3 and with the consent of the defendant, the court may
4 defer the sentence and assign the defendant to the
5 judicial district department of correctional services.
6 However, the court shall not defer the sentence for a
7 violation of section 708.2A if the defendant has
8 previously received a deferred judgment or sentence
9 for a violation of section 708.2 or 708.2A which was
10 issued on a domestic abuse assault, or if similar
11 relief was granted anywhere in the United States
12 concerning that jurisdiction's statutes which
13 substantially correspond to domestic abuse assault as
14 provided in section 708.2A. Upon a showing that the
15 defendant is not fulfilling the conditions of
16 probation, the court may revoke probation and impose
17 any sentence authorized by law. Before taking such
18 action, the court shall give the defendant an
19 opportunity to be heard on any matter relevant to the
20 proposed action. Upon violation of the conditions of
21 probation, the court may proceed as provided in
22 chapter 908."

23 5. Page 3, by inserting after line 10, the
24 following:

25 "Sec. _____. Section 910A.11, subsection 4, Code
26 1991, as enacted by 1991 Iowa Acts, Senate File 444,
27 section 32, if enacted by the 1991 Session of the

28 Seventy-fourth General Assembly, is amended to read as
29 follows:

30 4. An application may be made pursuant to this
31 section in a criminal case, and if made, a district
32 associate judge or magistrate having jurisdiction of
33 the highest offense charged in the criminal case or a
34 district judge shall have jurisdiction to enter an
35 order under this section.

36 Sec. _____. 1991 Iowa Acts, Senate File 444, section
37 16, if enacted by the 1991 Session of the Seventy-
38 fourth General Assembly, is amended to read as
39 follows:

40 SEC. 16. NEW SECTION. 236.17 DOMESTIC ABUSE
41 TRAINING REQUIREMENTS.

42 The department, in cooperation with victim service
43 providers, may shall work with various professional
44 organizations to encourage organizations to establish
45 training programs for professionals who work in the
46 area of domestic abuse prevention and services.
47 Domestic abuse training may include, but is not
48 limited to, the following areas:

49 1. The enforcement of both civil and criminal
50 remedies in domestic abuse matters.

Page 6

1 2. The nature, extent, and causes of domestic
2 abuse.

3 3. The legal rights and remedies available to
4 domestic abuse victims, including crime victim
5 compensation.

6 4. Services available to domestic abuse victims
7 and their children, including the domestic abuse
8 telephone hotline.

9 5. The mandatory arrest provisions of section
10 236.12, and other duties of peace officers pursuant to
11 this chapter.

12 6. Techniques for intervention in domestic abuse
13 cases.

14 Sec. _____. 1991 Iowa Acts, Senate File 444, section
15 26, if enacted by the 1991 Session of the Seventy-
16 fourth General Assembly, is amended to read as
17 follows:

18 SEC. 26. Section 631.6, subsection 1, Code 1991,
19 is amended by adding the following new unnumbered
20 paragraph:

21 NEW UNNUMBERED PARAGRAPH. The clerk shall collect
22 an additional fee of five dollars upon docketing a
23 small claims action, and shall remit the fee to the
24 treasurer of state for deposit in the general fund of
25 the state. Notwithstanding any provision of law to
26 the contrary, including but not limited to the other

27 provisions of this section, the additional fee of five
28 dollars imposed in this paragraph shall not be
29 deposited in the court revenue distribution account,
30 and shall not be deposited in the judicial retirement
31 fund.

32 Sec. _____. 1991 Iowa Acts, Senate File 444, section
33 28, if enacted by the 1991 Session of the Seventy-
34 fourth General Assembly, is amended to read as
35 follows:

36 SEC. 28. NEW SECTION. 708.2B TREATMENT OF
37 DOMESTIC ABUSE OFFENDERS.

38 As used in this section, "district department"
39 means a judicial district department of correctional
40 services, established pursuant to section 905.2. A
41 person convicted of, or receiving a deferred judgment
42 for, domestic abuse assault shall report to the
43 district department in order to participate in a
44 batterers' treatment program for domestic abuse
45 offenders, if ordered to do so by the court pursuant
46 to section 708.2A. Participation in the batterers'
47 treatment program shall not require a person to be
48 placed on probation, but a person on probation may
49 participate in the program. The district departments
50 may contract for services in completing the duties

Page 7

1 relating to the batterers' treatment programs. The
2 district departments shall assess the fees for
3 participation in the program, and shall either collect
4 or contract for the collection of the fees to recoup
5 the costs of treatment, but may waive the fee or
6 collect a lesser amount upon a showing of cause. The
7 fees shall be used by each of the district departments
8 or contract service providers for the establishment,
9 administration, coordination, and provision of direct
10 services of the batterers' treatment programs.

11 Sec. _____. 1991 Iowa Acts, Senate File 444, section
12 36, subsections 1 and 2, if enacted by the 1991
13 Session of the Seventy-fourth General Assembly, are
14 amended to read as follows:

15 1. The portion of section 27 of this Act which
16 enacts new subsection 6 of section 708.2A takes effect
17 on January 1, 1992, in order to permit the judicial
18 district departments of correctional services to
19 establish batterers' treatment programs. The district
20 departments shall establish at least one program in
21 each district by January 1, 1992, and shall establish
22 programs throughout the district so that the programs
23 are readily accessible to offenders by January 1, 1993
24 August 1, 1992.

25 2. From July 1, 1991, through December July 31,
26 1992, the court ~~may~~ shall order a defendant who is
27 convicted of, or who receives a deferred judgment for,
28 a violation of section 708.2A to participate in a
29 batterers' treatment program through other treatment
30 or counseling services, until the programs are
31 established by the judicial district departments of
32 correctional services, to the extent that the court
33 has the authority under existing sentencing
34 procedures. The court shall order the defendant to
35 pay for the treatment, unless just cause is
36 demonstrated for waiving the fee.

37 Sec. _____. 1991 Iowa Acts, Senate File 444, section
38 1, if enacted by the 1991 Session of the Seventy-
39 fourth General Assembly, is repealed.

40 Sec. _____. PILOT PROGRAM FOR DOMESTIC ABUSE
41 PROSECUTION PLANS AND PROCEDURES.

42 1. The prosecuting attorneys training coordinator
43 shall establish a pilot program pertaining to the
44 prosecution of domestic abuse assaults. For the
45 purposes of this section, "domestic abuse assault"
46 means an assault, as defined in section 708.1 which is
47 domestic abuse as defined in section 236.2. The
48 prosecuting attorneys training coordinator, in
49 consultation with the criminal and juvenile justice
50 planning council, shall select five county attorneys

Page 8

1 whose jurisdictions have a dismissal rate in domestic
2 abuse assault cases of higher than fifty percent. If
3 the prosecuting attorneys training coordinator is
4 unable to select five county attorneys whose
5 jurisdictions have a dismissal rate of over fifty
6 percent, the coordinator shall select county attorneys
7 with the highest dismissal rates available. These
8 five county attorneys shall participate in the pilot
9 program.

10 2. The coordinator shall notify the five county
11 attorneys who shall develop and implement a written
12 plan to expedite and improve the efficiency and just
13 disposition of domestic abuse matters in their
14 respective jurisdictions. The county attorneys shall
15 solicit input from the chief judge of the judicial
16 district in which their county is located and law
17 enforcement agencies within their jurisdictions in
18 developing the written plan. The program participants
19 shall seek assistance from domestic abuse advocates
20 and other interested members of the public in the
21 development of a model plan and in the development or
22 adaptation of the plans in each of the jurisdictions
23 represented by the five county attorneys. Once a

24 model plan is developed, the prosecuting attorneys
25 training coordinator shall make it available to all
26 prosecuting attorneys, regardless of whether the
27 prosecuting attorneys are participants in the pilot
28 program. All plans must state goals and contain
29 policies and procedures to address the following
30 matters:

31 a. The early assignment of a prosecuting attorney,
32 who has the responsibility of handling a domestic
33 abuse assault matter through disposition, and who is
34 also responsible for establishing early contact with
35 the victim.

36 b. The facilitation of the earliest possible
37 contact between the prosecuting attorney's office and
38 the victim for the purpose of acquainting the victim
39 with the criminal justice process, the use of
40 subpoenas, the victim's role as a witness in the
41 prosecution, a victim's rights under chapter 236, and
42 available domestic abuse and victim services.

43 c. The coordination of the prosecuting attorney's
44 efforts with those of a domestic abuse advocate or
45 victim advocate, where available, and to facilitate
46 the early provision of victim advocacy services.

47 d. Methods that will be used to identify, gather,
48 and preserve evidence, in addition to the victim's
49 testimony, that will enhance the ability to prosecute
50 a case when a victim is reluctant to assist,

Page 9

1 including, but not limited to, physical evidence of
2 the victim's injury, evidence relating to the scene of
3 the crime, eye witness testimony, and statements of
4 the victim made at or near the time of injury.

5 e. The education of local law enforcement agencies
6 about the contents of the plan and their role in
7 assisting with its implementation.

8 f. The use of subpoenas of victims and witnesses,
9 where appropriate.

10 g. Annual review of the plan to evaluate whether
11 it is meeting its goals effectively and whether
12 improvements are needed.

13 h. A timetable for implementation.

14 3. A copy of each plan shall be filed with the
15 prosecuting attorneys training coordinator by July 1,
16 1992. The county attorneys selected for the pilot
17 program shall file a status report on the pilot
18 program by July 1, 1993. The pilot program shall
19 terminate on July 1, 1994. The status report must
20 contain information on the number of prosecutions and
21 dismissals of domestic abuse cases in the county
22 attorney's office."

23 _____ Title page, line 3, by inserting after the
24 word "facilities," the following: "relating to
25 treatment, prevention, prosecution, and sentencing
26 concerning domestic abuse cases,"."
27 6. By renumbering and correcting internal
28 references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4098, to the House amendment.

ADOPTION OF SENATE CONCURRENT RESOLUTION 24

Ollie of Clinton called up for consideration **Senate Concurrent Resolution 24**, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's early childhood, primary, and secondary education system and requiring reporting by certain dates.

Connors of Polk in the chair at 2:40 p.m.

Ollie of Clinton asked and received unanimous consent to suspend the rules and take up out of order amendment H—4101.

Ollie of Clinton offered the following amendment H—4101 filed by him from the floor:

H—4101

1 Amend Senate Concurrent Resolution 24, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. By striking page 3, line 17, through page 4,
4 line 17, and inserting the following:
5 "2. The legislative council is also requested to
6 appoint as members of the task force, persons who are
7 members of the general assembly and persons who are
8 members of the general public. The legislative
9 council is further requested to ensure, to the extent
10 practicable, that the appointments of the members of
11 the task force are balanced as provided under sections
12 69.16 and 69.16A, and reflect the ethnic, demographic,
13 and geographic characteristics of Iowa's population.
14 The legislative council shall designate, from the task
15 force membership, two persons to serve as the
16 temporary co-chairpersons of the task force until the
17 first task force meeting, when the permanent co-
18 chairpersons shall be selected."

Spear of Lee asked and received unanimous consent to defer action on amendment H—4103, to amendment H—4101.

The House stood at ease at 2:47 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4101, to Senate Concurrent Resolution 24 at 2:56 p.m., Connors of Polk in the chair.

Spear of Lee offered the following amendment H—4103, previously deferred, to amendment H—4101, filed by him from the floor and moved its adoption:

H—4103

- 1 Amend the amendment, H—4101, to Senate Concurrent
- 2 Resolution 24, as amended, passed, and reprinted by
- 3 the Senate, as follows:
- 4 1. Page 1, line 12, by striking the word “,
- 5 demographic.”

Amendment H—4103 lost.

Spear of Lee offered the following amendment H—4105, to amendment H—4101, filed by him from the floor and moved its adoption:

H—4105

- 1 Amend the amendment, H—4101, to Senate Concurrent
- 2 Resolution 24, as amended, passed, and reprinted by
- 3 the Senate, as follows:
- 4 1. Page 1, line 12, by striking the word “ethnic”
- 5 and inserting the following: “racial”.
- 6 2. Page 1, line 13, by inserting after the word
- 7 “population.” the following: “For purposes of this
- 8 section, hispanics shall be considered a racial
- 9 group.”

A non-record roll call was requested.

The ayes were 24, nays 35.

Amendment H—4105 lost.

On motion by Ollie of Clinton, amendment H—4101 was adopted, placing the following amendments out of order:

- H—4043 filed by Daggett of Adams on May 3, 1991.
- H—4053 filed by Brand of Benton on May 3, 1991.
- H—4075 filed by Brand of Benton on May 7, 1991.
- H—4083 filed by Svoboda of Tama on May 7, 1991.
- H—4088 filed by Svoboda of Tama on May 8, 1991.
- H—4099 filed by Ollie of Clinton on May 8, 1991.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—4046 filed by Ollie, et al., on May 3, 1991, placing the following amendments, to amendment H—4046, out of order:

H—4052 filed by Spear of Lee on May 3, 1991.

H—4055 filed by Spear of Lee on May 6, 1991.

H—4060 filed by Spear of Lee on May 6, 1991.

On motion by Ollie of Clinton, Senate Concurrent Resolution 24, as amended, was adopted.

IMMEDIATE MESSAGES

Schrader of Marion asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 683, Senate File 496 and Senate Concurrent Resolution 24.**

The House stood at ease at 3:26 p.m., until the fall of the gavel.

The House resumed session at 4:00 p.m., Connors of Polk in the chair.

RULES SUSPENDED

Adams of Hamilton asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on transportation.

The House stood at ease at 4:01 p.m., until the fall of the gavel.

The House resumed session at 5:41 p.m., 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 May 9, 1991, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 335, a bill for an act relating to a parent's right of action for the death of a child.

Also: That the Senate has on May 9, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty.

Also: That the Senate has on May 9, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 83, a bill for an act 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.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILLS

House Joint Resolution 10, by committee on appropriations, a joint resolution to nullify an administrative rule of the department of human services relating to a limitation on payment for liver transplants under the medical assistance program and providing an effective date.

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

House File 712, by committee on appropriations, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa.

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

The House stood at ease at 5:42 p.m., until the fall of the gavel.

The House resumed session at 6:17 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-one members present, twenty-nine absent.

HOUSE FILE 699 WITHDRAWN

Groninga of Cerro Gordo asked and received unanimous consent to withdraw House File 699 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Shoultz of Black Hawk called up for consideration **House File 706**, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty, amended by the Senate amendment H-4107 as follows:

H-4107

- 1 Amend House File 706, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "state." the following: "Requirements for
- 5 registration of a waste tire hauler shall include a
- 6 provision that waste tire haulers shall pay all
- 7 amounts due to any individual or group of individuals
- 8 when due for damages caused by improper disposal of
- 9 waste tires by the waste tire hauler or the waste tire
- 10 hauler's employee while acting within the scope of
- 11 employment."

12 2. Page 1, line 29, by striking the word "agent"
13 and inserting the following: "waste tire hauler".

14 3. By striking page 1, line 34, through page 2,
15 line 5, and inserting the following: "with this
16 section. The surety's liability under this subsection
17 is".

18 4. Page 2, line 7, by inserting after the word
19 "damages" the following: "or moneys due".

20 5. Page 2, by striking lines 12 and 13 and
21 inserting the following: "the commissioner of
22 insurance and written by a company authorized by the
23 commissioner of insurance to do business in this
24 state."

25 6. Page 3, line 8, by inserting after the word
26 "expend" the following: "not more than".

27 7. Page 3, line 12, by inserting after the word
28 "program." the following: "If regional economic
29 development centers cease to exist, the department
30 shall revise the criteria and rules for this program
31 to allow councils of governments or regional planning
32 councils to be applicants for competitive grants."

33 8. Page 3, line 16, by inserting after the word
34 "served" the following: "and so that collection
35 services are available to the public on a regular
36 basis".

37 9. Page 3, line 22, by inserting after the word
38 "days." the following:

39 "Departmental rules adopted for implementation of
40 toxic cleanup days shall provide sufficient
41 flexibility to respond to the household hazardous
42 material collection needs of both small and large
43 communities."

44 10. Page 3, line 26, by inserting after the word
45 "materials" the following: "or to Iowa businesses
46 which purchase equipment to achieve source
47 reductions".

48 11. Page 4, line 5, by inserting after the word
49 "markets." the following: "Efforts shall include the
50 reuse and recycling of sawdust."

Page 2

1 12. Page 4, line 9, by inserting after the word
2 "waste." the following: "For the fiscal year
3 beginning July 1, 1992, and thereafter, fifty thousand
4 dollars of the moneys appropriated under this
5 paragraph shall be used by the department of economic
6 development to provide grants or loans to Iowa
7 businesses which have participated in the waste
8 reduction assistance program of the department of
9 natural resources or the program provided by the waste
10 reduction center at the university of northern Iowa,

11 and which have identified needs for equipment or
12 retooling to achieve waste reduction."

13 13. Page 6, by inserting after line 11, the
14 following:

15 "NEW SUBSECTION. 11. The additional amount
16 imposed beginning July 1, 1991, under subsection 2,
17 unnumbered paragraph 2, shall not be imposed upon a
18 person disposing of solid waste at a sanitary landfill
19 if the person meets all of the following requirements:
20 a. The person is a private agency which collects
21 solid waste for the purpose of recycling, and the
22 person provides documentation of this activity to the
23 sanitary landfill owner or operator.

24 b. The person provides documentation to the
25 sanitary landfill owner or operator that, of the
26 initial amount of solid waste collected by the private
27 agency, the solid waste was recycled to the greatest
28 extent possible, and that the remaining solid waste,
29 for which the person seeks disposal at the sanitary
30 landfill, is not recyclable by the private agency.

31 The commission shall adopt rules to implement this
32 subsection including provisions for the form of
33 documentation required."

34 14. Page 6, by striking lines 12 through 15.

35 15. Page 7, line 1, by inserting after the figure
36 "455B.306," the following: "Notwithstanding the
37 remittance requirement under this subparagraph
38 subdivision part (ii), if a private agency is
39 designated to develop and implement the comprehensive
40 plan pursuant to section 455B.306, the fees collected
41 under this subparagraph subdivision part (ii) shall be
42 retained by the private agency for the purpose of
43 implementation of the waste volume reduction and
44 recycling requirement of the comprehensive plans filed
45 pursuant to section 455B.306."

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

Shoultz of Black Hawk offered the following amendment H—4108,
to the Senate amendment H—4107, filed by him from the floor and
moved its adoption:

H—4108

- 1 Amend amendment H—4107, to House File 706, as
- 2 amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by striking lines 13 through 33.

Amendment H—4108 was adopted.

On motion by Shoultz of Black Hawk, the House concurred in the
Senate amendment H—4107, as amended.

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

On the question "Shall the bill pass?" (H.F. 706)

The ayes were, 67:

Adams	Baker	Banks	Bartz
Beatty	Bernau	Bisignano	Black
Blanshan	Brand	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Dickinson	Diemer	Gill	Gipp
Groninga	Hahn	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	McKean
McKinney	McNeal	Metcalf	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Van Maanen
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 26:

Beaman	Bennett	Branstad	Daggett
De Groot	Eddie	Fogarty	Garman
Grubbs	Gruhn	Halvorson, R. N.	Harbor
Hurley	Iverson	Krebsbach	Kremer
Maulsby	Mertz	Millage	Miller
Muhlbauer	Plasier	Renken	Royer
Tyrrell	Weidman		

Absent or not voting, 7:

Brammer	Connors	Doderer	Dvorsky
Halvorson, R. A.	Hammond	Teaford	

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:

Dvorsky of Johnson, for the remainder of the day, on request of Brand of Benton; Hammond of Story, until her return, on request of Neuhauser of Johnson.

HOUSE INSISTS

Millage of Scott called up for consideration **House File 335**, a bill for an act relating to a parent's right of action for the death of a child, and moved that the House insist on its amendment to the Senate amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (House File 335)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 335: Jay of Appanoose, Chair; Hibbard of Madison, Peterson of Carroll, Millage of Scott and Harbor of Mills.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 335 and 706**.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 703, a bill for an act relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H—3986 filed by him:

H—3986

- 1 Amend House File 703 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "Sec. _____. Section 109.95, unnumbered paragraph 1,
- 5 Code 1991, is amended to read as follows:
- 6 A license shall be required of each fur dealer and
- 7 each employee, agent, or representative of a fur
- 8 dealer except when the employee, agent, or
- 9 representative is operating solely on the premises of
- 10 a licensed fur dealer. A fur dealer shall conduct
- 11 business only at the location specified on the
- 12 dealer's license, at an established fur auction, at
- 13 the nonadvertised residence of a licensed fur
- 14 harvester, or at the place of business specified on
- 15 the license of any fur dealer. A licensed fur dealer
- 16 may purchase location permits to operate at locations
- 17 other than at the location specified on the fur
- 18 dealer's license. Each location permit shall be valid

19 only for the one location specified on the location
 20 permit and shall entitle the fur dealer and employee,
 21 agent, or representative of the licensed fur dealer to
 22 operate at that location. The commission shall, upon
 23 application and the payment of the required license
 24 fee, furnish the proper license and location permits
 25 to the dealer."

26 2. By renumbering sections and internal
 27 references as required.

Hanson of Delaware offered the following amendment H—4090,
 to amendment H—3986, filed by him and moved its adoption:

H—4090

1 Amend amendment, H—3986, to House File 703 as
 2 follows:

3 1. Page 1, by striking lines 15 through 22 and
 4 inserting the following: "the license of any fur
 5 dealer. A licensed fur dealer may purchase obtain
 6 location permits, without fee, to operate at locations
 7 other than at the location specified on the fur
 8 dealer's license. Each location permit shall be valid
 9 only for the one location specified on the location
 10 permit and shall entitle the fur dealer and employee,
 11 agent, or representative of the licensed fur dealer to
 12 operate at that location. The commission shall,
 13 upon".

Amendment H—4090 was adopted.

On motion by Shultz of Black Hawk, amendment H—3986, as
 amended, was adopted.

Spear of Lee asked and received unanimous consent to withdraw
 amendment H—4025 filed by him on May 2, 1991.

Shultz of Black Hawk offered the following amendment H—3979
 filed by him and moved its adoption:

H—3979

1 Amend House File 703 as follows:

2 1. Page 3, by striking line 1 and inserting the
 3 following:

4 "f. Falconry license\$ 30.00 30.00".

5 2. Page 4, by inserting after line 7 the
 6 following:

7 "c. The falconry license fee in section 110.1
 8 shall be for three years beginning and ending as
 9 provided by rule of the natural resource commission."

Amendment H—3979 was adopted.

Iverson of Wright offered the following amendment H—4007 filed by him:

H—4007

1 Amend House File 703 as follows:
2 1. By striking page 1, line 17, through page 3,
3 line 4, and inserting the following:
4 "1. Fishing licenses:
5 a. Legal residents except
6 as otherwise provided\$ 12.50
7 b. Nonresident license\$ 22.50
8 c. Three-day license for
9 residents and nonresidents\$ 8.50
10 d. Trout stamp\$ 10.00
11 2. Hunting licenses:
12 a. Legal residents except
13 as otherwise provided\$ 12.50
14 b. Deer hunting license for
15 residents\$ 25.00
16 c. Wild turkey hunting
17 license for residents\$ 22.00
18 d. Nonresidents hunting
19 license\$ 60.50
20 e. Deer hunting license
21 for nonresidents\$110.00
22 f. Wild turkey hunting license
23 for nonresidents\$ 55.00
24 3. Hunting and fishing combined
25 licenses:
26 Legal residents except as
27 otherwise provided\$ 23.50
28 4. Hunting, fishing, and
29 fur harvesting combined licenses:
30 Annual fur, fish and
31 game license for residents\$ 37.50
32 5. Fur harvesters, dealers
33 and game breeders licenses:
34 a. Fur harvester license for
35 legal residents sixteen years of
36 age or older\$ 20.50
37 b. Fur harvester license for
38 legal residents under sixteen years
39 of age\$ 5.50
40 c. Fur harvester license for
41 nonresidents\$175.50
42 d. Fur dealers license for
43 residents\$225.00
44 e. Fur dealers license for
45 nonresidents\$500.00
46 f. Game breeders license\$ 15.00

47	6. Other licenses:	
48	a. Scientific collector's	
49	license	\$ 5.00
50	b. Private fish hatcheries	\$ 15.00

Page 2

1	c. Bait dealer's license for	
2	residents	\$ 30.00
3	d. Bait dealer's license for	
4	nonresidents	\$ 60.00
5	e. Taxidermy license	\$ 15.00
6	f. Falconry license	\$ 20.00
7	g. Nongame support certificate	\$ 5.00
8	h. Special wildlife habitat	
9	stamp	\$ 5.00".
10	2. Page 3, by striking lines 23 through 30 and	
11	inserting the following:	
12	"1. The fees specified in section 2 of this Act	
13	are effective for the 1992 license year and each	
14	subsequent license year until otherwise provided by	
15	the general assembly, except as provided in subsection	
16	2.	
17	2. This Act takes effect on December 15, 1991,	
18	except".	
19	3. Page 4, by striking lines 8 and 9.	

Spear of Lee asked and received unanimous consent to withdraw amendment H—4029, to amendment H—4007, filed by him on May 2, 1991.

On motion by Iverson of Wright, amendment H—4007 was adopted, placing out of order lines 2 through 4 of amendment H—3979, previously adopted.

Poncy of Wapello offered the following amendment H—4066 filed by him:

H—4066

1	Amend House File 703 as follows:
2	1. Page 3, by inserting after line 4 the
3	following:
4	"Sec. _____. Section 110.24, subsection 16, Code
5	1991, is amended to read as follows:
6	16. Upon payment of the fee of thirty dollars for
7	a lifetime hunting and fishing combined license, the
8	department shall issue a hunting and fishing combined
9	license to a veteran who was disabled in combat or a
10	prisoner of war during that veteran's military
11	service. The department shall prepare an application
12	to be used by a person requesting a hunting and
13	fishing combined license under this subsection. The

14 veterans affairs division of the department of public
15 defense shall assist the department in verifying the
16 status or claims of applicants under this subsection.
17 As used in this subsection, "veteran" means a person
18 who served in the armed forces of the United States of
19 America at any time during World War I between the
20 dates of April 6, 1917, and July 2, 1921, World War II
21 between the dates of December 7, 1941, and December
22 31, 1946, the Korean conflict between the dates of
23 June 27, 1950, and January 31, 1955, or the Vietnam
24 conflict between August 5, 1964, and May 7, 1975, or
25 the Persian Gulf Conflict between August 2, 1990, and
26 the date the president or the congress of the United
27 States declares a permanent cessation of hostilities,
28 all dates inclusive, and "disabled" means entitled to
29 compensation under the United States Code, title 38,
30 chapter 11."

Poncy of Wapello offered amendment H-4094, to amendment H-4066, filed by him. Division was requested as follows:

H-4094

- 1 Amend amendment, H-4066, to House File 703 as
- 2 follows:

H-4094A

- 3 1. Page 1, line 9, by striking the words "in
- 4 combat or" and inserting the following: "in combat or
- 5 during the period of a veteran's service listed in
- 6 this subsection or who was".

H-4094B

- 7 2. Page 1, line 17, by inserting after the word
- 8 "person" the following: "who is a resident of Iowa
- 9 and".

On motion by Poncy of Wapello, amendment H-4094A was adopted.

On motion by Poncy of Wapello, amendment H-4094B was adopted.

On motion by Poncy of Wapello, amendment H-4066, as amended, was adopted.

Iverson of Wright offered the following amendment H-4004 filed by him and moved its adoption:

H—4004

1 Amend House File 703 as follows:

- 2 1. Page 3, line 16, by inserting after the word
 3 "services," the following: "For a resident who is
 4 sixty-five years of age or permanently disabled and
 5 otherwise not eligible for a free license under this
 6 subsection, the resident may purchase an annual
 7 fishing or hunting license or combined fishing and
 8 hunting license for one-half of the annual fee for the
 9 licenses or may purchase a lifetime fishing or hunting
 10 license for twenty-five dollars or a lifetime combined
 11 fishing and hunting license for fifty dollars."

Amendment H—4004 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 703)

The ayes were, 55:

Adams	Baker	Beaman	Beatty
Bernau	Black	Blanshan	Brown
Burke	Carpenter	Chapman	Dickinson
Diemer	Eddie	Fogarty	Gill
Gipp	Groninga	Gruhn	Hahn
Halvorson, R. A.	Hammond	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Koenigs	Lageschulte	Lundby
McKinney	McNeal	Metcalf	Miller
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Rafferty
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Wissing	Mr. Speaker	
		Arnould	

The nays were, 38:

Banks	Bartz	Bennett	Brand
Branstad	Cohoon	Corbett	Daggett
De Groot	Garman	Grubbs	Halvorson, R. N.
Hansen, S. D.	Harbor	Hester	Hurley
Jay	Knapp	Krebsbach	Kremer
Maulsby	McKean	Mertz	Millage
Murphy	Petersen, D. F.	Poney	Renaud
Renken	Royer	Schrader	Spear
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman	Wise		

Absent or not voting, 7:

Bisignano
Dvorsky

Brammer
Muhlbauer

Connors
Teaford

Doderer

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:

Bisignano of Polk, until his return, on request of McKinney of Dallas.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 703** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on May 8, 1991. Had I been present, I would have voted "aye" on House Files 335, 700, 709, 710 and Senate Files 42, 83, 491, 542, 545; "nay" on amendment H—3582 to House Concurrent Resolution 19; House Concurrent Resolution 22; and motion to suspend rules on amendment H—4093 to Senate File 83.

CORBETT of Linn

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 9, 1991, he approved and transmitted to the Secretary of State the following bill:

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.

PRESENTATION OF VISITORS

Black of Jasper presented to the House Irena and Vladimer Basis, Schpola, Ukraine, U.S.S.R. and five Ukraine high school students, who are studying and living in Newton.

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

Thirty fourth grade students from Murray Elementary School, Murray, accompanied by Karen Stroud. By Beaman of Clarke.

Fifteen seventh through twelfth grade students from Jesup High School, Jesup, accompanied by Peggy Jetmund. By Kremer of Buchanan.

Fifteen twelfth grade students from Wilton High School, Wilton, accompanied by Brenda Grunder. By 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 APPROPRIATIONS

Committee Joint Resolution, a joint resolution to nullify an administrative rule of the department of human services relating to a limitation on payment for liver transplants under the medical assistance program and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 9, 1991.

Committee Bill, making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** May 9, 1991.

COMMITTEE ON TRANSPORTATION

Senate File 543, a bill for an act relating to the names of certain geographical places in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** May 9, 1991.

AMENDMENTS FILED

H—4102	S.F.	330	Shearer of Louisa Weidman of Cass Spear of Lee
H—4109	H.F.	87	Hibbard of Madison
H—4110	H.F.	711	Chapman of Linn

On motion by McKinney of Dallas, the House adjourned at 7:25 p.m., until 9:00 a.m., Friday, May 10, 1991.

JOURNAL OF THE HOUSE

One Hundred Seventeenth Calendar Day — Seventy-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 10, 1991

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

Prayer was offered by the Honorable Bill Brand, state representative from Benton County.

The Journal of Thursday, May 9, 1991 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa, until his return, on request of Van Maanen of Mahaska; Brown of Lucas and Jesse of Jasper, until their arrival, on request of Beatty of Warren.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 712.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 712)

The ayes were, 90:

Baker	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brand	Branstad
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	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	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Teaford	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 1:

Rafferty

Absent or not voting, 9:

Adams	Brammer	Brown	Burke
Daggett	Jesse	Metcalf	Svoboda
Tyrrell			

The bill having received a two-thirds 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 712** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Wissing of Scott called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—3827 to the House amendment:

H—3827

- 1 Amend the House amendment, S—3473, to Senate File
- 2 210, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 10 and
- 5 inserting the following:
- 6 "_____. Page 1, line 20, by striking the word and

- 7 figures "January 1, 1992" and inserting the following:
8 "July 1, 1993".
9 _____. Page 1, line 21, by striking the word and
10 figures "January 1, 1992" and inserting the following:
11 "July 1, 1993".

A non-record roll call was requested.

The ayes were 3, nays 50.

The motion lost and the House refused to concur in the Senate amendment H-3827, to the House amendment.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 210 be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 533.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 533, a bill for an act relating to the rate of the Shelby Tennant community school district income surtax and the refund of any excess income surtax paid and providing effective and applicability dates, 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. 533)

The ayes were, 89:

Baker	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brand	Branstad
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	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.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, none.

Absent or not voting, 11:

Adams	Brammer	Brown	Burke
Daggett	Jesse	Metcalf	Plasier
Svoboda	Teaford	Tyrrell	

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 533** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 28

Gruhn of Dickinson called up for consideration House Concurrent Resolution 28, a concurrent resolution expressing congratulations to the Iowa State Horticultural Society on the occasion of the Society's 125th Anniversary, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House Concurrent Resolution 28** be immediately messaged to the Senate.

The House stood at ease at 10:12 a.m., until the fall of the gavel.

The House resumed session at 11:27 a.m., Muhlbauer of Crawford in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 10, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 544, a bill for an act to legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 11:31 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SENATE MESSAGE CONSIDERED

Senate File 544, by Hutchins and Rife, a bill for an act to legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1991, failed to pass the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on May 10, 1991, appointed the conference committee to House File 335, a bill for an act relating to a parent's right of action for the death of a child, and the members of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Scott, Senator Deluhery; the Senator from Woodbury, Senator Doyle; the Senator from Black Hawk, Senator Slife; the Senator from Webster, Senator Kersten.

Also: That the Senate has on May 10, 1991, passed the following bill in which the concurrence of the Senate was asked:

House File 707, a bill for an act relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds or money market funds.

Also: That the Senate has on May 10, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 709, 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.

Also: That the Senate has on May 10, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 710, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date.

JOHN F. DWYER, Secretary

Schrader of Marion in the chair at 1:44 p.m.

QUORUM CALL

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

RULES SUSPENDED

Jay of Appanoose asked and received unanimous consent to suspend the rules for a meeting of the committee on judiciary and law enforcement to meet upon call to consider Senate File 544.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spanner of Henry, for the remainder of the day, on request of Lageschulte of Bremer.

SENATE AMENDMENT CONSIDERED

Blanshan of Greene called up for consideration **House File 710**, a bill for an act creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—4112:

H—4112

- 1 Amend House File 710, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 19 and 20 and
- 4 inserting the following: "five members each, who may
- 5 be legislators or citizens, shall be".

- 6 2. Page 1, line 28, by striking the word
 7 "historical".
 8 3. Page 4, by striking lines 10 through 12, and
 9 inserting the following:
 10 "c. The special sesquicentennial fee for letter
 11 number designated sesquicentennial plates is fifteen
 12 dollars. The fee for personalized sesquicentennial
 13 plates is twenty-five dollars which shall be paid in
 14 addition to the special sesquicentennial fee of
 15 fifteen dollars. The".
 16 4. Page 4, by striking lines 27 through 34, and
 17 inserting the following: "The annual special
 18 sesquicentennial fee for letter number designated
 19 plates is ten dollars which shall be paid in addition
 20 to the regular annual registration fee. The annual
 21 fee for personalized sesquicentennial plates is five
 22 dollars which shall be paid in addition to the annual
 23 special sesquicentennial fee and the regular annual
 24 registration fee. The annual special sesquicentennial
 25 fee shall be credited as provided under paragraph
 26 "c"."

The motion prevailed and the House concurred in the Senate amendment H-4112.

Speaker Arnould in the chair at 1:56 p.m.

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

On the question "Shall the bill pass?" (H.F. 710)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
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	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	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Teaford	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, none.

Absent or not voting, 6:

Brown	Jesse	Murphy	Spenner
Svoboda	Tyrrell		

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 710** be immediately messaged to the Senate.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 3:24 p.m., 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 May 10, 1991, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was 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 May 10, 1991, insisted on its amendment 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, and the members of the Conference Committee on the part of the Senate are: The Senator from Woodbury, Senator Sturgeon, Chair; the Senator from Pottawattamie, Senator Gronstal; the Senator from Fayette, Senator Murphy; the Senator from Chickasaw, Senator Borlaug; the Senator from Pottawattamie, Senator Hester.

JOHN F. DWYER, Secretary

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House Joint Resolution 10.

CONSIDERATION OF BILLS Appropriations Calendar

House Joint Resolution 10, a joint resolution to nullify an administrative rule of the department of human services relating to a limitation on payment for liver transplants under the medical assistance program and providing an effective date, was taken up for consideration.

Brammer of Linn moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 10)

The ayes were, 94:

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	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	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	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker		
	Arnould		

The nays were, 2:

Kremer

Miller

Absent or not voting, 4:

Jay

Lageschulte

Shearer

Spenner

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House Joint Resolution 10** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 711.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 711, a bill for an act establishing a state of Iowa facilities authority to finance the acquisition, construction, and disposition of buildings and other property for use by governmental entities and state agencies, including the issuance of anticipation notes and revenue bonds, was taken up for consideration.

Carpenter of Polk offered amendment H—4116 filed from the floor by Carpenter, Metcalf and Iverson. Division was requested as follows:

H—4116

1 Amend House File 711 as follows:

H—4116A

- 2 1. Page 2, by striking lines 4 and 5 and
- 3 inserting the following: "agreements, cost of audits,
- 4 loan repayments, and any other cost incurred or
- 5 moneys".
- 6 2. Page 2, line 7, by striking the words
- 7 "officer, board, commission,".
- 8 3. Page 2, line 8, by striking the words ", or
- 9 other body".

H—4116B

- 10 4. Page 3, by striking line 5 and inserting the
- 11 following: "in the department of management."

H-4116A

- 12 5. Page 3, line 19, by striking the word "may"
13 and inserting the following: "shall".
14 6. Page 3, line 20, by striking the words "any
15 project" and inserting the following: "only
16 projects".

H-4116B

- 17 7. Page 5, by striking lines 10 and 11 and
18 inserting the following:
19 "The governor shall appoint a director of the
20 authority subject to confirmation by the senate".
21 8. Page 5, line 12, by striking the words "of
22 state".

H-4116A

- 23 9. Page 5, by striking line 13, and inserting the
24 following: "knowledge in the field of finance. The".

H-4116B

- 25 10. Page 6, by striking lines 15 through 35.

H-4116A

- 26 11. Page 8, line 11, by striking the word "forty"
27 and inserting the following: "twenty".
28 12. Page 13, line 5, by inserting after the word
29 "entity" the following: "or political subdivision".
30 13. By renumbering and relettering as necessary.

On motion by Carpenter of Polk, amendment H-4116A was adopted.

Chapman of Linn offered the following amendment H-4110 filed by her:

H-4110

- 1 Amend House File 711 as follows:
2 1. Page 2, by striking line 34 and inserting the
3 following: "authority. Notwithstanding section
4 12.30, the treasurer shall be a voting member of the
5 board. The authority shall elect a vice chairperson".
6 2. Page 2, line 35, by inserting after the word
7 "members." the following: "Action by the authority
8 shall require a majority vote of the members."
9 3. Page 4, line 8, by striking the word "Have"
10 and inserting the following: "Incorporate, and have".
11 4. Page 9, line 29, by striking the words
12 "political subdivision or".

13 5. Page 10, line 16, by inserting after the word
14 "refunded" the following: "and the average maturity
15 of the refunding bonds shall not exceed the average
16 maturity of the refunded bonds by more than ten
17 percent".

18 6. Title page, line 5, by striking the word
19 "revenue".

Carpenter of Polk offered the following amendment H—4117, to amendment H—4110, filed from the floor by Carpenter, Metcalf and Iverson and moved its adoption:

H—4117

1 Amend the amendment, H—4110, to House File 711, as
2 follows:

3 1. Page 1, by striking lines 13 through 17 and
4 inserting the following:

5 "5. Page 10, by striking lines 14 through 16 and
6 inserting the following: "one outstanding issue of
7 bonds, the average maturity of the refunding bonds
8 shall not exceed the average maturity of the refunded
9 bonds by more than ten percent."

Amendment H—4117 was adopted.

On motion by Chapman of Linn, amendment H—4110, as amended, was adopted.

The House resumed consideration of amendment H—4116B.

Further division of amendment H—4116B was requested as follows:

H—4116B — lines 10 and 11.

H—4116C — lines 17 through 22.

H—4116D — line 25.

Carpenter of Polk moved the adoption of amendment H—4116B.

A non-record roll call was requested.

The ayes were 45, nays 50.

Amendment H—4116B lost.

Ollie of Clinton in the chair at 4:06 p.m.

Carpenter of Polk moved the adoption of amendment H—4116C.

Roll call was requested by Carpenter of Polk and Metcalf of Polk.

On the question "Shall amendment H—4116C be adopted?"
(H.F. 711)

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
Knapp	Krebsbach	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, 54: -

Adams	Arnould, Spkr.	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
Koenigs	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Teaford	Wise
Wissing	Ollie		
	Presiding		

Absent or not voting, 1:

Spenner

Amendment H—4116C lost.

On motion by Carpenter of Polk, amendment H—4116D lost.

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. 711)

The ayes were, 55:

Adams	Arnould, Spkr.	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	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Ollie	
		Presiding	

The nays 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.	Plasier
Rafferty	Renken	Royer	Shoning
Siegrist	Tyrrell	Van Maanen	Weidman

Absent or not voting, 1:

Spenner

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 711** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 10, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates.

JOHN F. DWYER, Secretary

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 544.

PROOF OF PUBLICATION
(Senate File 544)

Published copy of Senate File 544 and verified proof of publication of said bill in the Quad-City Times, a daily newspaper printed and published in Scott County, Iowa on May 2, 1991, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

SUBCOMMITTEE ASSIGNMENT

Senate File 544

Judiciary and Law Enforcement: Siegrist, Chair.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 544, a bill for an act to legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** May 10, 1991.

Regular Calendar

Senate File 544, a bill for an act to legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 544)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	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.	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	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	Ollie		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Brand	Hammond	Hansen, S. D.	Jay
Spenner	Teaford		

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 544** be immediately messaged to the Senate.

The House stood at ease at 4:50 p.m., until the fall of the gavel.

The House resumed session at 5:30 p.m., Wise of Lee in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 10, 1991, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 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.

Also: That the Senate has on May 10, 1991, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 706, a bill for an act relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty.

Also: That the Senate has on May 10, 1991, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was 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 May 10, 1991, adopted the conference committee report and passed Senate File 471, a bill for an act relating to state policies and procedures affecting children.

Also: That the Senate has on May 10, 1991, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 24, a concurrent resolution requesting the Legislative Council to establish a task force to study Iowa's early childhood, primary, and secondary education system and requiring reporting by certain dates.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 548, by Hutchins and Rife, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates.

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

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations to consider Senate File 548.

The House stood at ease at 5:31 p.m., until the fall of the gavel.

The House resumed session at 7:05 p.m., Speaker Arnould in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 10, 1991, adopted the conference committee report and passed 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.

JOHN F. DWYER, Secretary

The House stood at ease at 7:06 p.m., until the fall of the gavel.

The House resumed session at 7:39 p.m., 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 May 10, 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 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 May 10, 1991, passed the following bill in which the concurrence of the House is asked:

Senate File 546, a bill for an act providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 546, by committee on state government, a bill for an act providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date.

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

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 548.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—4121 May 10, 1991,

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk, until his return, on request of Holveck of Polk.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk offered the following amendment H—4121 filed by the committee on appropriations and moved its adoption:

H—4121

- 1 Amend Senate File 548, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 2, the
- 4 following:
- 5 "Sec. _____. Section 99D.5, subsection 4, Code 1991,
- 6 is amended to read as follows:
- 7 4. Commission members are each entitled to receive
- 8 an annual salary of six thousand dollars. Members
- 9 shall also be reimbursed for actual expenses incurred
- 10 in the performance of their duties to a maximum of six
- 11 thirty thousand dollars per year for each member the
- 12 commission. Each member shall post a bond in the
- 13 amount of ten thousand dollars, with sureties to be
- 14 approved by the governor, to guarantee the proper
- 15 handling and accounting of moneys and other properties
- 16 required in the administration of this chapter. The
- 17 premiums on the bonds shall be paid as other expenses
- 18 of the commission."
- 19 2. By renumbering as necessary.

The committee amendment H—4121 was adopted.

Sherzan of Polk offered amendment H—4120 filed by him from the floor. Division was requested as follows:

H—4120

- 1 Amend Senate File 548, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—4120A

- 3 1. Page 2, line 10, by striking the figure
- 4 "87,200" and inserting the following: "89,000".
- 5 2. Page 2, line 12, by striking the figure
- 6 "84,000" and inserting the following: "85,700".
- 7 3. Page 2, line 14, by striking the figure
- 8 "83,900" and inserting the following: "85,600".
- 9 4. Page 2, line 16, by striking the figure
- 10 "80,700" and inserting the following: "82,400".
- 11 5. Page 2, line 18, by striking the figure
- 12 "79,900" and inserting the following: "81,500".
- 13 6. Page 2, line 21, by striking the figure
- 14 "76,700" and inserting the following: "78,300".
- 15 7. Page 2, line 23, by striking the figure
- 16 "66,900" and inserting the following: "68,300".
- 17 8. Page 2, line 25, by striking the figure
- 18 "16,800" and inserting the following: "17,200".

H—4120B

- 19 9. Page 3, by striking lines 34 and 35, and
- 20 inserting the following:
- 21 "2. The following are range 1 positions: There
- 22 are no range 1 positions as of the fiscal year
- 23 beginning July 1, 1991."
- 24 10. Page 4, line 22, by striking the word "full-
- 25 time".

Sherzan of Polk moved the adoption of amendment H—4120A.

A non-record roll call was requested.

The ayes were 56, nays 29.

Amendment H—4120A was adopted.

On motion by Sherzan of Polk, amendment H—4120B was adopted.

Hibbard of Madison offered the following amendment H—4122 filed from the floor by Hibbard, Jesse, Brown, Beatty, Mertz, Fogarty, Muhlbauer, Koenigs, Shearer, Gruhn, Baker, Murphy, Iverson, Shoning, McNeal, Teaford, Blanshan, Peterson of Carroll, Knapp and Adams:

H-4122

1 Amend Senate File 548, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 13 the
4 following:

5 "Sec. _____. **HIRING FREEZE FOR MIDDLE MANAGEMENT**
6 **POSITIONS.**

7 1. For the purposes of this section, unless the
8 context otherwise requires:

9 a. "Department" means an executive, legislative,
10 or judicial branch department, commission, board,
11 institution, bureau, office, or other agency of state
12 government that uses, expends, or receives state
13 funds.

14 b. "Middle management position" means a
15 supervisory or management position within a department
16 which is not filled pursuant to an appointment by the
17 governor, is not an office filled by election, is not
18 a position as a justice of the supreme court or judge
19 of the court of appeals, is not a position as head of
20 a department, is not a position as a member of a
21 board, commission, committee, or council, is not
22 represented by a bargaining unit, or is not, as of May
23 7, 1991, a confidential employee position.

24 2. If a vacancy occurs in a middle management
25 position, the department shall not fill the vacancy.
26 A department shall not create new middle management
27 positions. The hiring freeze shall continue until
28 further action is taken by the general assembly, or
29 the legislative council suspends the applications of
30 the hiring freeze."

31 2. By renumbering as necessary.

Sherzan of Polk rose on a point of order that amendment H-4122 was not germane.

The Speaker ruled the point well taken and amendment H-4122 not germane.

Sherzan of Polk offered the following amendment H-4123 filed by him from the floor and moved its adoption:

H-4123

1 Amend Senate File 548, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 10, by striking lines 7 through 12 and
4 inserting the following:

5 "Sec. _____. There is appropriated from the health
6 insurance reserve fund to the general fund of the
7 state, on or before June 30, 1992, the following
8 amount:"

Amendment H-4123 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—4124 filed by him from the floor.

Doderer of Johnson offered the following amendment H—4126 filed by her and Sherzan of Polk from the floor and moved its adoption:

H—4126

- 1 Amend Senate File 548, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 21, by inserting after the word
- 4 "fund" the following: "increases in the judges' and
- 5 magistrates' salaries and related benefits as
- 6 otherwise provided by law and for".

Amendment H—4126 was adopted.

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

On the question "Shall the bill pass?" (S.F. 548)

The ayes were, 63:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hanson, D. E.	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Teaford	Tyrrell	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 33:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Kistler
Krebsbach	Lageschulte	Maulsby	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Van Maanen			

Absent or not voting, 4:

Brammer

Hansen, S. D.

Jay

Spenner

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 548 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 471)

Haverland of Polk called up for consideration the report of the conference committee on Senate File 471 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 471

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 471, a bill for an act relating to state policies and procedures affecting children, respectfully make the following report:

1. That the Senate recedes from its amendment, H—3825.
2. That the House recedes from its amendment, S—3470.
3. That Senate File 471, as passed by the Senate, is amended as follows:
 1. Page 1, by inserting after line 30 the following:

"Sec. _____. Section 232.22, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A Except as provided in subsection 6, a child may be placed in detention as provided in this section in one of the following facilities only:

Sec. _____. Section 232.22, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If the court has waived its jurisdiction over the child for the alleged commission of a forcible felony offense pursuant to section 232.45 or 232.45A, and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section 356.3. However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult postarrest or pretrial detainees.

Sec. _____. NEW SECTION. 232.45A WAIVER TO AND CONVICTION BY DISTRICT COURT — PROCESSING.

1. Once jurisdiction over a child has been waived by the juvenile court as provided in section 232.45, and a conviction is entered by the district court, the clerk of the juvenile court shall immediately send a certified copy of the findings required by section 232.45, subsection 8, and the judgment of conviction to the department of public safety. The department shall maintain a file on each child who has previously been waived to and convicted by the district court in a prosecution as an adult. The file shall be accessible by law enforcement officers on a twenty-four hour per day basis.

2. Once a child sixteen years of age or older has been waived to and convicted of a forcible felony by the district court, all criminal proceedings against the child for any forcible felony occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for a forcible felony who has previously been waived to and convicted of a forcible felony by the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45."

2. Page 5, by striking lines 3 through 25 and inserting the following:

"Sec. 9. Section 237A.2, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If the department has denied or revoked a license because the applicant or person has continually or repeatedly failed to operate a licensed center in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a child care center for a period of six months from the date the license is denied or revoked. The department shall not act on an application for a license submitted by the applicant or person during the six-month period.

NEW UNNUMBERED PARAGRAPH. Notwithstanding any requirement established under this chapter, an exception is provided for the period beginning on the effective date of this Act and ending December 31, 1991, in accordance with the provisions of this paragraph, to permit a center to care for one more child than the amount of children authorized for the center. The exception applies to any limit on the number of children and to requirements for numerical ratios of staff persons to children. The exception applies only to a child who meets both of the following circumstances: the child has a parent serving in the United States armed services who is stationed outside the state of Iowa due to the Persian Gulf conflict and there is no charge for the care provided to the child.

Sec. 10. Section 237A.3, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If the department has denied or revoked a registration because the applicant or person has continually or repeatedly failed to operate a registered child day care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a registered facility for

a period of six months from the date the registration is denied or revoked. The department shall not act on an application for registration submitted by the applicant or person during the six-month period.

NEW SUBSECTION. 5. Notwithstanding any requirement established under this chapter, an exception is provided for the period beginning on the effective date of this Act and ending December 31, 1991, in accordance with the provisions of this subsection, to permit a family day care home or group day care home to care for one more child than the amount of children authorized for the home. The exception applies to any limit on the number of children and to requirements for numerical ratios of staff persons to children. The exception applies only to a child who meets both of the following circumstances: the child has a parent serving in the United States armed services who is stationed outside the state of Iowa due to the Persian Gulf conflict and there is no charge for the care provided to the child."

3. By striking page 5, line 26, through page 6, line 18.

4. Page 6, by inserting after line 18, the following:

"Sec. _____. **EFFECTIVE DATE.** Sections 9 and 10 of this Act, being deemed of immediate importance, take effect upon enactment."

5. Title page, by striking lines 1 and 2 and inserting the following: "An act relating to state foster care, child care, children waived to adult court, and adoption registry policies and procedures and providing an effective date."

6. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

MARK A. HAVERLAND, Chair
DOROTHY F. CARPENTER
CHARLES HURLEY
JOYCE NIELSEN
MICHAEL K. PETERSON

ON THE PART OF THE SENATE:

RALPH ROSENBERG, Chair
BEVERLY HANNON
MARY E. KRAMER
ELAINE SZYMONIAK
MAGGIE TINSMAN

The motion prevailed and the conference committee report 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	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	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	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 5:

Brammer	Connors	Hansen, S. D.	Jay
Spenner			

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

CONFERENCE COMMITTEE APPOINTED (Senate File 496)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 496: Sherzan of Polk, Chair; Peterson of Carroll, Wissing of Scott, McKean of Jones and McNeal of Hardin.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 471** be immediately messaged to the Senate.

HOUSE INSISTS

Halvorson of Webster called up for consideration **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, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 476)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 476: Halvorson of Webster, Chair; Blanshan of Greene, Teaford of Black Hawk, Renken of Grundy and Hanson of Delaware.

SENATE AMENDMENT CONSIDERED House Refused to Concur

Wissing of Scott called up for consideration **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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4084 to the House amendment:

H-4084

- 1 Amend the House amendment, S-3692, to Senate File
- 2 184, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 3, by striking the word and
- 5 figure "line 1" and inserting the following: "line
- 6 3".
- 7 2. Page 1, line 4, by inserting after the figure
- 8 "32" the following: ", and inserting the following:
- 9 "8. A pupil participating in open enrollment shall
- 10 be counted, for state school foundation aid purposes,
- 11 in the pupil's district of residence. A pupil's
- 12 residence, for purposes of this section means a
- 13 residence under section 282.1. The During the first
- 14 full and any prior partial year of the pupil's
- 15 attendance in the receiving district, the board of
- 16 directors of the district of residence shall pay only
- 17 fifty percent of the lower district cost per pupil of
- 18 the two districts plus any moneys received for the
- 19 pupil as a result of non-English speaking weighting
- 20 under section 442.4, subsection 6, and any phase III
- 21 moneys allocated for the full-time equivalent
- 22 attendance of the pupil, to the receiving district.

23 During the year following the first full year of the
24 pupil's attendance, and in succeeding years, the board
25 of directors of the district of residence shall pay to
26 the receiving district the lower district cost per
27 pupil of the two districts, plus any moneys received
28 for the pupil as a result of non-English speaking
29 weighting under section 442.4, subsection 6, for each
30 school year. The district of residence shall also
31 transmit the and any phase III moneys allocated to the
32 district for the full-time equivalent attendance of
33 the pupil, who is the subject of the request, to the
34 receiving district specified in the request for
35 transfer. This subsection does not apply to the
36 financial arrangements for the payment of costs for
37 the transfer of pupils requiring special education
38 under open enrollment.

39 A district of residence may apply to the school
40 budget review committee if a student who transfers
41 under this subsection was not included in the resident
42 district's enrollment count during the fall of the
43 year preceding the student's transfer under open
44 enrollment.

45 Payments from the district of residence to the
46 receiving district shall be made at the end of each
47 semester.

48 10. If a parent or guardian of a child pupil, who
49 is participating in open enrollment under this
50 section, moves to a different school district during

Page 2

1 the course of either district's academic year and the
2 parent or guardian determines that the pupil should
3 remain in the receiving district under open enrollment
4 instead of enrolling in the new resident district, the
5 child's pupil's first district of residence shall be
6 responsible, subject to the limitations contained in
7 subsection 8, for payment of the cost per pupil plus
8 weightings or special education costs to the receiving
9 school district for the balance of the school year in
10 which the move took place. The new district of
11 residence shall be responsible for the payments during
12 pay only fifty percent of the lower district cost per
13 pupil of the two districts plus any moneys received
14 for the pupil as a result of non-English speaking
15 weighting under section 442.4, subsection 6, and any
16 phase III moneys allocated for the full-time
17 equivalent attendance of the pupil, for the first full
18 year of the pupil's enrollment in the receiving
19 district. In succeeding years, the new district of
20 residence shall pay the lower district cost per pupil
21 of the districts plus any applicable weightings and

22 phase III moneys to the receiving district.

23 If a request to transfer is due to a change in
24 family residence, change in the state in which the
25 family residence is located, a change in a child's
26 parents' marital status, a guardianship proceeding,
27 placement in foster care, adoption, participation in a
28 foreign exchange program, or participation in a
29 substance abuse or mental health treatment program,
30 and the child pupil, who is the subject of the
31 request, is not currently using any provision of open
32 enrollment, the parent or guardian of the child pupil
33 shall have the option to have the child remain in the
34 child's original district of residence under open
35 enrollment with no interruption in the child's pupil's
36 educational program. If a parent or guardian
37 exercises this option, the child's pupil's new
38 district of residence is not required to shall pay
39 only fifty percent of the lower of the two district
40 costs per pupil or other costs to the receiving
41 district until the start of plus applicable weightings
42 for the first full year of enrollment of the child.
43 In subsequent years, the new district of residence
44 shall pay the lower district cost per pupil plus
45 applicable weightings to the receiving district.

46 Quarterly payments shall be made to the receiving
47 district.

48 If the transfer of a pupil from one district to
49 another results in a transfer from one area education
50 agency to another, the sending district shall forward

Page 3

1 a copy of the request to the sending district's area
2 education agency. The receiving district shall
3 forward a copy of the request to the receiving
4 district's area education agency. Any moneys received
5 by the area education agency of the sending district
6 for the pupil who is the subject of the request shall
7 be forwarded to the receiving district's area
8 education agency.

9 A district of residence may apply to the school
10 budget review committee if a student who transfers
11 under this subsection was not included in the resident
12 district's enrollment count during the fall of the
13 year preceding the student's transfer under open
14 enrollment.

15 Payment made by a district of residence to a
16 receiving district shall be made at the end of each
17 semester.

18 This subsection does not apply to the financial
19 arrangements for the payment of costs for the transfer
20 of a pupil requiring special education under open
21 enrollment."

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

24 "_____. Page 3, line 14, by striking the word "or".

25 _____. Page 3, line 17, by inserting after the word

26 "grade", the following: ", or if the parent or

27 guardian of the pupil participating in open enrollment

28 is an active member of the armed forces and resides in

29 permanent housing on government property provided by a

30 branch of the armed services".

31 "_____. Page 3, by inserting after line 24, the

32 following:

33 "Sec. _____. Section 2 of this Act shall apply to

34 pupils participating in open enrollment as a result of

35 whole grade sharing agreements entered into on or

36 after July 1, 1990." "

37 4. Page 1, by striking lines 5 through 8.

38 5. Page 1, line 12, by inserting after the word

39 "athletics" the following: ", and providing for the

40 Act's applicability".

41 6. By numbering and renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H—4084, to the House amendment.

SENATE AMENDMENT CONSIDERED

Bernau of Story called up for consideration **Senate File 4**, a bill for an act relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—4125 to the House amendment:

H—4125

1 Amend the House amendment, S—3714, to Senate File
2 4, as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 39 and 40 and

5 inserting the following: "shall be published in an

6 official county newspaper in each affected county at

7 least".

8 2. Page 2, line 21, by inserting after the figure

9 "368.11." the following: "The board, or the

10 committee, if applicable, shall hold a public hearing

11 on the application for voluntary annexation in the

12 manner provided for involuntary petitions in section

13 368.15. The decision of the board under this

14 paragraph shall be made within ninety days of receipt

15 of the application by the board. The failure of the

16 board to approve an application under this paragraph

17 shall be deemed final agency action subject to

18 judicial review. An applicant may appeal a decision
19 of the board no earlier than one hundred eighty days
20 after the decision is issued or not later than thirty
21 days after a final decision is made by the special
22 local committee under section 368.14A, whichever is
23 earlier. If an application for voluntary annexation
24 is not approved pursuant to this section, the board
25 shall cause the conversion of the application to a
26 petition pursuant to section 368.13 and shall proceed
27 under section 368.14A. The conversion of an
28 application to a petition shall not prejudice the
29 status of the applicant. Judicial review of a board
30 decision under this paragraph shall be limited to
31 review of the testimony and documents presented to the
32 board prior to issuing its decision on the application
33 for voluntary annexation."

34 3. Page 3, line 7, by striking the word
35 "paragraph" and inserting the following:
36 "paragraphs".

37 4. Page 3, by striking lines 9 through 11 and
38 inserting the following: "a petition for involuntary
39 annexation is filed as provided in this section, the
40 petitioner shall make its intention known".

41 5. Page 3, by striking line 13 and inserting the
42 following: "by certified mail to the".

43 6. Page 3, line 15, by striking the word "and".

44 7. Page 3, line 16, by striking the word
45 "involved." and inserting the following: "involved,
46 and to each property owner listed in the petition.
47 The written notification shall include notice that the
48 petitioners shall hold a public meeting on the
49 petition for involuntary annexation prior to the
50 filing of the petition.

Page 2

1 NEW UNNUMBERED PARAGRAPH. Before a petition for
2 involuntary annexation may be filed, the petitioner
3 shall hold a public meeting on the petition. Notice
4 of the meeting shall be published in an official
5 county newspaper in each affected county at least five
6 days before the date of the public meeting. The
7 chairperson of the board of supervisors of the county
8 containing the greatest area of the territory proposed
9 to be annexed, or that person's designee, shall serve
10 as chairperson of the public meeting. The auditor of
11 the same county, or the auditor's designee, shall
12 record the proceedings of the public meeting. Any
13 person attending the meeting may submit written
14 comments and may be heard on the petition. The
15 minutes of the public meeting and all documents
16 submitted at the public meeting shall be forwarded to
17 the board by the chairperson of the meeting."

18 8. Page 3, by striking lines 20 through 33 and
19 inserting the following:
20 The board may dismiss a petition only if it finds
21 that the petition does not meet the requirements of
22 this part chapter, or that substantially the same
23 incorporation, discontinuance, or boundary adjustment
24 has been disapproved by a committee formed to consider
25 the proposal, or by the voters, within the two years
26 prior to the date the petition is filed with the
27 board, or that the territory to be annexed, or a
28 portion of that territory, has been voluntarily
29 annexed under section 368.7. The board shall file for
30 record a statement of each dismissal and the reason
31 for it, and shall promptly notify the parties to the
32 proceeding of its decision."

33 9. Page 3, by striking lines 36 through 38 and
34 inserting the following:
35 "If a an involuntary petition is not dismissed, the
36 board".

37 10. Page 4, line 5, by inserting after the word
38 "petitions" the following: "or voluntary
39 applications".

40 11. Page 4, line 7, by striking the words
41 "pursuant to section 368.11".

42 12. Page 4, line 23, by striking the word "part"
43 and inserting the following: "chapter".

44 13. Page 4, by inserting after line 30 the
45 following:

46 "Sec. _____. Section 368.19, unnumbered paragraph 1,
47 Code 1991, is amended to read as follows:

48 The committee shall approve or disapprove the
49 petition or plan as amended, within ninety days of the
50 final hearing, and shall file its decision for record

Page 3

1 and promptly notify the parties to the proceeding of
2 its decision. If a petition or plan is approved, the
3 board shall set a date within not less than thirty
4 days nor more than ninety days after approval for a
5 special election on the proposal and the county
6 commissioner of elections shall conduct the election.
7 In a case of incorporation or discontinuance,
8 qualified electors of the territory or city may vote,
9 and the proposal is authorized if a majority of those
10 voting approves it. In a case of annexation or
11 severance, qualified electors of the territory and of
12 the city may vote, and the proposal is authorized if a
13 majority of the total number of persons voting
14 approves it. In a case of consolidation, qualified
15 electors of each city to be consolidated may vote, and
16 the proposal is authorized only if it receives a

17 favorable majority vote in each city. The county
 18 commissioner of elections shall publish notice of the
 19 election as provided in section 49.53 and shall
 20 conduct the election in the same manner as other
 21 special city elections."

22 14. Page 5, by striking lines 7 and 8 and
 23 inserting the following:

24 "Sec. ____ EFFECTIVE DATES.

25 1. Except as provided in subsection 2 of this
 26 section, this Act, being deemed of immediate
 27 importance, takes effect upon enactment.

28 2. Section 5 of this Act takes effect July 1,
 29 1991, and is applicable to petitions for involuntary
 30 annexation filed on or after July 1, 1991."

31 15. Page 5, line 11, by inserting after the word
 32 "date" the following: "and an applicability date".

33 16. By renumbering, relettering, redesignating,
 34 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-4125, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 4)

The ayes were, 87:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	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	Sherzan
Shoning	Siegrist	Spear	Svoboda

Teaford
Wise

Tyrrell
Wissing

Van Maanen
Mr. Speaker
Arnould

Weidman

The nays were, 6:

Black
Miller

Gruhn
Renken

Maulsby

McKean

Absent or not voting, 7:

Brammer
Jay

Connors
Shoultz

Hansen, S. D.
Spenner

Haverland

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: **Senate Files 4 and 184.**

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations to consider House File 437 and the Board of Regents bonding resolution.

CONFERENCE COMMITTEE REPORT FILED

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

JOSEPH O'HERN

Chief Clerk of the House

Senate File 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.

ON THE PART OF THE HOUSE:

THOMAS J. JOCHUM, Chair
JANET L. ADAMS
HAROLD VAN MAANEN
PHILIP WISE

ON THE PART OF THE SENATE:

LEONARD L. BOSWELL, Chair
BILL HUTCHINS
JACK RIFE
DALE L. TIEDEN
JOE J. WELSH

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday morning, May 10, 1991. Had I been present, I would have voted "aye" on House Files 710, 712 and Senate File 533.

TYRRELL of Iowa

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of May, 1991: House Files 298, 423, 483, 489, 510, 558 and 583.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 9, 1991, he approved and transmitted to the Secretary of State the following bills:

House File 500, an act relating to requirements for child day care family homes, and facilities and programs including but not limited to those 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.

House File 502, an act relating to eliminating the requirement that a financial institution disclose certain information related to financial services offered by the financial institution.

House File 566, 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.

Senate File 110, an act relating to wagers by certain persons under the age of eighteen years on excursion gambling boats, and providing an effective date.

Senate File 221, an act relating to amending or repealing city or county ordinances, and adopting by reference portions of the Code of Iowa.

Senate File 323, an act relating to the resource enhancement and protection program.

Senate File 329, 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.

Senate File 346, an act relating to payments made pursuant to public contracts.

Senate File 403, an act relating to the state income tax refund checkoff for Olympics.

Senate File 504, an act relating to the method of deregulation of communication services and facilities.

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

May 9, 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 532, 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.

Senate File 532 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1001, which amends 1991 Iowa Acts, Senate File 209, Section 2. This provision attempts to condition supplemental funding for medical assistance in fiscal year 1991 by providing medical assistance coverage for adult liver and pancreas transplants through fiscal year 1992. While I believe it is appropriate to provide coverage under the Medicaid program for adult liver transplants, I do not believe it is appropriate to extend coverage to pancreas transplants at this time.

The Medicare program provides coverage of adult liver transplants but currently makes no provision for adult pancreas transplants. The safety, effectiveness, and reasonableness of adult liver transplants is clearly established while pancreas transplants are still considered investigational. As some Medicaid recipients are also Medicare recipients, the total amount of Medicaid funds needed to pay for the costs of liver transplants will be reduced by the amount covered by Medicare.

I am aware of the joint resolution under consideration by the General Assembly to require coverage of adult liver transplants. With the passage of the resolution, the effect of this item veto is to only disallow coverage of adult pancreas transplants. I will be directing the Department of Human Services to develop criteria for coverage of adult liver transplants.

I am unable to approve the designated portion of Section 1001, which amends 1991 Iowa Acts, Senate File 209, Section 8. This provision would direct the payment of interest on claims paid under Juvenile Justice which became more than 60 days past due during the period of January 1, 1991, through April 30, 1991. Under current law, a procedure exists for persons who wish to challenge untimely payments by the state. These claimants like all other claimants should be required to use the existing procedure.

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 532 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

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

Forty-one students from Ida Grove Community Schools, Ida Grove. By Bennett of Ida.

Forty-seven fifth and sixth grade students from St. Pauls Lutheran School, Sioux City, accompanied by Lon Stehr. By Hansen, Gill and Shoning, all of Woodbury.

Seventy-five fourth grade students from Northwest Elementary School, Ankeny, accompanied by Lucrita Smith. By Haverland of Polk.

Forty band members from Calamus Wheatland High School, Wheatland, accompanied by August Knoll. By Johnson of Clinton.

Fifty fourth grade students from Washington Irving Elementary School, Waverly. By Lageschulte of Bremer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 329 Local Government

Relating to bond issuance elections.

AMENDMENTS FILED

H-4111	H.F.	87	Bartz of Worth
H-4113	H.F.	709	Senate Amendment
H-4114	S.F.	543	Lageschulte of Bremer
H-4115	S.F.	543	De Groot of Lyon
			Renken of Grundy
			Krebsbach of Mitchell
H-4118	S.F.	543	Jesse of Jasper
			Beatty of Warren
			Doderer of Johnson
			Krebsbach of Mitchell
H-4119	H.F.	709	McKean of Jones

On motion by McKinney of Dallas, the House adjourned at 9:01 p.m., until 9:00 a.m., Saturday, May 11, 1991.

JOURNAL OF THE HOUSE

One Hundred Eighteenth Calendar Day -- Seventy-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Saturday, May 11, 1991

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

Prayer was offered by the Honorable Kenneth De Groot, state representative from Lyon County.

The Journal of Friday, May 10, 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 May 11, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 10, a joint resolution to nullify an administrative rule of the department of human services relating to a limitation on payment for liver transplants under the medical assistance program and providing an effective date.

Also: That the Senate has, on May 11, 1991, insisted on its amendment to 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, and the members of the Conference Committee on the part of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Palo Alto, Senator Kibbie; the Senator from Lee, Senator Fraise; the Senator from Sioux, Senator Rensink; the Senator from Mahaska, Senator Hedge.

Also: That the Senate has, on May 10, 1991, appointed the conference committee to 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, and the members of the Senate are: The Senator from Palo Alto, Senator Kibbie, Chair; the Senator from Pottawattamie, Senator Gronstal; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Muscatine, Senator Drake; the Senator from Linn, Senator Pate.

Also: That the Senate has on May 11, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 548, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates.

JOHN F. DWYER, Secretary

The House stood at ease at 9:29 a.m., until the fall of the gavel.

The House resumed session at 10:09 a.m., Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 713, by committee on appropriations, a bill for an act relating to state budget and financial control by requiring certain financial practices and establishing a temporary fund and a capitals fund, limiting the amount of federal income tax that may be deducted for individual income tax purposes, and providing a retroactive applicability provision.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-four members present, six absent.

CONFERENCE COMMITTEE APPOINTED

(Senate File 184)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 184: Wissing of Scott, Chair; Baker of Polk, Ollie of Clinton, Hanson of Black Hawk and Kistler of Jefferson.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 437), relating to a state general fund expenditure limitation and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass May 10, 1991.

Committee Resolution, a concurrent resolution relating to the state board of regents ten-year building program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 10, 1991.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 30

Schrader of Marion asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 30 as follows:

1 House Concurrent Resolution 30
2 By Committee On Appropriations
3 A Concurrent Resolution relating to the state board
4 of regents ten-year building program.
5 *Whereas*, pursuant to section 262A.3, the state
6 board of regents prepared and within seven days after
7 the convening of the Seventy-fourth General Assembly
8 of the State of Iowa, First Session, submitted to the
9 Seventy-fourth General Assembly, First Session, for
10 approval the proposed ten-year building program for
11 each institution of higher learning under the
12 jurisdiction of the board, containing a list of the
13 buildings and facilities which the board deems
14 necessary to further the educational objectives of the
15 institutions, together with an estimate of the cost of
16 each of the buildings and facilities and an estimate
17 of the maximum amount of revenue bonds which the board
18 expects to issue under chapter 262A for the fiscal
19 period beginning July 1, 1991, and ending June 30,
20 1993; and
21 *Whereas*, the projects contained in the capital
22 improvement program are deemed necessary for the
23 proper performance of the instructional, research, and
24 service functions of the institutions; and
25 *Whereas*, section 262A.4 provides that the state
26 board of regents, after authorization by a
27 constitutional majority of each house of the general
28 assembly and approval by the governor, may undertake
29 and carry out at the institutions of higher learning
30 under the jurisdiction of the board any project as

Page 2

1 defined in chapter 262A; and
2 *Whereas*, chapter 262A authorizes the state board of
3 regents to borrow money and to issue and sell
4 negotiable revenue bonds to pay all or any part of the
5 cost of carrying out projects at any institution
6 payable solely from and secured by an irrevocable
7 pledge of a sufficient portion of the student fees and
8 charges and institutional income received by the
9 particular institution; and

10 *Whereas*, to further the educational objectives of
11 the institutions, and to meet the critical need for
12 deferred maintenance, utility, and equipment projects,
13 the state board of regents requests authorization to
14 undertake and carry out certain projects at this time
15 and to finance their costs by borrowing money and
16 issuing negotiable bonds under chapter 262A in a total
17 amount not to exceed \$20,000,000, the remaining cost
18 of the projects to be financed by appropriations or by
19 federal or other funds lawfully available; *Now*
20 *Therefore*,

21 *Be It Resolved By The The House Of Representatives,*
22 *The Senate Concurring*, That the proposed ten-year
23 building program submitted by the state board of
24 regents for each institution of higher learning under
25 its jurisdiction is approved; and

26 *Be It Further Resolved*, That no commitment is
27 implied or intended by approval to fund any portion of
28 the proposed ten-year building program submitted by
29 the state board of regents beyond the portion that is
30 financed and approved by the Seventy-fourth General

Page 3

1 Assembly, First Session, and the governor; and
2 *Be It Further Resolved*, That during the fiscal
3 period which commences July 1, 1991, and which ends
4 June 30, 1993, the maximum amount of bonds which the
5 state board of regents expects to issue under chapter
6 262A, unless additional bonding is authorized, is
7 \$20,000,000, all or any part of which may be issued
8 during the fiscal year ending June 30, 1992, and if
9 all of that amount is not issued during that fiscal
10 year, any remaining balance may be issued during the
11 fiscal year ending June 30, 1993, and this plan of
12 financing is approved; and

13 *Be It Further Resolved*, That the state board of
14 regents is authorized to undertake and carry out the
15 following fire and environmental safety, deferred
16 maintenance, equipment, and utility projects at the
17 institutions of higher learning under the jurisdiction
18 of the board, and the general assembly authorizes the
19 state board of regents to borrow money and to issue
20 and sell negotiable revenue bonds in the manner
21 provided in sections 262A.5 and 262A.6 in order to pay
22 all or any part of the cost of carrying out the
23 projects, and the cost of issuance of bonds, at any
24 institution in a total amount not to exceed
25 \$20,000,000:

26 State University of Iowa

27 Fire and environmental safety, deferred maintenance,
28 equipment, and utility projects

29	Cost of issuance of bonds	
30	.....	\$ 8,038,600

Page 4

1	<u>Iowa State University of Science and Technology</u>	
2	Fire and environmental safety, deferred maintenance,	
3	equipment, and utility projects	
4	Cost of issuance of bonds	
5	.....	\$ 8,058,400
6	<u>University of Northern Iowa</u>	
7	Fire and environmental safety, deferred maintenance,	
8	equipment, and utility projects	
9	Cost of issuance of bonds	
10	.....	\$ 3,903,000
11	.....	\$ 20,000,000

The House stood at ease at 11:21 a.m., until the fall of the gavel.

The House resumed session and consideration of House Concurrent Resolution 30 at 12:20 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-two members present, eight absent.

McKinney of Dallas asked and received unanimous consent that House Concurrent Resolution 30 be deferred.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 11, 1991, passed the following bill in which the concurrence of House is asked:

Senate File 549, a bill for an act relating to appropriations from the lottery fund.

Also: That the Senate has on May 11, 1991, passed the following bill in which the concurrence of House is asked:

Senate File 550, a bill for an act relating to transportation provided by motor carriers.

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 479)**

Jochum of Dubuque called up for consideration the report of the conference committee on House File 479 as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 479

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 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, respectfully make the following report:

1. The House recedes from its amendment, S—3623.

2. The Senate recedes from its amendment, H—3734.

3. That House File 479, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"DIVISION I
DEPARTMENT OF HUMAN SERVICES

Sec. 101. AID TO FAMILIES WITH DEPENDENT CHILDREN. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For aid to families with dependent children:

.....\$ 41,624,199

1. The department may fund the employee portion of the cash bonus program from unspent funds under the appropriation in this section and shall continue to evaluate the program. The department may adopt emergency rules to implement the provisions of this subsection.

2. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall continue to contract for services in developing and monitoring a demonstration waiver program to facilitate providing assistance in self-employment investment to aid to dependent children families. The demonstration waiver program shall be provided for the fiscal period beginning July 1, 1991, and ending June 30, 1993, or for as long as federal approval of the program continues. Of the funds appropriated in this section, up to \$99,592 shall be used to provide technical assistance for aid to dependent children families seeking self-employment. The technical assistance may be provided through the department or through a contract with the division of job training of the Iowa department of economic development and through a contract with the corporation for enterprise development.

3. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall apply the self-employment investment demonstration waiver project statewide during the fiscal period delineated in the federal waiver submitted to operate the waiver project statewide, provided training is available to a recipient through a recognized self-employment training program. However, if the application for the federal waiver is denied and funding is available, the department may

determine the counties in which it is feasible to operate the project and shall provide the project in those counties. The department may adopt emergency rules to implement the provisions of this subsection.

4. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall continue the special needs program under the aid to families with dependent children program.

5. As a condition, limitation, and qualification of the funds appropriated in this section, the department may use unspent funds under the appropriation in this section to continue development of the "X-PERT" eligibility determination system.

6. As a condition, limitation, and qualification of the funds appropriated in this section, \$42,620 shall be used to expand the AFDC electronic benefits transfer (EBT) program beyond the pilot program county and to implement EBT for the food stamp program.

7. a. As a condition, limitation, and qualification of the funds appropriated in this section, the schedule of living costs under the aid to families with dependent children program for the fiscal year beginning July 1, 1991, is established as follows:

- (1) For 1 person at \$365.
- (2) For 2 persons at \$719.
- (3) For 3 persons at \$849.
- (4) For 4 persons at \$986.
- (5) For 5 persons at \$1092.
- (6) For 6 persons at \$1216.
- (7) For 7 persons at \$1335.
- (8) For 8 persons at \$1457.
- (9) For 9 persons at \$1576.
- (10) For 10 persons at \$1724.
- (11) For each additional person over 10 persons at \$173.

b. However, the following schedule of basic needs under the aid to dependent children program established for the fiscal year beginning July 1, 1990, shall remain in effect for the fiscal year beginning July 1, 1991:

- (1) For 1 person at \$183.
- (2) For 2 persons at \$361.
- (3) For 3 persons at \$426.
- (4) For 4 persons at \$495.
- (5) For 5 persons at \$548.
- (6) For 6 persons at \$610.
- (7) For 7 persons at \$670.
- (8) For 8 persons at \$731.
- (9) For 9 persons at \$791.
- (10) For 10 persons at \$865.
- (11) For each additional person over 10 persons at \$87.

c. The department may adopt emergency rules to implement the provisions of this subsection.

8. The general assembly finds that investing resources in Iowa's citizens is a key part of continued economic development and growth; that it is the public policy of the state of Iowa to strive toward providing all of its citizens with the incentives and the

resources needed to successfully participate in the world labor market; and that development of a comprehensive and coordinated human investment policy is essential to welfare reform. This policy would:

- a. Empower the citizens participating in welfare programs.
- b. Focus on permanent improvements in the standard of living of citizens receiving public assistance, and not on income maintenance.
- c. Emphasize programs which offer the greatest potential for permanent improvement, such as job training, child day care, housing assistance, and economic development.
- d. Serve all Iowans who seek assistance.
- e. Utilize nongovernment resources available from participants and the private sector.
- f. Provide a range of services, relying upon open competition in the delivery of services.
- g. Include comprehensive data collection and assessment to evaluate the program.
- h. Inform all Iowans as to the basic goals and direction of the program.

As a condition, limitation, and qualification of the funds appropriated in this section, the department of human services shall apply to the corporation for enterprise development for Iowa's participation in the study phase of a "state human investment policy" demonstration project. Of the funds appropriated in this section, up to \$75,000 shall be used for costs associated with Iowa's participation in the project. The department shall make efforts to obtain additional private and federal funding for the project, and shall submit quarterly reports on the status of the project to the legislative fiscal bureau.

Sec. 102. EMERGENCY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For emergency assistance to families with dependent children under Title IV-A of the federal Social Security Act to match federal funding for homeless prevention programs:

.....\$ 500,000

The emergency assistance provided for in this section shall be available beginning November 1, 1991, and shall be provided only if all other publicly funded resources have been exhausted. The emergency assistance includes, but is not limited to, assisting people who face eviction, potential eviction, or foreclosure, utility shutoff or fuel shortage, loss of heating energy supply or equipment, homelessness, utility or rental deposits, or other specified crisis which threatens family or living arrangements. The emergency assistance shall be available to migrant families who would otherwise meet eligibility criteria. The department shall notify each emergency assistance recipient that the recipient may report to the department any pressure or intimidation of the recipient resulting from the recipient's eligibility for emergency assistance. The department shall report quarterly to the legislative fiscal committee concerning the reports received by the department regarding pressure or intimidation of recipients of emergency assistance. The department may adopt emergency rules to implement the beginning date and notice provisions of this section.

Sec. 103. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....\$ 236,771,049

1. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. Of the funds appropriated in this section, \$100,000 is allocated until January 31, 1992, for contingency assistance for the federal nutrition program for women, infants, and children and shall be transferred to the Iowa department of public health as necessary in order to fully utilize funding available for the program. The allocated funds shall be transferred as necessary to restore a reduction in federal funding for the federal fiscal year ending September 30, 1991, required to adjust for federal financial assistance provided during the federal fiscal year ending September 30, 1990, in excess of the federal funding allocation to the state for this program or to finance any state match expenditure in excess of the federal funding allocation for this program during the federal fiscal year ending September 30, 1991. Any moneys allocated in this subsection which are unexpended or unobligated on January 31, 1992, shall be available during the remainder of the fiscal year to the department of human services for the purposes of this section.

3. Notwithstanding section 8.39, the department may transfer funds appropriated in this section to a separate account established in the department's case management unit for expenditures required to provide case management services pursuant to the appropriation in this division for enhanced mental health, mental retardation, and developmental disabilities services, pending final settlement of the expenditures. Funds received by the case management unit in settlement of the expenditures shall be used to replace the transferred funds and are available for the purposes for which the funds were appropriated in this section.

4. If a medical assistant recipient is receiving care which is reimbursed under a federally approved home and community-based services waiver but would otherwise

be approved for care in an intermediate care facility for the mentally retarded, the recipient's county of legal settlement shall reimburse the department on a monthly basis for the portion of the recipient's cost of care which is not paid from federal funds.

5. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall adopt rules pursuant to chapter 17A that establish criteria for intermediate care facilities for the mentally retarded, providing for family-scale size, location, and appropriate inclusion in the community. In determining whether a certificate of need for an intermediate care facility for the mentally retarded shall be issued under chapter 135, the health facilities council and the Iowa department of public health shall consider whether the proposed facility is in compliance with the rules adopted pursuant to this subsection.

6. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall develop methods to reduce recipient usage of ambulance services for reasons other than medical necessity, including notification of recipients who have received ambulance services that were not considered to be a medical necessity and ambulance services that have provided such services.

7. Of the funds appropriated in this section, \$70,929,582 is projected to be used for medical assistance reimbursement of nursing facilities.

8. As a condition, limitation, and qualification of the funds appropriated in this section, notwithstanding the adoption of an administrative rule limiting coverage of organ transplants under the medical assistance program, the department shall continue to provide medical assistance coverage for organ transplants of the pancreas and the liver until the department establishes criteria for the coverage of these transplants. The criteria shall include but are not limited to health status and anticipated outcomes, including expected quality of life. The department may adopt emergency rules to implement the provisions of this subsection.

9. As a condition, limitation, and qualification of the funds appropriated in this section, notwithstanding the adoption of an administrative rule limiting coverage of organ transplants under the medical assistance program, the department shall continue to provide medical assistance coverage for organ transplants to individuals who applied for and received approval from the department on or before January 1, 1991, for medical assistance coverage of an organ transplant.

10. As a condition, limitation, and qualification of the funds appropriated in this section, if Senate File 342 is enacted by the Seventy-fourth General Assembly, 1991 Session, \$28,000 of the funds appropriated in this section shall be provided to the prevention of disabilities policy council for fulfillment of the federal matching funds requirement for use of the Iowa governor's planning council for developmental disabilities funds, for the purpose of section 225D.7, if enacted in Senate File 342.

11. It is the intent of the general assembly that the following programs under the medical assistance program shall be expanded which it is estimated will result in the indicated medical assistance expenditure savings: Iowa foundation for medical care utilization review, \$1,520,500; Unisys utilization review, \$180,000; and the "lock-in" program involving recipients with a history of seeking services from more than one provider, \$66,000. The department may adopt emergency rules to implement the provisions of this subsection.

12. As a condition, limitation, and qualification of the funds appropriated in this section, if Senate File 343, or another provision providing for group health plan cost-sharing under the medical assistance program is enacted by the Seventy-fourth General Assembly, 1991 Session, the department may adopt emergency rules to implement the cost-sharing in accordance with federal requirements.

13. As a condition, limitation, and qualification of the funds appropriated in this section, notwithstanding any time limitation established in 1991 Iowa Acts, House File 173, section 105, the copayment provisions established in that section for physician services only shall be continued indefinitely.

14. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall work with the Iowa state association of counties and the accounting firm of Ryun, Givens, Smith & Co., or another capable entity, to develop cost containment measures for intermediate care facilities for the mentally retarded which are permitted under federal medicaid requirements. The department shall adopt rules pursuant to chapter 17A to implement the requirements developed under this subsection.

15. As a condition, limitation, and qualification of the funds appropriated in this section, if the department is implementing the medical assistance program through a contract with a health maintenance organization, the department shall ensure that a medical assistance recipient enrolled in a health maintenance organization has freedom of choice to obtain enhanced maternal or prenatal health services from a state supported maternal health center and that the center receives no less than the prevailing medical assistance program reimbursement amount for provision of the services. The enhanced services include but are not limited to nutritional and psychosocial counseling and medical case management.

16. As a condition, limitation, and qualification of the funds appropriated in this section, \$25,000 shall be provided as a grant to a birth center licensed under chapter 135G to demonstrate the efficacy of services provided by certified nurse midwives to medical assistance recipients.

17. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall apply to the federal health care financing administration for funding for community-based supported living arrangements which is available under Title XIX of the federal Social Security Act, § 1930.

Sec. 104. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

.....\$ 4,050,000

As a condition, limitation, and qualification of the funds appropriated in this section, the department shall continue to contract for drug utilization review under the medical assistance program.

Sec. 105. HIV-AIDS INSURANCE CONTINUATION ASSISTANCE PILOT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For HIV-AIDS insurance continuation assistance pilot program:

60,000

1. The department shall establish an HIV and AIDS insurance continuation assistance pilot program to be administered by the medical services division to provide insurance continuation assistance to persons with AIDS or HIV-related illnesses who are unable to maintain health insurance premium payments due to illness. The pilot program shall operate for a 2-year period beginning October 1, 1991. The funds shall be made available in a manner that provides the assistance, as needed, to recipients at any time until the end of the pilot project or until the appropriated funding is exhausted.

2. The department shall publicize the program for enrollment of potential participants through provision of information through the Iowa department of public health, the regional AIDS coalitions funded by the Iowa department of public health, physicians, hospitals, social workers, and social service providers, and gay and AIDS-related groups identified by the coalitions.

3. The program shall provide all of the following:

a. That an applicant is eligible for participation in the program if all of the following conditions are met:

(1) The applicant is a resident of the state.

(2) The applicant suffers from AIDS or an HIV-related illness.

(3) The applicant has an income of no more than 300 percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services and cash assets of no more than \$10,000.

(4) The applicant is enrolled in an individual or group private health insurance plan.

(5) The applicant is unable, due to AIDS or the HIV-related illness, to continue employment in order to pay the costs of insurance premiums.

(6) Enrollment in the program is the most cost-effective, available means of providing the applicant with health insurance coverage.

b. That an applicant is required to provide the following to verify eligibility for participation in the program:

(1) Documentation of income and assets, as required by rule of the department.

(2) Documentation through submission of a statement by the applicant's physician that the applicant suffers from AIDS or an HIV-related illness and that the applicant is, or will within a period of 6 months be, unable to continue employment.

c. An expedited eligibility determination process to ensure that an eligible applicant is not denied coverage under the applicant's existing policy due to nonpayment of premiums during the determination process period. This may include but is not limited to accepting preapplications from any HIV-infected person or the making of payments based on preliminary determinations.

d. A requirement that following enrollment in the program, a person must apply for medical assistance, if the department determines that the person is likely to be eligible for payment of premiums under the medical assistance program.

e. That all information relating to an applicant is confidential information and the provisions of chapter 141 are applicable to the information.

4. The department shall provide a preliminary report to the general assembly by January 1, 1992, and a final report to the general assembly by January 1, 1993, regarding the cost-effectiveness of the pilot program, the impact of the requirements of federal law on the pilot program, and the current and projected costs to the state for payment of medical assistance for the health care costs of persons with AIDS or HIV-related illnesses.

5. For the purposes of this section, "AIDS" and "HIV" mean "AIDS" and "HIV" as defined in section 141.21.

6. For the purposes of this subsection, "health insurance plan" includes nonprofit health service corporation contracts regulated under chapter 514 and health maintenance organization evidences of coverage regulated under chapter 514B.

7. As a condition, limitation, and qualification of the funds appropriated in this section, the department may transfer not more than \$10,000 of the funds appropriated in this section to the appropriation in this division for general administration to be used for administrative costs associated with this program. The department is authorized a 0.5 FTE position in addition to the positions authorized in the appropriation in this division for general administration in order to administer the program.

8. The program shall start by October 1, 1991, and the department is authorized to adopt emergency rules to implement the provisions of this section by that date.

Sec. 106. HIV-AIDS HEALTH AND SUPPORT SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For HIV-AIDS health and support services:

.....\$ 60,000

1. The funds appropriated in this section shall be used to provide health and support services to persons with human immunodeficiency virus infection (HIV) or acquired immune deficiency syndrome (AIDS). Not more than 1 percent of the funds appropriated in this section shall be available to the department for administrative costs.

2. The department of human services shall establish an AIDS services committee to distribute the moneys appropriated in this section. The committee shall remain active until the completion of the duties required under this section. Members of the committee are entitled to actual and necessary expenses in the performance of their official duties. However, expense reimbursements shall not exceed 2 percent of the amount appropriated in this section. The department shall appoint committee members who are knowledgeable concerning HIV infection or AIDS. The committee may consist of persons representing the following: licensed physicians and social workers, hospice organizations, home health care agencies, the homosexual community, persons with HIV infection or AIDS, and a representative of an AIDS coalition funded by the Iowa department of public health. To the extent possible, the committee members shall be the same persons who served as members of the AIDS services task force established pursuant to 1990 Iowa Acts, chapter 1259, section 6, subsection 3. The department of human services shall appoint a temporary chairperson, call the committee meetings, provide meeting space and meeting notices, and receive consortia reports which

shall be provided to committee members. The committee shall cooperate with the Iowa department of public health in decision making concerning the distribution of the funds appropriated in this section.

3. The committee shall make decisions concerning the distribution of the funds to regional HIV care consortia established pursuant to Title II of the federal Ryan White Comprehensive AIDS Resources Emergency Act, Pub. L. No. 101-381. The decisions shall include determining the nonprofit consortia which will receive the funds, funding amounts, and the purposes for which the funds are to be used. The funds shall be used to provide health and support services to persons with HIV infection or AIDS living within the consortia area, as authorized by the federal Act and approved by the committee. The services may include, but are not limited to, case management, benefits advocacy, client basic emergency need grants, support groups, individual support programs, home health care, respite care, and attendant care. The committee shall hold at least two meetings, one to allocate funding to consortia and the other to receive reports from consortia and to develop recommendations for the general assembly.

4. A consortia receiving funding under this section shall include representatives of agencies or organizations providing health and support services to persons with HIV infection or AIDS who reside within the consortia area and other affected persons. The consortia shall provide reasonable services to affected persons in both urban and rural portions of the consortia area with preference given to underserved rural areas. At least 10 percent of the funds provided to a consortia shall be used to provide services to women, children, and families of persons with HIV infection or AIDS. Moneys provided to a consortia under this section shall not be used to pay for an individual's services which are covered by private insurance or a publicly funded program.

5. A consortia receiving funds under this section shall provide information required by the committee which shall include but is not limited to all of the following:

- a. The number of persons with HIV infection or AIDS in the consortia area.
- b. Demographic information concerning the persons identified, including age, race, and gender distributions.
- c. The type and quantity of health and support services needs of the persons identified.
- d. The type and quantity of health and support services provided by the consortia.
- e. The type and quantity of health and support services the consortia is unable to provide due to lack of funding or other barriers to providing services.

6. The department shall distribute funds to nonprofit consortia by contract specifying the purposes, reporting requirements, and decisions established by the committee. This section is not subject to rulemaking under chapter 17A.

Sec. 107. STATE SUPPLEMENTARY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For state supplementary assistance:

\$ 18,605,530

The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement the provisions of this paragraph.

Sec. 108. AID TO INDIANS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For aid to Indians under section 252.43:

.....\$ 38,000

The tribal council shall not use more than 5 percent of the funds for administration purposes. The department may adopt emergency rules to implement the provisions of this paragraph.

Sec. 109. CHILD DAY CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For protective child day care assistance and state child care assistance:

.....\$ 7,104,072

1. It is the intent of the general assembly that \$3,107,695 of the funds appropriated in this section be used for protective child day care assistance.

2. It is the intent of the general assembly that \$3,737,446 of the funds appropriated in this section be used for state child care assistance.

3. a. The funds allocated in this section for protective and state child care assistance shall be allocated to the department of human services districts and each district shall distribute the allocation to the counties within the district. If a district determines that a specified portion of the funds provided to a county is sufficient to meet the county's current demand and projected growth, the district may transfer the excess amount of funds to another county. If the district determines that a specified portion of the funds provided to the district is sufficient to meet the district's current demand and projected growth for the remainder of the fiscal year, the excess amount may be transferred for use in another district.

b. For state child care assistance, eligibility shall be limited to children whose family income is equal to or less than 150 percent of the federal office of management and budget poverty guidelines. However, on or after October 1, 1991, the department may increase the income eligibility limit to be equal to or less than 75 percent of the Iowa median family income. Every effort shall be made to provide assistance for the entire fiscal year to families remaining eligible before providing assistance to eligible families who have not received assistance previously. For the entire fiscal year, the department shall develop a priority ranking of requirements for families who receive assistance, with special priority given to foster care families within the income guidelines. The requirements may include but are not limited to all of the following:

(1) Families with an income equal to or less than 150 percent of the federal office of management and budget poverty guidelines.

(2) Single parent families who are at risk of becoming eligible for the aid to families with dependent children program.

(3) Families who have exhausted eligibility for transitional child care assistance.

(4) Adolescent parents attending school.

(5) Families who have children with special needs.

(6) Families who are providing foster care if both foster parents are employed and child day care is consistent with the case plan.

(7) Families with an income greater than 150 percent of the federal office of management and budget poverty guidelines but no more than 75 percent of the Iowa median family income.

c. The department may adopt emergency rules necessary to qualify to receive funding from the federal child care development block grant and the federal at-risk child care program. If required as a condition of receiving these funds, the rules may provide for eligibility, health and safety requirements, parental access to children, reimbursement rates, types of service provided, licensing standards, complaint registration procedures, or other rules necessary to establish a simplified or consolidated child day care policy.

d. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the requirements of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated under this section.

4. Of the funds appropriated in this section, \$258,931 is allocated for the fiscal year beginning July 1, 1991, for the statewide program for child day care resource and referral services under section 237A.26.

5. The department may use any of the funds appropriated in this section as a match to obtain federal grants for use in expanding child day care assistance and related programs.

Sec. 110. TRANSITIONAL CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For transitional child care assistance:

.....\$ 323,311

Notwithstanding section 239.21, the department of human services shall provide the transitional child care program in accordance with the federal Family Support Act of 1988, Pub. L. No. 100-485, § 302, and applicable federal regulations. Reimbursement for services shall be limited to registered or licensed child day care providers and programs providing care, supervision, or guidance of a child which is not included under the definition of "child day care" pursuant to section 237A.1, subsection 7.

Sec. 111. JOBS PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the JOBS program:

.....\$ 4,232,610

1. Of the funds appropriated in this section, \$3,690,610 is allocated for the JOBS program. If in accordance with federal requirements, effective September 1, 1991, reimbursement under the JOBS program for child day care services shall be limited to registered or licensed child day care providers and programs providing care, supervision, or guidance of a child which is not included under the definition of "child day care" pursuant to section 237A.1, subsection 7. However, this requirement shall not apply to persons specified by rule as an aid to families with dependent children relative or as otherwise eligible for reimbursement because a licensed or registered child day care provider or program is not available. The department may adopt emergency rules to implement the provisions of this subsection.

2. Of the funds allocated in this section, \$62,000 is allocated for the food stamp employment and training program.

3. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall work with family development and self-sufficiency grantees and the state's community action agencies to develop a structure that permits initiatives which raise local funds to match federal funds under the JOBS program in order to expand or to develop additional family development program initiatives.

4. Of the funds allocated in this section for the JOBS program, \$480,000 is allocated to the family development and self-sufficiency grant program as provided under section 217.12. This funding shall extend current grantee funding from December 31, 1991, to June 30, 1992.

a. No more than 5 percent of the funds allocated in this subsection shall be used for administration of the program and this percentage shall be determined for the entire fiscal year rather than on a 6-month basis. Federal financial participation received by the department relating to the funds allocated in this subsection shall be used for purposes designated under the appropriation in this division for aid to families with dependent children. Any other federal funds which are matched by other state or local funds and used for family development and self-sufficiency services shall be used for the grant program or the JOBS program.

b. Based upon the annual evaluation report concerning each grantee funded by this allocation, the family development and self-sufficiency council may use funds allocated to renew grants. Grant renewals shall be awarded on or before January 1, 1992, for a 6-month extension to June 30, 1992.

Sec. 112. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 3,134,277
.....FTEs 253.50

1. The director of human services, within the limitations of the funds appropriated in this section, or funds transferred from the aid to families with dependent children program for this purpose, may establish new positions and add additional

employees to the child support recovery unit when the director determines that both the current and additional employees together can reasonably be expected to recover for the aid to families with dependent children program and the nonpublic assistance support recovery program more than twice the amount of money required to pay the salaries and support for both the current and additional employees or the new positions are necessary for compliance with federal requirements and the anticipated increased recovery amount exceeds the cost of salaries and support for the new positions. In the event the director adds additional employees, the department shall demonstrate the cost-effectiveness of the current and additional employees by reporting to the joint human services appropriations subcommittee the ratio of the total amount of administrative costs for child support recoveries to the total amount of the child support recovered.

2. Notwithstanding any other provision in law, nonpublic assistance application and user fees received by the child support recovery program are appropriated and shall be used for the purposes of the program. The department may adopt emergency rules as necessary to implement the provisions of this subsection. The director of human services may exceed the full-time equivalent position limit authorized in this section if fees collected relating to the new positions are sufficient to pay the salaries and support for the positions. The director shall report any new positions added pursuant to this section to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau. The department may adopt emergency rules as necessary to implement the provisions of this subsection.

3. The director of human services, in consultation with the department of management and the legislative fiscal committee, is authorized to receive and deposit state child support incentive earnings in the manner specified under applicable federal requirements.

4. The director of human services may establish new positions and add additional state employees to the child support recovery unit if the director determines the employees are necessary to replace county-funded positions eliminated due to termination, reduction, or nonrenewal of a chapter 28E contract. However, the director must also determine that the resulting increase in the state share of child support recovery incentives exceeds the cost of the positions, the positions are necessary to ensure continued federal funding of the program, or the new positions can reasonably be expected to recover more than twice the amount of money to pay the salaries and support for the new positions.

Sec. 113. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of the state training school and the Iowa juvenile home, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

For the state juvenile institutions:

.....	\$	12,774,015
.....	FTEs	357.50

1. The following amounts of the funds appropriated and FTEs authorized in this section are allocated for the Iowa juvenile home at Toledo:

.....	\$	4,703,508
.....	FTEs	128.50

2. The following amounts of the funds appropriated and FTEs authorized in this section are allocated for the state training school at Eldora:

.....	\$	8,070,507
.....	FTEs	229.00

3. It is the intent of the general assembly that during the fiscal year beginning July 1, 1991, the population levels at the state juvenile institutions shall not exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21. It is also the intent of the general assembly that the state juvenile institutions apply for an adolescent pregnancy prevention grant for the fiscal year beginning July 1, 1991.

4. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in this appropriation.

5. The department shall report to the legislative fiscal bureau, on or before the 20th day of each month, the department's current expenditures for the institutions receiving allocations under this appropriation. The report shall include a comparison of actual to budgeted expenditures for each institution.

Sec. 114. FOSTER CARE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For foster care:

.....	\$	53,674,434
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1. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall use moneys appropriated in this section to establish 30 or more enhanced service group care facility beds during the fiscal year beginning July 1, 1991. The department may use moneys appropriated in this section to provide enhanced funding of services to family foster homes to avert placement of children in group care facilities and may continue to provide enhanced funding of services to group care facilities to avert placement of children in more expensive, less appropriate out-of-state facilities or in a state juvenile institution. The department shall give priority to serving children whose placement at the state training school or the Iowa juvenile home would cause the state juvenile institution to exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21.

2. The department may transfer a portion of the funds appropriated in this section to provide subsidized adoption services or to purchase adoption services, if funds allocated under the appropriation in this division for home-based services for adoption services are insufficient.

3. The department and state court administrator shall work together in implementing an agreement which enables the state to receive funding for eligible cases under the federal Social Security Act, Title IV-E.

4. Not more than 25 percent of the children placed in foster care funded under the federal Social Security Act, Title IV-E, shall be placed in foster care for a period of more than 24 months.

5. Of the funds appropriated in this section, \$92,000 is allocated for the foster home insurance fund. Notwithstanding section 237.13, the department may use funds appropriated in this section to purchase liability insurance for licensed foster parents in lieu of providing payment for claims filed against the foster home insurance fund, if comparable coverage can be obtained through private insurance. Notwithstanding section 8.33, funds remaining in the foster home insurance fund on June 30, 1992, shall not revert to the general fund but shall remain available for expenditure in the fiscal year beginning July 1, 1992, for the purposes designated.

6. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall review the need to provide additional day treatment alternatives within the child welfare system and the potential to provide additional services by including day treatment provided by psychiatric medical institutions for children as a service reimbursed under medical assistance. The department shall identify the effect of providing day treatment services reimbursement under medical assistance upon state expenditures for residential treatment and other foster care services. The department may use funds appropriated in this division for medical assistance to pay the nonfederal share of costs for services reimbursed under medical assistance which are provided in a psychiatric medical institution for children.

7. The department may use \$30,000 of the funds appropriated in this section to contract for a study of the effectiveness of needs-based and therapeutic family foster care and enhanced residential care.

8. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall develop a therapeutic foster care program in at least 1 district in the state. The program's foster care worker support staff shall serve not more than 7 foster families and shall provide respite and special support services to foster parents to enable them to serve in an active treatment capacity with the children under their care. Of the funds appropriated in this section, up to \$200,000 shall be used for therapeutic foster care reimbursement and \$284,667 for 8.00 FTEs under the appropriation and positions authorized in this division for field operations.

9. Funds appropriated in this section may be used to recruit foster parents and to provide preservice and in-service training for foster parents.

10. Of the funds appropriated in this section, up to \$140,000 may be used to develop and maintain the state's implementation of the national adoption and foster care information system pursuant to the requirements of Pub. L. No. 99-509.

11. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall continue a family foster care advisory committee to examine department practices and policies to improve the recruitment and retention of foster parents, provide training and professional guidance where appropriate, and seek the involvement of family foster care providers in designing, developing, and participating in the creation of therapeutic foster family homes. The department shall review initiatives of other states in recruiting foster parents from appropriate families who are recipients of public assistance. In consultation with the advisory committee, the department shall seek federal waivers and make program modifications as necessary to develop a similar program for Iowa upon receiving federal approval to do so.

12. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall establish specialized family foster care homes and provide specialized support and respite services to qualifying foster care families who

accept infants with chemical addictions from intrauterine transmission who would otherwise remain in a hospital.

13. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall continue the demonstration program to decategorize child welfare services in the 4 counties in which the program has commenced. The department may approve additional applications from a county or consortium of counties to initiate a demonstration program provided the department, the boards of supervisors in the counties, and the affected judicial districts agree to implement the program. The schedule for implementing the demonstration program in additional counties shall provide that the program be implemented on or after January 1, 1992. The department shall establish for the demonstration project counties a child welfare fund composed of all or part of the amount that would otherwise be expected to be used for residents of the counties for foster care, family-centered services, subsidized adoption, child day care, local purchase of services, state juvenile institution care, mental health institute care, state hospital-school care, juvenile detention, department-direct services, and court-ordered evaluation and treatment of juvenile services and notwithstanding any other provision of law, the fund shall be considered encumbered. Notwithstanding other service funding provisions in law, the department shall establish the fund by transferring funds from the budgets affected, except for the funds appropriated for the state mental health institutes, the state hospital-schools, the state training school, and the Iowa juvenile home which shall remain on account for the county at these institutions. A limited amount of the fund may be used to support services and reimbursement rates not allowable within historical program or service categories and administrative rule. In addition, a limited amount of the child welfare fund may be used for the family assistance fund to provide resources for a family to remain together or to be unified. It is the intent of the general assembly that the demonstration program be designed to operate in a county for a 3-year period. The 3-year time period for a decategorization project in Dubuque, Polk, Pottawattamie, or Scott county shall be considered to begin on January 1 in the first year following the year in which the county's decategorization project was approved by the department.

14. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall implement changes in group foster care maintenance and service definitions to be consistent with the definitions under Title IV-E of the federal Social Security Act. Federal financial participation provided under Title IV-E in excess of \$595,000, which is received as a result of the definition changes shall be apportioned to the providers implementing the changes. The excess amount shall be apportioned after the department has received all federal Title IV-E payments for the fiscal year. The excess amount shall be apportioned as a payment according to each provider's percentage of the total amount of payments made to providers implementing the changes under federal Title IV-E.

15. As a condition, limitation, and qualification of the funds appropriated in this section, not more than \$30,000 of the funds appropriated in this section may be used to contract with the coalition of family and children's services or another suitable entity for the development of a computerized foster care placement information system for the state. The system shall be designed utilizing previously developed software techniques used in Pennsylvania and shall be capable of providing an on-line data base of the availability of particular foster care placements, technical support, training, and appropriate user documentation.

Sec. 115. CHILD PROTECTIVE SYSTEM IMPROVEMENTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For improvements in the state system for child protection:

.....\$ 561,500

The funding appropriated in this section shall be used as determined by the department for any of the following purposes:

1. For general administration of the department to improve staff training efforts.
2. For oversight of termination of parental rights and permanency planning efforts on a statewide basis on the condition that regular reports regarding the statewide program efforts shall be provided to the legislative fiscal bureau.
3. For use by the department in general administration to promote innovative treatment programs, write grants to obtain federal and private funding, and promote public and private efforts to treat and prevent child abuse.
4. For personnel, assigned by the attorney general, to provide additional services relating to termination of parental rights and child in need of assistance cases.
5. For funding of the state multidisciplinary team to assist with difficult cases within the child abuse and foster care system and with respect to child protective investigation and initial case planning and to develop and coordinate local multidisciplinary teams.
6. For use by the department in conducting outcome-oriented evaluations of child protection, prevention, and treatment programs.
7. For specialized foster care permanency planning field operations staff.

Sec. 116. HOME-BASED SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For home-based services on the condition that family planning services are funded, provided that if the department amends the allocation to a program funded under this section, then the department shall promptly notify the legislative fiscal bureau of the change:

.....\$ 19,680,002

1. Of the funds appropriated in this section, \$30,000 shall be used by the department to contract with universities to provide ongoing research and evaluation assistance to programs and initiatives of the department involving family-centered services and foster care. The contracts shall make maximum use of any matching resources available from the universities with which the department contracts.

2. Of the funds appropriated in this section, \$5,086,204 shall be used for family preservation and reunification services and training. A limited amount of the funds may be used for the family assistance fund to provide other resources required for a family participating in a project to stay together or to be reunified. The payment system for the project shall not be based upon units of time, but may be based upon

the cost to serve a family, including adjustments according to the provider's performance and the outcome of the services provided to each family. The department shall use the statewide family preservation and decategorization committee to assist in selecting additional projects.

Sec. 117. COMMUNITY-BASED PROGRAMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For community-based programs:

.....\$ 3,224,421

1. As a condition, limitation, and qualification of the funds appropriated in this section, up to \$19,095 shall be used by the department as the financial aid from the state under section 232.142, subsection 3, for the cost of the establishment, improvement, operation, and maintenance of approved county or multicounty juvenile homes. Notwithstanding section 232.142, subsection 3, the amount provided in this subsection shall be the maximum amount of financial aid the state is obligated to provide pursuant to that provision.

2. Of the funds appropriated in this section, \$453,450 shall be used for adolescent pregnancy prevention grants. At least 75 percent of the funds shall be used for programs which incorporate family planning and pregnancy prevention services as the major component of the program. The department shall not expend more than 7 percent of the funds for administrative costs. The department shall adopt rules to implement this subsection. A grant may be awarded to a public school corporation, a maternal and child health center, an adolescent services provider, a project involving a state juvenile institution, or a nonprofit organization which is involved in adolescent issues. Grants shall be awarded for a 1-year period and shall be based on the demonstrated need for adolescent pregnancy prevention and adolescent parent services. Preference in awarding grants shall be given to projects for children placed at a state juvenile institution and projects which utilize a variety of community resources and agencies.

a. As used in this subsection, "adolescent" means a person who is less than 18 years of age or a person who is attending an accredited high school or pursuing a course of study which will lead to a high school diploma or its equivalent. The department shall establish guidelines which permit a grant recipient to continue providing services to a person who receives services under the grant as an adolescent and becomes 18 years of age or older.

b. A grant shall only be awarded to a project which provides 1 or more of the following services:

(1) Workshops and information programs for adolescents and parents of adolescents to improve communication between children and parents regarding human sexuality issues.

(2) Development and distribution of informational material designed to discourage adolescent sexual activity, to provide information regarding acquired immune deficiency syndrome and sexually transmitted diseases, and to encourage male and female adolescents to assume responsibility for their sexual activity and parenting.

(3) Early pregnancy detection, prenatal services including chlamydia testing, and counseling regarding decision-making options for pregnant adolescents.

(4) Case management and child care services provided to male and female adolescent parents.

c. Additional services may be offered by a grantee pursuant to a purchase of service contract with the department including child day care services; child development and parenting instruction; services to support high school completion, job training, and job placement; prevention of additional pregnancies during adolescence; and other personal services.

3. As a condition, limitation, and qualification of the funds appropriated in this section, at least \$216,550 shall be used to provide grants administered in accordance with the provisions for adolescent pregnancy prevention grants, except for requirements to target certain specific geographic areas of the state. The grants shall be awarded to fund any of the following purposes:

a. Programs targeted to children. A program shall include the following: components for parental involvement; parental education, including techniques for encouraging sexual abstinence; outreach services for recruiting parents and children into the program; and the provision of transportation to program staff and participants necessary for recruiting and encouraging program participation.

b. Programs intended to prevent an additional pregnancy by a parent who is less than 19 years of age. Preference in grant awards shall be given to programs which provide financial incentives to clients for their program participation and success in avoiding an additional pregnancy.

c. Providing additional pregnancy prevention grants. Preference in grant awards shall be given to programs which, in addition to other services, provide counseling to mixed gender groups of adolescents.

d. Programs intended to educate adolescents concerning the risks associated with alcohol and other drug use during pregnancy, including health, financial, emotional, and other potential long-term effects for mother and child.

4. As a condition, limitation, and qualification of the funds appropriated in this section, \$550,686 shall be used by the department for child abuse prevention grants.

Sec. 118. BLOCK GRANT SUPPLEMENTATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For supplementation of federal social services block grant funds and for allocation to counties for the purchase of local services:

.....\$ 4,935,958

The funds appropriated in this section shall be allocated to counties pursuant to the rules of the department in effect on January 1, 1985. The department shall increase the income guidelines for income eligible persons receiving services funded with federal social services block grant funds for the fiscal year beginning July 1, 1991, by the same percentage and at the same time as federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement the provisions of this subsection relating to an increase in the cost of living.

Sec. 119. COURT-ORDERED SERVICES PROVIDED TO JUVENILES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141, subsection 4:

\$ 4,013,271

1. It is the intent of the general assembly that the funds appropriated in this section shall be used in a manner that allows provision of court-ordered services to juveniles for the entire specified fiscal period without the need for supplemental funding. The court shall consider the overall cost-effectiveness of services ordered by the court for juveniles under chapter 232.

2. As a condition, limitation, and qualification of the funds appropriated in this section, and notwithstanding any other provision of law, \$6,150,000 of the funds appropriated in this division for home-based services shall be used in providing court-ordered family-centered, family preservation and family reunification services designed to achieve the goals contained in a juvenile's foster care case permanency plan. The department of human services shall develop policies and procedures to ensure that priority for these services is given to juveniles who are at-risk of being adjudicated as a delinquent, being found to be a child in need of assistance, or being involuntarily committed under chapter 125 or 229.

3. As a condition, limitation, and qualification of the funds appropriated in this section, and notwithstanding section 232.141 or any other provision of law, the funds appropriated in this section shall be allocated to the judicial districts as provided in this subsection. The allocations to the districts shall be made according to a formula developed pursuant to recommendations of a committee consisting of a representative of the director of human services, a representative of the state court administrator, a representative of the Iowa state association of counties, and a representative of service providers selected by the coalition of family and children's services. The recommendations shall be based upon each judicial district's utilization of juvenile justice moneys paid pursuant to section 232.141, subsection 4, during the period beginning July 1, 1985, and ending June 30, 1990. However, to the extent possible, services paid for pursuant to that section that would have been eligible for payment under other provisions shall not be included. The judicial district's population of juveniles, adjudicated juvenile delinquents, and children and families found to be in need of assistance, during the period beginning January 1, 1990, and ending December 31, 1990, shall also be considered in developing the recommendations. The state court administrator shall make the final decision on the allocations on or before June 15, 1991.

4. Each judicial district shall establish a planning group for the court-ordered services for juveniles provided in that district. A district planning group shall be appointed by the chief judge of the judicial district and shall include local representatives of the department of human services, youth advocates, public defenders where appropriate, the judicial department, county officials or staff, and service providers. A district planning group shall meet at least quarterly and shall perform all of the following activities:

a. Establish service priorities for spending the court-ordered services funds allocated to the district.

b. Develop procedures to evaluate and improve the quality and effectiveness of the services being provided.

c. Make recommendations concerning changes in the child welfare system that are needed to ensure that children and families receive the services necessary to meet their unique needs.

d. Make efforts to ensure quality services are provided at a reasonable cost.

e. Consider billings submitted for payment under this section to ensure that no other payment source is available.

Each district planning group shall submit an annual report to the state court administrator and the department of human services. The administrator and the department shall compile these reports and submit the reports to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau.

5. On or before June 15, 1991, the department of human services shall develop policies and procedures to ensure that the funds appropriated in this section are spent only after all reasonable efforts have been made to utilize other funding sources and community-based services. The policies and procedures shall be designed to achieve the following objectives relating to services provided under chapter 232:

a. Maximize the utilization of funds which may be available from the medical assistance program including usage of the early preventive, screening, diagnosis, and treatment (EPSDT) program.

b. Recover payments from any third-party insurance coverage which is liable for coverage of the services, including health insurance coverage.

c. Pursue development of agreements with regularly utilized out-of-state service providers which are intended to reduce per diem costs.

6. The department of human services, in consultation with the state court administrator and the judicial district planning groups, shall compile a monthly report describing spending in the districts for court-ordered services for juveniles, including the utilization of the medical assistance program. The reports shall be submitted on or before the twentieth day of each month to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau.

7. Notwithstanding chapter 232 or any other provision of law, a district or juvenile court in a department of human services district shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient funds available in the district allocation to pay for the service. The chief juvenile court officer shall work with the district planning group to encourage use of the funds appropriated in this section such that there are sufficient funds during the entire year. The eight chief juvenile court officers shall attempt to anticipate potential surpluses and shortfalls in the allocations and shall cooperatively transfer funds between the districts' allocations as prudent.

8. Notwithstanding any provision of law, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141.

9. As a condition, limitation, and qualification of the funds appropriated in this section, and notwithstanding any provision of law to the contrary, \$50,000 of the funds appropriated in this section may be used by the department for the administration of the programs and services provided pursuant to orders entered under chapter 232, as a supplement to funds provided in other appropriations. The department shall cooperate with the legislative fiscal bureau in developing a management information system for spending for services ordered under chapter 232.

10. As a condition, limitation, and qualification of the funds appropriated in this section, up to \$202,000 of the funds appropriated in this section may be used by the judicial department for administration of the requirements under this section and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

11. The department of human services may adopt emergency rules to implement the provisions of this section.

Sec. 120. IOWA VETERANS HOME. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For operation of the Iowa veterans home, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	29,722,461
.....	FTEs	828.80

1. The department may use the gifts accepted by the director of human services pursuant to section 218.96 and other resources available to the department for use at the Iowa veterans home for purposes identified by the department.

2. Of the funds appropriated in this section, \$40,000 shall be transferred to the department of public defense, division of veterans affairs, and shall be used to computerize veterans records.

Sec. 121. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the state mental health institutes for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

1. State mental health institute at Cherokee:

.....	\$	14,928,541
.....	FTEs	389.75

2. State mental health institute at Clarinda:

.....	\$	7,638,209
.....	FTEs	189.16

3. State mental health institute at Independence:

.....	\$	16,005,884
.....	FTEs	436.27

4. State mental health institute at Mount Pleasant:

.....	\$	9,260,073
.....	FTEs	211.50

Sec. 122. HOSPITAL-SCHOOLS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the state hospital-schools, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

1. State hospital-school at Glenwood:

.....	\$	39,142,956
.....	FTEs	1,157.00

2. State hospital-school at Woodward:

.....	\$	32,054,985
.....	FTEs	931.85

Sec. 123. MENTAL HEALTH AND MENTAL RETARDATION SERVICES FUND. Notwithstanding 1990 Iowa Acts, chapter 1250, section 18, \$3,200,000 of the funds appropriated to the special mental health services fund established in that section shall be transferred to the state community mental health and mental retardation services fund established in section 225C.7 and shall be used for the purposes designated in that section. The amount transferred pursuant to this section and section 124 of this division shall not be subject to the formula provided in 1990 Iowa Acts, chapter 1250, section 18, subsection 4.

Sec. 124. ENHANCED SERVICES — COUNTY PAYMENT. Notwithstanding 1990 Iowa Acts, chapter 1250, section 18, \$2,360,000 of the funds appropriated to the special mental health services fund established in that section, or so much thereof as is necessary, shall be transferred to supplement the appropriation in section 128 of this division for the state candidate services fund for the purpose of providing funds to counties pursuant to section 128, subsection 5 of this division. The amount transferred pursuant to this section and section 123 of this division shall not be subject to the formula provided in 1990 Iowa Acts, chapter 1250, section 18, subsection 4.

Sec. 125. MENTAL HEALTH — MENTAL RETARDATION — DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health, mental retardation, and developmental disabilities special services:

.....	\$	382,500
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1. The department and the Iowa finance authority shall develop methods to implement the financing for existing community-based facilities and to implement financing for small community-based facilities, including those facilities which may be developed under a federally approved home and community-based waiver for services provided under the medical assistance program. The department shall develop criteria for these facilities which may include provisions to restrict placements to current state

hospital-school clients or to avert the placement of persons in a state hospital-school. The department shall assure that clients are referred to these facilities upon their development.

2. Of the funds appropriated in this section, \$257,219 is allocated to provide supplemental per diems to community-based residential care facilities and community living arrangements. The per diem is restricted to clients placed from the state hospital-schools and persons averted from placement in a state hospital-school who meet the appropriate level of functioning for this type of care.

3. Of the funds appropriated in this section, \$125,281 is allocated to provide funds for construction and start-up costs to develop community living arrangements to provide for persons who are mentally ill and homeless. These funds may be used to match federal Stewart B. McKinney Homeless Assistance Act grant funds.

4. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall adopt rules pursuant to chapter 17A providing for reimbursement under state supplementary assistance to pay for supervised apartment living and cooperative housing arrangements for persons with disabilities. The rules shall take effect July 1, 1992.

Sec. 126. FAMILY SUPPORT SUBSIDY PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:

.....\$ 675,000

Sec. 127. SPECIAL NEEDS GRANTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To provide special needs grants to families with a family member at home who has a developmental disability or to a person with a developmental disability:

.....\$ 55,000

Grants must be used by a family to defray special costs of caring for the family member to prevent out-of-home placement of the family member or to provide for independent living costs. A grant may provide up to \$5,000 per person for costs associated with an assistive animal. The grants may be administered by a private non-profit agency which serves people statewide provided that no administrative costs are received by the agency. Regular reports regarding coordination of the special needs grants with the family support subsidy program shall be provided to the legislative fiscal bureau.

Sec. 128. ENHANCED MENTAL HEALTH — MENTAL RETARDATION — DEVELOPMENTAL DISABILITIES SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state candidate services fund:

.....\$ 2,545,911

1. The enhanced mental health, mental retardation, and developmental disabilities services plan oversight committee is continued, as established under 1988 Iowa Acts, chapter 1276, section 14, subsection 1, for the fiscal year which begins July 1, 1991, and ends June 30, 1992. The oversight committee shall issue a final decision regarding any issue of disagreement between a county and the department relating to expenditures for candidate services or the county's maintenance of effort.

2. For purposes of this section, "candidate services" means day treatment, partial hospitalization, and case management.

3. a. The county of legal settlement shall be billed for 50 percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided under the medical assistance program for persons with mental retardation, a developmental disability, or chronic mental illness.

b. If the department has contracted with a county or a consortium of counties to be the provider of case management services, the department is responsible for any costs included within the unit rate for case management services which are disallowed for reimbursement pursuant to Title XIX of the federal Social Security Act by the federal health care financing administration. The department shall use funds appropriated under this section to credit a county for the county's share of any amounts overpaid due to the disallowed costs. If certain costs are disallowed due to requirements or preferences of a particular county in the provision of case management services the county shall not receive credit for the amount of the costs.

c. Case management services provided to children shall only be reimbursed under the medical assistance program if the services are provided in a county approved by the department to implement the program to decategorize child welfare services. In addition, the county's decategorization plan must demonstrate that the amount necessary for payment of the nonfederal share of the cost for the services is available within funds allocated for the purpose of decategorization. The department may adopt emergency rules to implement the provisions of this paragraph.

4. A county is responsible to continue to expend at least the agreed upon amount expended for services in the fiscal year which ended June 30, 1987, for the fiscal year beginning July 1, 1991, for services to persons with mental retardation, a developmental disability, or chronic mental illness. Notwithstanding section 8.33, if a county does not expend the agreed upon amount in the fiscal year, the balance not expended shall not revert to the general fund of the county, but shall be carried over to the next fiscal year to be expended for the provision of services to persons with mental retardation, a developmental disability, or mental illness including, but not limited to, the chronically mentally ill, and shall be used as additional funds. The additional funds shall be used, to the greatest extent possible, to meet unmet needs of persons with mental retardation, a developmental disability, or mental illness. This subsection does not relieve the county from any other funding obligations required by law, including but not limited to the obligations in section 222.60.

5. The department, in conjunction with the oversight committee, and with the agreement of each county, shall establish the actual amount expended for each candidate service for persons with mental retardation, a developmental disability, or chronic mental illness in the fiscal year which ended June 30, 1987, and this amount shall be deemed each county's base year expenditure for the candidate service. A disagreement between the department and a county as to the actual amount expended shall be decided by the oversight committee.

The department, in conjunction with the oversight committee, and with the agreement of each county, shall determine the expenditures in the fiscal year beginning July 1, 1990, by each county for the candidate services, including the amount the county contributes under subsection 3. If the expenditures in the fiscal year beginning July 1, 1990, exceed the base year expenditures for candidate services, then the county shall receive from the funds appropriated under this section the least amount of the following:

a. The difference between the total expenditures for the candidate services in the fiscal year beginning July 1, 1990, and the base year expenditures.

b. The amount expended by the county under subsection 3 for the fiscal year beginning July 1, 1990.

c. The amount by which total expenditures for persons with mental retardation, a developmental disability, or chronic mental illness for the fiscal year beginning July 1, 1990, less any carryover amount from the fiscal year which began July 1, 1989, exceed the maintenance of effort expenditures under subsection 4.

The department may utilize a debit-credit approach in order to implement the financial transactions with counties required by this subsection.

6. Notwithstanding section 225C.20, case management services shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A county or consortium of counties may contract to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The county or consortium of counties may subcontract for the provision of case management services if the subcontract meets the same standards. A mental health, mental retardation, and developmental disabilities coordinating board may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the coordinating board shall provide written notification of a proposed change to the department on or before August 15 and written notification of an approved change on or before October 15 in the fiscal year which precedes the fiscal year in which the change will take effect.

7. This section does not relieve the county from any other funding obligations required by law, including but not limited to the obligations in section 222.60.

8. Nothing in this division is intended by the general assembly to be the provision of a fair and equitable funding formula specified in 1985 Iowa Acts, chapter 249, section 9. Nothing in this division shall be construed as, is intended as, or shall imply a claim of entitlement to any programs or services specified in section 225C.28.

9. For the purposes of this section only, persons with mental disorders resulting from Alzheimer's disease or substance abuse shall not be considered chronically mentally ill.

10. Where the department contracts with a county or consortium of counties to provide case management services, the state shall appear and defend the department's employees and agents acting in an official capacity on the department's behalf and the state shall indemnify the employees and agents for acts within the scope of their employment. The state's duties to defend and indemnify shall not apply if the conduct upon which any claim is based constitutes a willful and wanton act or omission or malfeasance in office.

Sec. 129. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	41,364,127
.....	FTEs	2,289.30

1. Staff who are designated as "Title XIX case management staff" are considered to be in addition to the limit for full-time equivalent positions and the funds appropriated for field operations. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall report quarterly to the chairpersons and ranking members of the legislative fiscal committee of the legislative council, the members of the joint human services appropriations subcommittee, and the legislative fiscal bureau regarding the total number of Title XIX case management staff positions filled, including the number of positions which were filled by persons who were already employed by the department in another capacity.

2. As a condition, limitation, and qualification of the funds appropriated in this section, upon the request of a county, the department shall work with the county to develop a funding plan for persons with mental retardation, a developmental disability, or chronic mental illness who are not eligible to receive case management provided under the medical assistance program and are receiving service management. With an agreed upon funding plan, the department is authorized to combine state funds that would otherwise be expended on service management with county funds to upgrade services provided to the persons from service management to case management. Staff required to implement this subsection are not subject to the limitations on full-time equivalent positions and funds appropriated for field operations.

3. As a condition, limitation, and qualification of the funds appropriated in this section, if the field operations staffing level meets the funded full-time equivalent position limit authorized in this section and a district identifies a critical position vacancy or a position with a caseweight factor greater than 120 percent of the budgeted caseweight factor for the position, the director of human services may exceed the full-time equivalent position limit authorized under this section in the amount necessary to fill the critical position vacancy or to reduce the caseweight factor to the budgeted level. For purposes of this subsection, "critical position vacancy" includes a clerical position in an office limited to a single clerical staff position. The budgeted caseweight factor for the fiscal year beginning July 1, 1991, and ending June 30, 1992, is 196 for income maintenance workers and 191 for service workers. If the department is able to increase federal financial participation relating to field operations, the moneys shall be used to reduce the budgeted caseweight factor funded by the appropriation in this section for income maintenance and service workers. In addition, if the field operations staffing level meets the funded full-time equivalent position limit authorized in this section and there is a critical position vacancy in the state or the statewide average caseweight factor for a particular type of position exceeds 105 percent of the budgeted caseweight factor for that type of position, the director of human services may exceed the full-time equivalent position limit authorized in this section in an amount necessary to fill the critical position vacancy or to reduce the caseweight factor to the budgeted level. If expenditures remain within the amount appropriated in this section, the department may exceed the full-time equivalent position limit authorized

in this section. The department shall report monthly to the chairpersons and ranking members of the joint human services appropriations subcommittee and to the legislative fiscal bureau regarding caseweight factor computations in each district, the statewide average caseweight factor, the existence of a critical position vacancy in any district, and action taken by the department to address any critical position vacancy problem or excess caseweight factor.

4. Notwithstanding the full-time equivalent position limit authorized in this section, a county implementing a decategorization project, consistent with the county's decategorization plan, may modify the staffing level in the county's human services office and the modification shall not affect other county or district human services staffing levels and shall not be considered to be subject to the full-time equivalent position limit in this section.

5. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall review the current field operations service delivery system structure. Within the funds budgeted and full-time equivalent positions authorized under this appropriation, the department shall make changes necessary to improve the system's administrative efficiency and effectiveness and to streamline these functions. Emphasis shall be placed upon increasing the program support, training, and supervision of staff who work directly with clients.

6. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall eliminate the department of human services district offices in all districts except for the Des Moines district. The department shall work with the Iowa state association of counties and the affected counties to develop a transition plan for the office elimination and to equitably spread the associated costs.

7. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall report to the members of the joint human services appropriations subcommittee on actions taken by the department to implement uniform reporting of maintenance and service costs for the financial reports used by service providers for reimbursement under the state supplementary assistance program and for reimbursement of purchase of service contracts under the social services block grant. The actions may include but are not limited to the development of uniform rules and consolidated cost reports. This report shall be submitted on or before October 1, 1991.

Sec. 130. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For general administration, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 9,256,818
..... FTEs	358.45

1. Full-time equivalent positions which are funded entirely with federal, public, or private grants are exempt from the limits on the number of full-time equivalent positions provided in this section, but are approved only for the period of time for which the federal funds or grants are available for the position.

2. As a condition, limitation, and qualification of the funds appropriated in this section, if a state institution administered by the department is to be closed or reduced

in size, prior to the closing or reduction the department shall initiate and coordinate efforts in cooperation with the Iowa department of economic development to develop new jobs in the area in which the state institution is located.

3. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall seek federal approval of home and community-based waivers for services provided under medical assistance to persons with mental retardation and effective February 1, 1992, contingent upon federal approval of the waivers, the department shall take all measures necessary to implement the waivers, including, but not limited to, filling not more than 12 employee positions to perform duties as necessary to implement the waivers. The department shall fill the positions in a manner which results in the positions being equivalent to 4.00 FTEs for the fiscal year, however, the positions shall be annualized for the purposes of establishing the number of full-time equivalent positions in this appropriation for the fiscal year. The department may adopt emergency rules to implement the provisions of this subsection.

4. As a condition, limitation, and qualification of the funds appropriated in this section, \$30,000 shall be transferred to the governor's planning council for developmental disabilities for use in contracting to continue operating a computerized information and referral project for Iowans with developmental disabilities and their families.

5. As a condition, limitation, and qualification of the funds appropriated in this section, 1.00 FTE shall be assigned to expand the AFDC electronic benefits transfer program (EBT) beyond the pilot program county and to implement EBT for the food stamp program.

6. As a condition, limitation, and qualification of the funds appropriated in this section, the department shall apply to the Robert Wood Johnson foundation for a grant to investigate the feasibility of establishing a system with a single state authority and regional subauthorities for the planning, funding, and administration of services for persons with mental illness. The application process shall be coordinated with the requirements of the federal Mental Health Planning Act, Pub. L. No. 99-660, and federal mental health law amendments enacted in 1990. The department shall work with legislators, advocacy groups, county representatives, and service providers as necessary in developing the grant application.

7. As a condition, limitation, and qualification of the funds appropriated in this section, \$69,145 and 1.5 FTEs of the moneys appropriated and positions authorized in this section shall be used to implement section 217.9A, establishing the commission on children, youth, and families in the department pursuant to Senate File 479, if enacted by the Seventy-fourth General Assembly, 1991 Session.

8. As a condition, limitation, and qualification of the funds appropriated in this section, the department, in consultation with the child development coordinating council and the family development and self-sufficiency council, shall develop a proposal for submission to the federal family support administration for a state family resource and support program grant under the federal Claude Pepper Young Americans Act of 1990, Pub. L. No. 101-501 § 933, as codified in 42 U.S.C. § 12339. The department may also apply for a planning grant under that Act. In making application, the department shall build upon existing effective programs in Iowa provided through the child development coordinating council, the family development and self-sufficiency council, adolescent pregnancy prevention grants, and child abuse prevention grants.

Sec. 131. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

.....\$ 93,283

Sec. 132. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. For the fiscal year beginning July 1, 1991, the following providers shall not have their medical assistance reimbursement rates increased over the rates in effect on June 30, 1991: providers of waived services under the home and community-based programs, optometrists for service fees only, opticians for service fees only, podiatrists, dentists, chiropractors, physical therapists, birthing centers, ambulance services, independent laboratories, area education agencies, clinics, audiologists, rehabilitation agencies, community mental health centers, family planning clinics, psychologists, hearing aid dealers, orthopedic shoe dealers, ambulatory surgery centers, and genetic counseling clinics. Reimbursement for optometric products shall not be increased. The department of human services may utilize flexibility in allocating the increase for durable medical products and supplies so that equipment and supplies which have greater wholesale cost increases may be reimbursed at a higher rate and those which have a lower or no wholesale cost increase may be reimbursed at a lower rate or have no increase. Reimbursement rates for physicians and certified registered nurse anesthetists shall not be increased. Reimbursement rates for maternal health centers shall not be increased.

b. For the fiscal year beginning July 1, 1991, the following shall have their medical assistance reimbursement rates established at the rates in effect on February 28, 1991: psychiatric medical institutions for children, early preventive screening, diagnosis, and treatment providers, providers of obstetric services when provided by physicians or certified midwives, pediatric services, and durable medical products and supplies.

c. The department shall provide a differential per diem reimbursement rate to a psychiatric medical institution for children for short-term treatment or diagnosis services provided within a segregated unit of the institution. The differential per diem reimbursement rate shall not exceed 120 percent of the per diem rate authorized in this section for psychiatric medical institutions for children.

d. The dispensing fee for pharmacists shall remain at the rate in effect on June 30, 1991. The reimbursement policy for pharmacies shall be in accordance with federal requirements. Total adjustments to reimbursements for prescription drugs shall remain within funds appropriated.

e. Effective July 1, 1991, reimbursement rates to hospitals shall not be increased over the rates in effect on June 30, 1991.

f. Reimbursement rates for rural health clinics shall be increased in accordance with increases under the federal medicare program.

g. Home health agencies certified for the medical assistance program, hospice services, and acute care mental hospitals shall be reimbursed for their current federal medicare audited costs.

h. Effective July 1, 1991, the basis for establishing the maximum medical assistance reimbursement rate for nursing facilities shall be the 70th percentile of facility costs as calculated from the June 30, 1991, unaudited compilation of cost and statistical data. However, to the extent funds are available under the allocation for reimbursement of nursing facilities within the appropriation for medical assistance in this Act, the basis shall be increased to not more than the 74th percentile of facility costs as calculated from the same data.

i. Effective July 1, 1991, the amount provided under the medical assistance program to nursing facilities during the fiscal year ending June 30, 1991, in addition to the approved per diem rate, pursuant to 1990 Iowa Acts, chapter 1270, section 31, subsection 1, paragraph "e", subparagraph (1), shall no longer be provided.

2. For the fiscal year beginning July 1, 1991, the maximum cost reimbursement rate for residential care facilities reimbursed by the department shall be \$20.01 per day. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall be \$14.31 per day. For the fiscal year beginning July 1, 1991, the maximum reimbursement rate for providers reimbursed under the in-home health-related care program shall be \$397.95 per month.

3. For services provided by social services providers reimbursed by the department in the fiscal year beginning July 1, 1991, rates shall be increased by 2 percent over the unreduced rates in effect on June 30, 1991. However, any increase provided under this subsection shall not cause the provider's reimbursement rate to exceed the provider's actual and allowable cost plus the inflationary factor authorized in this section.

4. Notwithstanding the provisions of subsection 3, the department may implement revisions of the methodology for purchasing group foster care services to establish rates for group foster care services based on the study of these issues funded by the general assembly in the fiscal year which began July 1, 1989, provided the overall budget amount for the expenditures is not exceeded and the revisions of the methodology are agreed to by the affected service providers.

5. If the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 1990.

6. In determining reimbursement rates for facilities reimbursed under this division, including but not limited to foster care providers, residential care facilities, nursing facilities, and community living arrangements, the department shall not include private moneys contributed to the facility in its reimbursement rate determination unless these moneys are contributed for services provided to specific individuals for whom the reimbursement rate is established by the department.

7. The department may adopt emergency rules to implement the provisions of this section except for subsection 6 for which the department shall adopt nonemergency rules pursuant to chapter 17A.

Sec. 133. ASSISTANCE TO GAMBLERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the gamblers assistance program, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	400,000
.....	FTEs	3.00

1. The department may adopt emergency rules to implement the provisions of this section within the funds appropriated in this section.

2. The Iowa lottery board and the state racing and gaming commission shall cooperate with the gamblers assistance program to incorporate information regarding the gamblers assistance program and its toll-free telephone number in printed materials distributed. The commission may require licensees to have the information available in a conspicuous place as a condition of licensure.

Sec. 134. REQUIREMENTS RELATING TO PERSONS WITH DISABILITIES.

Subject to the limitations of the appropriations in this Act for the state mental health institutes and for the state hospital-schools, the department of human services shall modify staffing structures at the state hospital-schools and the state mental health institutes consistent with accreditation and certification requirements and the findings of the study on staffing commissioned by the general assembly in order to improve the level of direct staffing, reduce or simplify the levels of organizational authority where appropriate, and reduce the use of overtime. If, after review of the study recommendations, the department of human services decides to establish the position of "human resource specialist" at the state hospital-schools, the positions shall be established within the department of personnel and the department of human services may transfer to the department of personnel the associated full-time equivalent positions and moneys equal to the salary costs for the positions. The maintenance of sufficient direct care staff to assure worker and patient safety is of highest priority. The department shall work with all levels of affected employees in carrying out this staff restructuring. The department shall work to assure that vacant positions in direct care are filled promptly and expeditiously.

Sec. 135. FULL-TIME EQUIVALENT LIMIT NOTIFICATION. The Iowa veterans home, the state mental health institutes, and the state hospital-schools may exceed the number of full-time equivalent positions authorized in this Act if the additional positions are specifically related to licensing, certification, or accreditation standards or citations. The department shall notify the co-chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau if the specified number is exceeded. The notification shall include an estimate of the number of full-time equivalent positions added and the fiscal effect of the addition.

Sec. 136. COMPUTERIZATION — ASSESSMENT OF FINANCIAL IMPACT.

In order to assess the financial impact of computerizing functions within the department of human services, the department of general services, information services division, shall monitor the utilization of the central processing unit resources maintained by the division, and shall provide quarterly reports to the legislative fiscal committee of the legislative council and the legislative fiscal bureau. The quarterly reports shall contain an analysis of the central processing unit resources utilized by the department of human services by each computerized application within the department. The reports shall also contain information on computerized applications which are under development, and shall project the central processing unit utilization which will occur in 6, 12, 18, and 24 months. The reports shall be designed to enable the legislative fiscal

committee and the legislative fiscal bureau to assess the fiscal impact of various computerized applications, with emphasis upon the need for the division to purchase additional computer hardware.

Sec. 137. **RULE IMPLEMENTATION PROHIBITION.** The department of human services shall not implement 441 Iowa administrative code, rule 81.10, subrule 5, which was delayed by the administrative rules review committee at the committee's meeting on November 13, 1990.

Sec. 138. Section 99E.10, subsection 1, paragraph a, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this lettered paragraph, directing that a portion of gross lottery revenues be deposited into the gamblers assistance fund or the provisions of section 99F.11 directing that a portion of the adjusted gross receipts under chapter 99F be deposited into the gamblers assistance fund, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, moneys that were to be deposited into the gamblers assistance fund pursuant to this lettered paragraph and section 99F.11, subsection 3, shall be deposited into the general fund of the state.

Sec. 139. Section 135C.2, subsection 5, paragraph b, Code 1991, is amended to read as follows:

b. A facility must be located in an area zoned for single or multiple-family housing or in an unincorporated area and must be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2. Local housing codes shall not be more restrictive than the rules adopted for the special classification by the state fire marshal and the state building code requirements for single or multiple-family housing.

Sec. 140. Section 135G.4, subsection 3, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

3. Each application for a birth center license or renewal of a license, shall be accompanied by a license fee. The fee amount shall be equivalent to the fee amount established for a hospital in accordance with section 135B.4. The fees shall be deposited in the general fund of the state.

Sec. 141. Section 230.12, Code 1991, is amended to read as follows:

230.12 ACTION TO DETERMINE LEGAL SETTLEMENT.

1. When a dispute arises between different counties or between the administrator and a county as to the legal settlement of a person admitted or committed to a state hospital for the mentally ill, the attorney general, at the request of the administrator, shall, without the advancement of fees, cause an action to be brought in the district court of any county where such dispute exists, to determine such the legal settlement. Said This action may be brought at any time when it appears that said the dispute cannot be amicably settled. All counties which may be the place of such the legal settlement, so far as known, shall be made defendants and the allegation of such the settlement may be in the alternative. Said The action shall be tried as in equity.

2. If the action involves a dispute between counties, the county determined to be the county of legal settlement shall reimburse a county for the amount of costs paid by that county on behalf of the person and for interest on this amount in accordance with section 535.3. In addition, the court may order the county determined to be the county of legal settlement to reimburse any other county involved in the dispute for the other county's reasonable legal costs related to the dispute and may tax the reasonable legal costs as court costs. The court may order the county determined to be the county of legal settlement to pay a penalty to the other county, in an amount which does not exceed twenty percent of the total amount of reimbursement and interest.

Sec. 142. Section 237A.3, subsection 1, Code 1991, is amended to read as follows:

1. A person who operates or establishes a family day care home may apply to the department for registration under this chapter. The department shall issue a certificate of registration upon receipt of a statement from the family day care home that the home complies with rules adopted by the department. The registration certificate shall be posted in a conspicuous place in the family day care home, shall state the name of the registrant, the number of individuals who may be received for care at any one time, and the address of the home, and shall include a check list of registration compliances. No greater number of children than is authorized by the certificate shall be kept in the family day care home at any one time. However, a registered or unregistered family day care home may provide care for more than six but less than twelve children at any one time for a period of less than two hours, but shall not do so unless the home does not provide care at any one time for more than provided that each child in excess of six children who are not attending is attending school full-time on a regular basis. In determining the number of children cared for at any one time in a registered or unregistered family day care home, if the person who operates or establishes the home is a child's parent, guardian, relative, or custodian and the child is not attending school full-time on a regular basis, the child shall be considered to be receiving child day care from the person and shall be counted as one of the children cared for in the home. The registration process may be repeated on an annual basis. A child day care provider or program which is not a family day care home by reason of the definition of child day care in section 237A.1, subsection 7, but which provides care, supervision or guidance to a child may be issued a certificate of registration under this chapter.

Sec. 143. NEW SECTION. 237A.27 CRISIS CHILD CARE.

The department shall establish a special child care registration or licensure classification for crisis child care which is provided on a temporary emergency basis to a child when there is reason to believe that the child may be subject to abuse or neglect. The special classification is not subject to the definitional restrictions of child day care in this chapter relating to the provision of child day care for a period of less than twenty-four hours per day on a regular basis. However, the provision of crisis child care shall be limited to a period of not more than seventy-two hours for a child during any single stay. A person providing crisis child care must be registered or licensed under this chapter and must be participating in the federal crisis nursery pilot project. The department shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 144. EMERGENCY RULES. If specifically authorized by a provision of this division, the department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. In addition, the department may adopt

administrative rules in accordance with the provisions of this section as necessary to comply with federal requirements or to adjust to a change in the level of federal funding which affect refugee programs during the fiscal period beginning July 1, 1990, and ending June 30, 1992. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 145. EFFECTIVE DATE. Section 103, subsections 8 and 9, section 130, subsection 6, section 137, and section 144 of this division, being deemed of immediate importance, take effect upon enactment.

DIVISION II DEPARTMENT OF EDUCATION

Sec. 201. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,562,266
.....	FTEs	137.25

2. CORRECTIONS EDUCATION PROGRAM

For educational programs at state penal institutions:

.....	\$	2,120,000
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As a condition, limitation, and qualification of the appropriation in this subsection, the utilization of educational technology in the prison education system shall be expanded and a tracking system shall be developed and implemented to provide information regarding the effects of recidivism and employment success.

Persons employed to provide instructional services under this paragraph who were previously employed through the department of corrections to provide instructional services to inmates under programs under the jurisdiction of the department of corrections shall be given credit for all unused sick leave that the persons accrued while employed through the department of corrections.

3. BOARD OF EDUCATIONAL EXAMINERS

For salaries, support, maintenance, miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	128,000
.....	FTEs	2.00

4. SCHOOL FOOD SERVICE

For use as state matching funds for federal programs which shall be disbursed according to federal regulations, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,056,205
.....	FTEs	14.00

5. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1. The funding is limited to \$20 per pupil and shall not exceed the comparable services offered to resident public school pupils:

.....\$ 600,000

6. VOCATIONAL EDUCATION ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 868,000

.....FTEs 39.60

7. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

To assist a vocational agriculture youth organization sponsored by the schools to support the foundation established by that vocational agriculture youth organization:

.....\$ 39,000

8. VOCATIONAL REHABILITATION DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 3,680,000

.....FTEs 319.50

b. For matching funds for programs to enable severely physically or mentally disabled persons to function more independently, including salaries and support, and for not more than the following full-time equivalent positions:

.....\$ 21,303

.....FTEs 1.50

9. COMMUNITY COLLEGES

Notwithstanding chapter 286A, for general state financial aid to merged areas as defined in section 280A.2, for vocational education programs in accordance with chapters 258 and 280A, to purchase instructional equipment for vocational and technical courses of instruction in community colleges, and for salary increases:

.....\$ 91,272,564

The funds appropriated in this subsection shall be allocated as follows:

a.	Merged Area I	\$ 4,250,321
b.	Merged Area II	\$ 5,156,814
c.	Merged Area III	\$ 4,989,059
d.	Merged Area IV	\$ 2,343,177
e.	Merged Area V	\$ 4,945,241
f.	Merged Area VI	\$ 4,658,853
g.	Merged Area VII	\$ 6,393,002
h.	Merged Area IX	\$ 8,031,744
i.	Merged Area X	\$ 12,422,071
j.	Merged Area XI	\$ 13,346,353
k.	Merged Area XII	\$ 5,267,124
l.	Merged Area XIII	\$ 5,424,134
m.	Merged Area XIV	\$ 2,397,781
n.	Merged Area XV	\$ 7,439,535
o.	Merged Area XVI	\$ 4,207,355

10. COMMUNITY COLLEGE PERSONAL PROPERTY TAX REPLACEMENT

For general financial aid to merged areas in lieu of personal property tax replacement payments under section 427A.13:

.....\$ 828,012

The funds appropriated in this subsection shall be allocated as follows:

a.	Merged Area I	\$ 65,152
b.	Merged Area II	\$ 50,567
c.	Merged Area III	\$ 33,891
d.	Merged Area IV	\$ 23,204
e.	Merged Area V	\$ 60,042
f.	Merged Area VI	\$ 34,514
g.	Merged Area VII	\$ 57,884
h.	Merged Area IX	\$ 69,103
i.	Merged Area X	\$ 97,180
j.	Merged Area XI	\$ 142,463
k.	Merged Area XII	\$ 46,200
l.	Merged Area XIII	\$ 40,972
m.	Merged Area XIV	\$ 20,826
n.	Merged Area XV	\$ 55,026
o.	Merged Area XVI	\$ 30,988

Sec. 202. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. Notwithstanding chapter 286A for state financial aid to merged areas to be accrued as income and used for expenditures incurred by the community colleges during the fiscal year beginning July 1, 1991, and ending June 30, 1992:

.....\$ 16,106,923

The funds appropriated in this section shall be allocated as follows:

a.	Merged Area I	\$ 750,057
b.	Merged Area II	\$ 910,026
c.	Merged Area III	\$ 880,422
d.	Merged Area IV	\$ 413,502
e.	Merged Area V	\$ 872,690
f.	Merged Area VI	\$ 822,150
g.	Merged Area VII	\$ 1,128,177
h.	Merged Area IX	\$ 1,417,367
i.	Merged Area X	\$ 2,192,130
j.	Merged Area XI	\$ 2,355,239
k.	Merged Area XII	\$ 929,492
l.	Merged Area XIII	\$ 957,200
m.	Merged Area XIV	\$ 423,138
n.	Merged Area XV	\$ 1,312,859
o.	Merged Area XVI	\$ 742,474

2. Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1992.

Sec. 203. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general financial aid to merged areas in lieu of personal property tax replacement payments under section 427A.13 to be accrued as income and used for expenditures incurred by the community colleges during the fiscal year beginning July 1, 1991, and ending June 30, 1992:

.....\$ 354,840

The funds appropriated in this subsection shall be allocated as follows:

a.	Merged Area I	\$ 27,922
b.	Merged Area II	21,671
c.	Merged Area III	14,525
d.	Merged Area IV	9,924
e.	Merged Area V	25,732
f.	Merged Area VI	14,792
g.	Merged Area VII	24,807
h.	Merged Area IX	29,615
i.	Merged Area X	41,649
j.	Merged Area XI	61,056
k.	Merged Area XII	19,800
l.	Merged Area XIII	17,559
m.	Merged Area XIV	8,925
n.	Merged Area XV	23,582
o.	Merged Area XVI	13,281

2. Funds appropriated in subsection 1 shall be allocated pursuant to this section and paid on or about August 15, 1992.

Sec. 204. Moneys allocated to community colleges under section 201, subsections 9 and 10 of this division, for expenditures incurred during the fiscal year beginning July 1, 1991, and ending June 30, 1992, shall be paid by the department of revenue and finance in installments due on or about November 15, February 15, and May 15 of that fiscal year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources. The payments received by community colleges on or about August 15 under sections 202 and 203 of this division are accounts receivable for the previous fiscal year.

Sec. 205. Notwithstanding the standing appropriations in section 279.51 for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the amount appropriated from the general fund of the state to the department of education pursuant to that section for the following designated purposes shall not exceed the following amounts for programs for at-risk children under section 279.51, subsection 1:

.....\$ 11,088,000

As a condition, limitation, and qualification of the funds appropriated in this section, allocations of funds appropriated under this section for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for each of the programs enumerated under section 279.51, subsection 1, shall be made in the same proportion to the total amount

appropriated under this section as the program allocations under section 279.51, subsection 1, relate to the total amount appropriated under section 279.51, subsection 1. Notwithstanding section 279.51, subsection 2, any funds received by the child development coordinating council under this section which exceed the total amount received by the council under section 279.51 for the fiscal year beginning July 1, 1990, and ending June 30, 1991, shall not be used for the purposes specified under section 279.51, subsection 2, paragraph "b", subparagraph (1). Of the moneys available to the child development coordinating council and the department for at-risk programs under this section, a total of no less than \$1,000,000 shall be expended for grants to districts with populations of 1,000 or fewer pupils, and the area education agencies that serve those districts. The department of education and the child development coordinating council shall, in consultation with each other, determine the proportional amounts of each of the grants authorized under section 279.51 which are to be awarded to districts with populations of less than 1,000 pupils to meet the requirements of this section.

Sec. 206. Notwithstanding the appropriation provided in section 294A.25, subsection 1, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as may be necessary, to be used for the purpose designated and for not more than the following full-time equivalent position:

Notwithstanding section 294A.25, for the educational excellence program:

.....	\$	89,162,500
.....	FTEs	1.00

As a condition, limitation, and qualification of the funds appropriated in this section, and notwithstanding the allocation specified for phase III under section 294A.25, subsection 6, from the moneys appropriated under this section and available for expenditure for phase III, the department shall expend \$100,000 and shall use 2.00 of the FTEs allocated in section 201, subsection 1 for administration of phase III of the educational excellence program.

As a condition, limitation, and qualification of the funds appropriated in this section, and notwithstanding the allocation specified for phase III under section 294A.25, subsection 6, from the moneys appropriated under this section and available for expenditure for phase III, the department shall, subject to the review of the chairpersons and ranking members of the education committees of the general assembly, expend \$250,000 to provide demonstration projects in comprehensive school transformation in no more than ten public school districts. The objective of the projects shall be to demonstrate how public schools can be transformed from corporate to collegial learning environments for teachers, students, and administrators for the purpose of maximizing student learning and to diffuse information about the process of transformation to neighboring schools. The projects shall also demonstrate how phase III funds can be used to promote school transformation by providing focus to phase III efforts in such areas as technology, individualization of instruction, and decentralization of decision making. However, funds allocated to districts under this section shall not be used to supplant current phase III expenditures. Districts participating in a project may use phase III funds to supplement the purposes and activities of the project in the manner provided under section 294A.14. Districts participating in a project may also pool funds to provide conferences and to contract with consultants and facilitators to provide services to support the goals of the project. Projects shall use the school

building as the basic administrative and clinical unit for demonstration. The department may expend up to \$10,000 for purposes of developing guidelines and administering the selection, approval, and evaluation process for proposed projects. In developing a selection process for demonstration projects, the department of education shall establish an 11-member selection committee, which shall include, but is not limited to, licensed practitioners and ex officio nonvoting members of the general assembly. A majority of the members of the committee shall consist of licensed teachers and principals. The committee shall select projects which give promise of accomplishing comprehensive school transformation at the building level during the time that the project is in place. Each project shall contain an evaluation component, which provides for self-evaluation by participating districts and evaluation by the department of education. The selection committee shall establish criteria for ascertaining a particular district's readiness for comprehensive change and give preference in the project selection process to districts which meet the readiness criteria. Each participating district shall, at the conclusion of a project, submit a copy of the district's self-evaluation in a report to the department of education. The department shall compile the reports, along with the department's evaluations of each of the projects, and submit the results in a report to the general assembly by March 1, 1994.

Sec. 207. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For expenditures incurred by school districts during the previous fiscal year for vocational education aid to secondary schools:

.....\$ 3,666,360

Funds appropriated by this section shall be used for expenditures made by school districts to meet the standards set in sections 256.11, 258.4, and 280A.23 as a result of the enactment of 1989 Iowa Acts, chapter 278. Funds shall be used as reimbursement for vocational education expenditures made by secondary schools in the manner provided by the department of education for implementation of the standards set in 1989 Iowa Acts, chapter 278. The department shall inform school districts by July 1, 1991, of the criteria for reimbursement with funds appropriated under this section.

COLLEGE STUDENT AID COMMISSION

Sec. 208. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. GENERAL ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 346,000
FTEs 8.05

2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH SCIENCES

a. For grants to juniors and seniors and for forgivable loans to freshmen and sophomores, who are Iowa students attending the university of osteopathic medicine and health sciences, under the grant program pursuant to section 261.18 and the forgivable loan program pursuant to section 261.19A:

.....\$ 400,000

b. For the university of osteopathic medicine and health sciences for the admission and education of Iowa students in each of the 4 years of classes at the university of osteopathic medicine and health sciences pursuant to section 261.19:

.....\$ 430,000

3. STUDENT AID PROGRAMS

For payments to students for student aid programs:

.....\$ 1,866,112

As a condition, limitation, and qualification of the funds appropriated in this subsection, \$1,474,062 shall be expended for an Iowa grant program, with funds to be allocated to institutions pursuant to section 261.93A.

4. NATIONAL GUARD LOAN REPAYMENT

For payments to students for the national guard loan repayment program in section 261.49:

.....\$ 225,000

Sec. 209. There is appropriated from the loan reserve account to the college student aid commission for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as may be necessary, to be used for the purposes designated:

For operating costs of the Stafford loan program including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 3,671,016
.....FTEs 36.52

STATE BOARD OF REGENTS

Sec. 210. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 1,111,820
.....FTEs 18.08

As a condition, limitation, and qualification of the moneys appropriated in this paragraph, the state board of regents shall not use reimbursements from the institutions under the control of the state board of regents for funding the office of the state board of regents.

As a condition, limitation, and qualification of the funds appropriated in this paragraph, the state board of regents shall permit KUNI to broadcast from the greater Des Moines area if KUNI acquires a transmitter or translator at no cost to the university of northern Iowa or the state for the purpose of simulcasting KUNI's programming, receives an assigned frequency, and obtains necessary federal communication commission (FCC) licensing.

b. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

.....\$ 19,231,162

c. For funds to be allocated to the southwest Iowa graduate studies center:

.....\$ 37,000

d. For funds to be allocated to the siouxland interstate metropolitan planning council for the tristate graduate center under section 262.9, subsection 21:

.....\$ 71,000

e. For funds to be allocated to the quad-cities graduate studies center:

.....\$ 150,000

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 179,503,448

.....FTEs 4,287.37

To the extent the appropriation made in this paragraph is a reduction in the total amount budgeted for the fiscal year beginning July 1, 1991, and ending June 30, 1992, and the state university of Iowa determines the amount is insufficient to fund all of the university's budgetary units, consideration shall be given to adjustments reducing budgetary units in the following order of priority:

- (1) University administrative moneys.
- (2) Equipment and deferred maintenance.
- (3) Short-term furloughs of administrative personnel.
- (4) Short-term furloughs of other personnel.
- (5) Other operating budget expenditures.
- (6) Force reduction.

As a condition, limitation, and qualification of the funds appropriated in this paragraph, if the state university of Iowa receives total funds in excess of the amount projected to be received by the university from federal support, interest, tuition fees, reimbursement for indirect costs, sales and service, and income sources other than state appropriations, the university shall report the amount received, which is in excess of the amount projected, to the department of management and the legislative fiscal bureau by August 1, 1991.

As a condition, limitation, and qualification of moneys appropriated in this paragraph, from moneys available to the state university of Iowa, \$50,000 shall be awarded to faculty members and teaching assistants who have been recognized for exceptional teaching. An exceptional teaching recognition award is for a one-year period and is in addition to the faculty member's or teaching assistant's salary. Not later than December 15, 1991, the state board of regents shall report the names of recipients of teaching excellence awards, and the amounts of the awards granted, to the joint education appropriations subcommittee and to the legislative fiscal bureau.

It is the intent of the general assembly to provide sufficient funding necessary to ensure the university of Iowa receives federal matching funds for the university of Iowa driving simulation center if funds from federal and private sources are available for expenditure by the center.

b. Child care and sick child care program

For salaries for child care center directors and sick child care:

.....\$ 60,000

c. Substance abuse consortium

For funds to be allocated to the Iowa consortium for substance abuse research and evaluation:

.....\$ 60,000

d. University hospitals

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions for medical and surgical treatment of indigent patients as provided in chapter 255:

.....\$ 28,861,586
.....FTEs 5,319.83

As a condition, limitation, and qualification of the funds appropriated in this paragraph, the university of Iowa hospitals and clinics shall conduct a study to develop recommendations for providing a continuum of statewide geriatric care, from acute hospital care to long-term institutional care, as well as community-based care that meets the unique medical, emotional, economic, and social needs of the geriatric population in Iowa. The study shall include all of the following:

(1) Identification of the statewide institutional and community resources necessary to meet the unique needs of the geriatric patient population in Iowa.

(2) Identification of case management services required to coordinate the geriatric patient's movement from one level of care to the next in responding to the needs of geriatric patients.

(3) Identification of the necessary components of a statewide interdisciplinary geriatric evaluation program, including development of a model for a facility or program, to be established at the university of Iowa hospitals and clinics to address the medical, emotional, economic, and social care needs of geriatric patients referred to the university of Iowa hospitals and clinics.

(4) Development of recommendations for medical residency training in geriatrics, including mechanisms to ensure interdisciplinary training which is responsive to the continuum of geriatric patient needs.

(5) Identification of geriatric care program components that exist within the state and those that should be added, including estimates of the costs of implementing the expanded program identified in the study.

Not later than February 15, 1992, the university of Iowa hospitals and clinics shall submit a report detailing its study findings and recommendations to the general assembly.

e. Psychiatric hospital

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions and for the care, treatment, and maintenance of committed and voluntary public patients:

.....	\$	6,912,441
.....	FTEs	284.57

f. Hospital-school

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,477,339
.....	FTEs	184.44

g. Oakdale campus

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,870,775
.....	FTEs	67.55

h. State hygienic laboratory

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,036,941
.....	FTEs	106.25

i. Family practice program

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148D for the family practice program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	1,825,278
.....	FTEs	177.27

j. Child health care services

For specialized child health care services, including childhood cancer diagnostic and treatment network programs; rural comprehensive care for hemophilia patients; and Iowa high-risk infant follow-up program, including salaries and support, and for not more than the following full-time equivalent positions:

.....	\$	437,298
.....	FTEs	12.51

k. Agricultural health and safety programs

For agricultural health and safety programs:

.....	\$	246,093
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l. Statewide tumor registry

For the statewide tumor registry and for not more than the following full-time equivalent positions:

.....	\$	187,691
.....	FTEs	5.05

m. Center for biocatalysis

For the center for biocatalysis:

.....	\$	300,000
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n. As a condition, limitation, and qualification of the appropriation made in paragraph "d", the total quota allocated to the counties for indigent patients for the fiscal year commencing July 1, 1991, shall not be lower than the total quota allocated to the

counties for the fiscal year commencing July 1, 1990. The total quota shall be allocated among the counties on the basis of the 1990 census pursuant to section 255.16.

o. As a condition, limitation, and qualification of the appropriation made in paragraph "d", funds appropriated in that paragraph shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 146,003,742
..... FTEs	3,737.83

To the extent the appropriation made in this paragraph is a reduction in the total amount budgeted for the fiscal year beginning July 1, 1991, and ending June 30, 1992, and the Iowa state university of science and technology determines the amount is insufficient to fund all of the university's budgetary units, consideration shall be given to adjustments reducing budgetary units in the following order of priority:

- (1) University administrative moneys.
- (2) Equipment and deferred maintenance.
- (3) Short-term furloughs of administrative personnel.
- (4) Short-term furloughs of other personnel.
- (5) Other operating budget expenditures.
- (6) Force reduction.

As a condition, limitation, and qualification of the funds appropriated under this paragraph, if the Iowa state university of science and technology receives total funds in excess of the amount projected to be received by the university from federal support, interest, tuition fees, reimbursement for indirect costs, sales and service, and income sources other than state appropriations, the university shall report the amount received, which is in excess of the amount projected, to the department of management and the legislative fiscal bureau by August 1, 1991.

As a condition, limitation, and qualification of moneys appropriated in this paragraph, from moneys available to Iowa state university of science and technology, \$50,000 shall be awarded to faculty members and teaching assistants who have been recognized for exceptional teaching. An exceptional teaching recognition award is for a one-year period and is in addition to the faculty member or teaching assistant's salary. Not later than December 1, 1991, the state board of regents shall report the names of recipients of teaching excellence awards, and the amounts of the awards granted, to the joint education appropriations subcommittee and to the legislative fiscal bureau.

b. Child care and sick child care program

For subsidized evening child care and sick child care:

.....	\$	60,000
.....	FTEs	2.00

c. Agricultural experiment station

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	18,165,260
.....	FTEs	546.92

d. Comprehensive agricultural research

For conducting the comprehensive agricultural research program:

.....	\$	3,948,492
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As a condition, limitation, and qualification of the funds appropriated in this paragraph, Iowa state university of science and technology shall expend from the appropriation in this paragraph during the fiscal year beginning July 1, 1991, and ending June 30, 1992, no less than the amount appropriated for comprehensive agricultural research programs for the fiscal year beginning July 1, 1990, and ending June 30, 1991.

e. Cooperative extension service in agriculture and home economics

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	17,117,008
.....	FTEs	475.94

As a condition, limitation, and qualification of the funds appropriated in this paragraph, Iowa state university of science and technology shall expend from the appropriation in this paragraph during the fiscal year beginning July 1, 1991, and ending June 30, 1992, no less than the amount appropriated for the cooperative extension service in agriculture and home economics for the fiscal year beginning July 1, 1990, and ending June 30, 1991.

As a condition, limitation, and qualification of the funds appropriated in this paragraph, \$25,000 shall be expended for a child farm safety program.

f. Fire service education

For salaries and support and for not more than the following full-time equivalent positions:

.....	\$	410,836
.....	FTEs	11.00

g. Leopold center

For agricultural research grants at Iowa state university under section 266.39B:

.....	\$	592,224
h. Institute for physical research and technology		
For the institute for physical research and technology:		
.....	\$	300,000

4. UNIVERSITY OF NORTHERN IOWA

a. For salaries, support, maintenance, equipment, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	60,933,927
.....	FTEs	1,411.68

To the extent the appropriation made in this paragraph is a reduction in the total amount budgeted for the fiscal year beginning July 1, 1991, and ending June 30, 1992, and the university of northern Iowa determines the amount is insufficient to fund all of the university's budgetary units, consideration shall be given to adjustments reducing budgetary units in the following order of priority:

- (1) University administrative moneys.
- (2) Equipment and deferred maintenance.
- (3) Short-term furloughs of administrative personnel.
- (4) Short-term furloughs of other personnel.
- (5) Other operating budget expenditures.
- (6) Force reduction.

As a condition, limitation, and qualification of the funds appropriated under this paragraph, if the university of northern Iowa receives total funds in excess of the amount projected to be received by the university from federal support, interest, tuition fees, reimbursement for indirect costs, sales and service, and income sources other than state appropriations, the university shall report the amount received, which is in excess of the amount projected, to the department of management and the legislative fiscal bureau by August 1, 1991.

As a condition, limitation, and qualification of the funds appropriated in paragraph "a", from moneys available for salaries at the university of northern Iowa, the university shall expend \$25,000 for teaching excellence awards to teaching faculty members and teaching assistants. Teaching excellence awards shall be granted to faculty members and teaching assistants for excellence in the quality of classroom instruction. Awards may either be built into a faculty member's or teaching assistant's base salary or given as a one-time award and shall not be in conflict with a collective bargaining agreement between an employee organization and the university. Not later than December 1, 1991, the state board of regents shall report the names of the recipients of teaching excellence awards, and the amounts of the awards granted to the joint education appropriations subcommittee of the general assembly, and to the legislative fiscal bureau.

b. Child care

For staff positions and building structure modifications to meet state child care facility standards:

.....	\$	60,000
.....	FTEs	1.50

5. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,099,185
.....	FTEs	131.53

6. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,383,500
.....	FTEs	92.45

7. TUITION AND TRANSPORTATION COST

For payment to local school boards for the tuition and transportation costs of students residing in the Iowa braille and sight saving school and the state school for the deaf pursuant to section 262.43 and for payment of certain clothing and transportation costs for students at these schools pursuant to section 270.5:

.....	\$	7,500
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Sec. 211. Reallocations of sums received under section 210, subsections 2, 3, 4, 5, and 6, of this division, including sums received for salaries, shall be reported on a quarterly basis to the co-chairpersons and ranking members of both the legislative fiscal committee and the joint education appropriations subcommittee.

Sec. 212. STATE BOARD OF REGENTS — SALARIES AND BENEFITS — FACULTY AND PROFESSIONAL AND SCIENTIFIC STAFF.

1. The state board of regents shall use moneys from funds appropriated to fund the annual pay adjustments, expense reimbursements, and related benefits for the collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.

2. The funds allocated to the state board of regents for the purpose of providing increases for employees not covered by a collective bargaining agreement shall be used as follows:

a. The amount necessary to fund for the fiscal year beginning July 1, 1991, and ending June 30, 1992, an average base salary increase of 2 percent for the fiscal year beginning July 1, 1991, of the base salaries of professional and scientific staff members, except board office employees paid during the preceding fiscal year, to be allocated to professional and scientific staff members at the discretion of the state board of regents. The staff members shall not receive a merit increase or the equivalent of a merit increase.

b. For faculty members who are not included in the collective bargaining agreement made final under chapter 20, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, an average base salary increase for the fiscal year beginning July 1, 1991, to be allocated at the discretion of the state board of regents.

Sec. 213. As a condition, limitation, and qualification of the appropriations made to the state board of regents and regents' institutions under this division, for the fiscal years beginning July 1, 1991, and July 1, 1992, the state board of regents shall use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of 6 years.

DEPARTMENT OF CULTURAL AFFAIRS

Sec. 214. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ARTS DIVISION

For salaries, support, maintenance, miscellaneous purposes, including funds to match federal grants, and for not more than the following full-time equivalent positions:

.....	\$	1,167,000
.....	FTEs	13.00

As a condition, limitation, and qualification of the funds appropriated in this subsection, the department may use funds appropriated in this subsection to provide funds to areawide arts and cultural service organizations which meet the requirements of Senate File 268, if Senate File 268 is enacted by the 1991 Session of the Seventy-fourth General Assembly.

2. HISTORICAL DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,653,000
.....	FTEs	76.00

As a condition, limitation, and qualification of the funds appropriated in this subsection, the division shall allocate \$10,000 to the Iowa historical society for the operating and maintenance costs of the Plum Grove residence of former Governor Lucas.

3. TERRACE HILL COMMISSION

For salaries, support, maintenance, miscellaneous purposes, for the operation of Terrace Hill and for not more than the following full-time equivalent positions:

.....	\$	175,000
.....	FTEs	5.75

As a condition, limitation, and qualification of the funds appropriated under this subsection, the Terrace Hill commission shall explore alternative funding sources for the funding of the salaries, support, maintenance, and miscellaneous purposes, including the operation of Terrace Hill, with the goal of obtaining full funding through sources other than state appropriations in the future.

4. LIBRARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,179,000
.....	FTEs	42.00

5. REGIONAL LIBRARY SYSTEM

For state aid:

.....	\$	1,607,000
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6. ADMINISTRATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	427,000
.....	FTEs	10.00

7. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.89:

.....\$ 784,000

From the amount appropriated in this subsection, consideration shall be given to the awarding of grant moneys to be used for commemorative art or sculpture work depicting an aspect of the armed services of the United States in recent wars or action through the Persian Gulf conflict and to be located in city or county owned parks or premises of memorial buildings as provided in chapter 37 of the Code. Separate grants shall not exceed \$40,000 for each grant under guidelines defined in section 303.3 or 303.89.

8. TOWN SQUARE PROJECT

For the Iowa town square project:

.....\$ 66,000

9. DANISH HERITAGE MUSEUM

For the Danish heritage museum located in Elk Horn, Iowa:

.....\$ 30,000

10. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 6,365,000

.....FTEs 103.00

Sec. 215. Notwithstanding section 8.33, funds appropriated in 1990 Iowa Acts, chapter 1272, section 14, subsection 1, paragraph "b", remaining unencumbered or unobligated on June 30, 1991, shall not revert to the general fund of the state but shall be available for expenditure for the purposes listed in section 210, subsection 1, paragraph "b", of this division during the fiscal year beginning July 1, 1991, and ending June 30, 1992.

Sec. 216. Notwithstanding sections 258.16 and 282.7 effective July 1, 1992, community colleges, local education agencies, and area education agencies may establish by mutual agreement area vocational consortia to assume and exercise the duties and responsibilities established for regional vocational education planning boards under those sections.

Sec. 217. Notwithstanding any credit hour prerequisite requirements contained in sections 261.9, 261.17, 261.18, and 261.19A, sections 261.44 through 261.89, and sections 261.92 through 261.105, or in any other Iowa student financial aid program administered by the college student aid commission, a person who is a "displaced worker" as defined under section 261.5 shall be eligible to receive funds under any Iowa student financial aid program administered by the commission, if the person meets any applicable prerequisite financial need criteria for the financial aid program.

Sec. 218. Section 261.25, subsections 1, 2, and 3, Code 1991, as amended by 1991 Iowa Acts, House File 173, section 908, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of thirty-two million six four hundred eight eighty thousand seven hundred ninety-five dollars for tuition grants.

2. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of eight hundred thirteen thousand ~~eight hundred forty~~ dollars for scholarships.

3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of one million three hundred fifteen thousand ~~six hundred forty-seven~~ dollars for vocational-technical tuition grants.

Sec. 219. Section 261.85, unnumbered paragraph 1, Code 1991, as amended by 1991 Iowa Acts, House File 173, section 909, is amended to read as follows:

There is appropriated from the general fund of the state to the commission for each fiscal year the sum of three million eighty-five thousand ~~six hundred eighty-four~~ dollars for the work-study program.

Sec. 220. Notwithstanding the allocation of phase III moneys under sections 294A.14 and 294A.25, for the fiscal year beginning July 1, 1991, prior to the allocation to school districts and area education agencies, \$125,000 of the moneys allocated for phase III shall be retained by the department of education to continue to contract with the regional educational laboratory for this state to establish and monitor an independent evaluation of the operation of phase III of the educational excellence program. The results of the evaluation shall be reported to the department of education and to the general assembly by January 1, 1992.

Sec. 221. Notwithstanding sections 302.1 and 302.1A, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the portion of the interest earned on the permanent school fund that is not transferred to the credit of the first in the nation in education foundation and not transferred to the credit of the national center for gifted and talented education shall be credited as a payment by the historical division of the department of cultural affairs of the principal and interest due on moneys loaned to the historical division under section 303.18.

Sec. 222. Section 11.6, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The financial condition and transactions of all cities and city offices, counties, county hospitals organized under chapters 347 and 347A, memorial hospitals organized under chapter 37, entities organized under chapter 28E having gross receipts in excess of one hundred thousand dollars in a fiscal year, merged areas, area education agencies, and all school offices in school districts, shall be examined at least once each year, except that cities having a population of seven hundred or more but less than two thousand shall be examined at least once every four years, and cities having a population of less than seven hundred may be examined as otherwise provided in this section. The examination shall cover the fiscal year next preceding the year in which the audit is conducted. The examination of school offices shall include an audit of activity all school funds, the certified annual financial report, and the certified enrollment as provided in section 257.11. Examinations of community colleges shall include an audit of eligible and noneligible contact hours as defined in section 286A.2. Eligible and noneligible contact hours and the certified enrollment shall be certified to the department of management.

Sec. 223. Section 73.17, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A community college or area education agency shall, on a quarterly basis, and a school district shall, on an annual basis, review

the community college's, area education agency's, or school district's anticipated purchasing requirements. A community college, area education agency, or school district shall notify the department of education, which shall report to the department of economic development, of their anticipated purchases and recommended procurements with unit quantities and total costs for procurement contracts designated to satisfy the targeted small business procurement goal not later than August 15 of each fiscal year and quarterly thereafter, except that school districts shall report annually.

Sec. 224. Section 73.18, Code 1991, is amended to read as follows:

73.18 NOTICE OF SOLICITATION FOR BIDS – IDENTIFICATION OF TARGETED SMALL BUSINESSES.

The director of each agency or department releasing 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. 225. 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 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.

Sec. 226. Section 255.1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county general relief director shall ascertain from the local office of human services if an applicant for the indigent patient program would qualify for medical assistance or the medically needy program under chapter 249A without the spend-down provision required pursuant to section 249A.3, subsection 2, paragraph "g". If the applicant qualifies, the patient shall be certified for medical assistance and shall not be counted under chapter 255.

Sec. 227. Section 255.26, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The state auditor shall certify the total cost of commitment, ~~transportation~~ and caring for each indigent patient under the terms of this statute to the county auditor of such patient's legal residence, and such certificate shall be preserved by the county

auditor and shall be a debt due from the patient or the persons legally responsible for the patient's care, maintenance or support; and whenever in the judgment of the board of supervisors the same or any part thereof shall be collectible, the said board may in its own name collect the same and is hereby authorized to institute suits for such purpose; and after deducting the county's share of such cost shall cause the balance to be paid into the state treasury to reimburse the university hospital fund. Transportation shall be provided at no charge to a patient who is certified for medical assistance under chapter 249A, and shall be reimbursed from the university hospital fund.

Sec. 228. Section 257.37, subsection 2, as enacted by 1991 Iowa Acts, Senate File 141, section 2, is amended by striking the subsection and inserting in lieu thereof the following:

2. Thirty percent of the budget of an area for media services shall be expended for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1. Funds shall be paid to area education agencies as provided in section 257.35.

Sec. 229. Section 261.19, unnumbered paragraph 2, Code 1991, is amended to read as follows:

The college student aid commission shall determine a subvention amount per resident student by dividing the funds appropriated for this section by a number equal to the total of twenty-two percent of the total students enrolled. If fewer than twenty-two percent of the total number of students enrolled are Iowa residents, the college student aid commission shall deduct from the funds appropriated subvention amount for total Iowa students enrolled an amount equal to the product of two times the product of the subvention amount per resident student multiplied by the number of students required to equal twenty-two percent of the total students enrolled.

Sec. 230. Section 261.19A, unnumbered paragraph 2, Code 1991, is amended to read as follows:

An eligible student is eligible for loan forgiveness in the amount of three thousand five hundred dollars per year of practice in the state of Iowa for up to a maximum of four years. If a student fails to complete a year of practice in the state, as practice is defined by the college student aid commission, the loan amount for that year shall not be forgiven. Forgivable loans to eligible students shall not become due, for repayment purposes, until after the student has completed the student's residency.

Sec. 231. Section 261.38, subsection 5, Code 1991, is amended to read as follows:

5. The treasurer of state shall invest any funds, including those in the loan reserve account, and the interest income earned shall be credited back to the loan reserve account. The treasurer may invest up to forty percent of the funds in the loan reserve account in tax-exempt investments issued by an agency of the state of Iowa. If any of the tax-exempt investments are for purposes of financing the construction or improvement of state facilities, the executive council, established under chapter 19, shall review and approve the proposed construction or improvement prior to the investment of loan reserve account funds in the tax-exempt investments.

Sec. 232. Section 261.50, subsection 3, Code 1991, is amended to read as follows:

3. Agrees to practice in an eligible community of fewer than five thousand population for a minimum period of four consecutive years or is practicing in a federally approved community health center or health manpower shortage area.

Sec. 233. NEW SECTION. 261.93A APPROPRIATION -- PERCENTAGES.

Of the funds appropriated to the college student aid commission to be allocated for the Iowa grant program for each fiscal year, thirty-seven and six-tenths percent shall be reserved for students attending regents' institutions; twenty-five and nine-tenths percent shall be reserved for students attending community colleges, and thirty-six and five-tenths percent shall be reserved for students attending private colleges and universities. Funds appropriated for the Iowa grant program shall be used to supplement, not supplant, funds appropriated for other existing programs at the eligible institutions.

Sec. 234. Section 262.9, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 27. Develop and adopt a policy that shall govern any future asset sale of the Iowa state university of science and technology's television station, WOIT-TV. The policy shall provide for the sale of the station only if anticipated revenues from the sale exceed the benefits of continued operation and the cost for the university to purchase or acquire comparable services to those that are being provided to the university by the station at the time of any sale. The policy shall further provide that the revenues received from the sale shall be placed in an endowment to be held and managed by the university. The proceeds from the endowment shall be used only for the specifically stated missions of the university.

a. "Station" shall be defined to include the license, any share of a transmission facility, any programming contracts, any booked sales revenues, and the network affiliation agreement.

b. "Comparable services" shall be defined to include, but not be limited to, use of modern communications equipment by faculty, staff, and students; access to trained communications specialists; availability to internships by and employment opportunities for students; and provision for antenna location, transmission line placement, and transmitter space for the university's radio stations.

Sec. 235. NEW SECTION. 262.9A PROHIBITION ON CONTROLLED SUBSTANCES.

The state board of regents shall adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by an institution or in conjunction with activities sponsored by an institution governed by the board. Each institution shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, the institutions shall provide substance abuse prevention programs for students and employees.

Sec. 236. Section 262.43, Code 1991, is amended to read as follows:

262.43 STUDENTS RESIDING ON STATE-OWNED LAND.

The state board of regents shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the state board of regents. Such payments for the three institutions of higher learning, the state University of Iowa, the Iowa State University of science

and technology and the University of Northern Iowa, shall be made from the funds of the respective institutions other than state appropriations, and for the three two noncollegiate institutions, the Iowa braille and sight saving school, and the state school for the deaf and the state sanatorium; there is hereby appropriated out of any funds in the state treasury not otherwise appropriated a sum sufficient to make such payments the payments and costs shall be paid from moneys appropriated to the state board of regents.

Sec. 237. NEW SECTION. 263A.14 INDIGENT PATIENT PROGRAM REPORT.

Funds shall not be allocated to the university hospital fund until the superintendent of the university of Iowa hospitals and clinics has filed with the department of revenue and finance and the legislative fiscal bureau a quarterly report containing the account required in section 255.24. The report shall include information required in section 255.24 for patients by the type of service provided.

Sec. 238. NEW SECTION. 268.5 IOWA ACADEMY OF SCIENCE APPROPRIATION LIMITATIONS.

The university shall use no more than twenty percent of the funds allocated to the university for the Iowa academy of science for administrative purposes for the Iowa academy of science or for publication of the Iowa academy of science journal. The university shall expend the remainder of the moneys appropriated for research projects and studies awarded by the Iowa academy of science. The Iowa academy of science shall permit all grant recipients to publish the results of the recipients' research projects and studies in the Iowa academy of science journal at no cost to the grant recipient.

Sec. 239. Section 279.51, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. For the fiscal year beginning July 1, 1990, three million dollars, and for each fiscal year thereafter, four million dollars of the funds appropriated shall be allocated as grants to school districts that have elementary schools that demonstrate the greatest need for programs for at-risk students with preference given to innovative programs for the early elementary school years. The grant allocations made in this paragraph may be renewed for additional periods of time. Of the amount allocated under this paragraph for each fiscal year, seventy-five thousand dollars shall be allocated to school districts which have an actual student population of ten thousand or less and have an actual non-English speaking student population which represents greater than five percent of the total actual student population for grants to elementary schools in those districts.

Sec. 240. Section 279.51, subsection 1, paragraph f, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In succeeding fiscal years, notwithstanding section 256A.3, subsection 6, of the amount appropriated for a fiscal year, less the amount allocated under paragraph "a", three and thirty-three hundredths percent may be used for administrative costs. However, if the amount appropriated for the fiscal year, less the amount allocated under paragraph "a", times three and thirty-three hundredths percent is greater than the amount received for use for administrative costs during the fiscal year beginning July 1, 1990, then the amount to be used for administrative costs shall be reduced to equal the amount received during the fiscal year beginning July 1, 1990.

Sec. 241. Section 280A.34, Code 1991, is amended to read as follows:

280A.34 CERTAIN USES OF FUNDS PROHIBITED.

Funds obtained pursuant to section 280A.17; subsections 3, 4, and 5 of section 280A.18; section 280A.19; and section 280A.22 shall not be used for the construction or maintenance of athletic buildings or grounds but may be used for a project under section 280A.56.

Sec. 242. **NEW SECTION. 280A.40 PROHIBITION ON CONTROLLED SUBSTANCES.**

Each merged area school shall adopt a policy that prohibits unlawful possession, use, or distribution of controlled substances by students and employees on property owned or leased by the merged area school or in conjunction with activities sponsored by a merged area school. Each merged area school shall provide information about the policy to all students and employees. The policy shall include a clear statement of sanctions for violation of the policy and information about available drug or alcohol counseling and rehabilitation programs. In carrying out this policy, the merged area school shall provide substance abuse prevention programs for students and employees.

Sec. 243. Section 280A.56, subsection 3, Code 1991, is amended to read as follows:

3. "Project" means the acquisition by purchase, lease in accordance with section 280A.38, or construction of buildings for use as student residence halls and dormitories, including dining and other incidental facilities therefor, and additions to such buildings, the reconstruction, completion, equipment, improvement, repair or remodeling of residence halls, dormitories, or additions or incidental facilities, and the acquisition of property of every kind and description, whether real, personal, or mixed, by gift, purchase, lease, condemnation, or otherwise and the improvement of the property.

Sec. 244. Section 280A.56, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. "Bonds or notes" means revenue bonds or revenue notes which are payable solely from net rents, profits, and other income derived from the operation of residence halls, dormitories, incidental facilities, and additions.

Sec. 245. Section 280A.58, unnumbered paragraph 1, Code 1991, is amended to read as follows:

To pay all or any part of the cost of carrying out any project at any institution the board is authorized to borrow money and to issue and sell negotiable bonds or notes and to refund and refinance bonds or notes issued for any project or for refunding purposes at a lower rate, the same rate, or a higher rate or rates of interest and from time to time as often as the board shall find it to be advisable and necessary so to do. Bonds or notes issued to refund ~~other bonds or notes~~ issued by the board for residence hall or dormitory purposes at any institution, including dining or other facilities and additions, or issued for refunding purposes, may either be sold in the manner specified for the selling of certificates under section 280B.6 and the proceeds applied to the payment of the obligations being refunded, or the refunding bonds or notes may be exchanged for and in payment and discharge of the obligations being refunded. A finding by the board in the resolution authorizing the issuance of the refunding bonds or notes, that the bonds or notes being refunded were issued for a purpose

specified in this division and constitute binding obligations of the board, shall be conclusive and may be relied upon by any holder of any refunding bond or note issued under the provisions of this division. The refunding bonds or notes may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds or notes may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds or notes may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding notes, bonds or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds or notes, except that the principal amount of the refunding bonds or notes may exceed the principal amount of the bonds or notes to be refunded to the extent necessary to pay any premium due on the call of the bonds or notes to be refunded or, to fund interest in arrears or about to become due, or to allow for sufficient funding of the escrow account on the bonds to be refunded.

Sec. 246. Section 280A.59, Code 1991, is amended to read as follows:

280A.59 RATES AND TERMS OF BONDS OR NOTES.

The bonds or notes may bear a date or dates, may bear interest at such rate or rates, payable semiannually, may mature at such time or times, may be in such form, carry such registration privileges, may be payable at such place or places, may be subject to such terms of redemption prior to maturity with or without premium, if so stated on the face of the bonds, and may contain any terms and covenants as may be provided by the resolution of the board authorizing the issuance of the bonds or notes. In addition to the estimated cost of construction, the cost of the project shall be deemed to include interest upon the bonds or notes during construction and for six months after the estimated completion date, the compensation of a fiscal agent or adviser, any underwriter discount, and engineering, administrative and legal expenses. The bonds or notes shall be executed by the president of the board of trustees and attested by the secretary and the coupons attached to the bonds or notes shall be executed with the original or facsimile signatures of said president and secretary. Any bonds or notes bearing the signatures of officers in office on the date of the signing shall be valid and binding for all purposes, notwithstanding that before delivery of the bonds or notes any or all persons whose signatures appear on the bonds or notes shall have ceased to be officers. Each bond or note shall state upon its face the name of the institution on behalf of which it is issued, that it is payable solely and only from the net rents, profits and income derived from the operation of residence halls or dormitories, including dining and other incidental facilities, at the institution named, and that it does not constitute a charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision. The issuance of bonds or notes shall be recorded in the office of the treasurer of the institution on behalf of which the bonds or notes are issued, and a certificate by such treasurer to this effect shall be printed on the back of each such bond or note.

Sec. 247. Section 280A.60, Code 1991, is amended to read as follows:

280A.60 REFUNDING ISSUANCE RESOLUTION.

Upon the determination by the board to undertake and carry out any project or to refund outstanding bonds or notes, the board shall adopt a resolution generally describing the contemplated project and setting forth the estimated cost, or describing the obligations to be refunded, fixing the amount of bonds or notes to be issued, the maturity or maturities, the interest rate or rates and all details of the project.

The resolution shall contain any covenants as may be determined by the board as to the issuance of additional bonds or notes that may be issued payable from the net rents, profits and income of the residence halls or dormitories, the amendment or modification of the resolution authorizing the issuance of any bonds or notes, the manner, terms and conditions and the amount or percentage of assenting bonds or notes necessary to effectuate the amendment or modification, and any other covenants as may be deemed necessary or desirable. In the discretion of the board any bonds or notes issued under the terms of this division may be secured by a trust indenture by and between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the boundaries of the state of Iowa; but no such trust indenture shall convey or mortgage the buildings or facilities or any part of the buildings or facilities. The provisions of this division and of any resolution or other proceedings authorizing the issuance of bonds or notes and providing for the establishment and maintenance of adequate rates, fees or rentals and the application of the proceeds thereof shall constitute a contract with the holders of the bonds or notes.

Sec. 248. Section 286A.11, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Thirty-eight thousand dollars if the northwest Iowa technical college has filed a request with the department of education for the lease, purchase, or lease-purchase of equipment for the heavy equipment program.

Sec. 249. Section 286A.14A, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department of education shall provide for the establishment of a community college excellence 2000 account in the office of the treasurer of state for deposit of moneys appropriated to the account for purposes of funding quality instructional centers and program and administrative sharing agreements under sections 280A.45 and 280A.46. There is appropriated from the general fund of the state to the department of education, for the fiscal year beginning July 1, 1991, one million two hundred thousand dollars. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1992, an amount equal to two and five-tenths percent of the total state general aid generated for all community colleges during the budget year under this chapter for deposit in the community college excellence 2000 account. In the next succeeding two fiscal years, the percent multiplier shall be increased in equal increments until the multiplier reaches seven and one-half percent of the total state general aid generated for all community colleges during the budget year.

Sec. 250. Section 294A.14, unnumbered paragraphs 1, 6, and 10, Code 1991, are amended to read as follows:

For each fiscal year, the department shall allocate the remainder of the moneys appropriated by the general assembly to the fund for phase III, subject to section 294A.18. If fifty million dollars is allocated for phase III, the payments for an approved plan for a school district shall be equal to the product of a district's certified enrollment and ninety-eight dollars and sixty-three cents, and for an area education agency shall be equal to the product of an area education agency's enrollment served and four dollars and sixty cents. If the moneys allocated for phase III are either greater than or less than fifty million dollars, the department of education shall adjust the amount for each student in certified enrollment and each student in enrollment served based upon the amount allocated for phase III. Of the moneys allocated for phase III, five

hundred thousand dollars shall be used for supplemental pay plans in districts which provide for additional instructional work assignments relating to college-bound student support programs for minority students.

For school districts, a performance-based pay plan may provide for additional salary for individual teachers, for teachers assigned to a specific discipline, or for all teachers assigned to an attendance center. For area education agencies, a performance-based pay plan may provide for additional salary for individual teachers, for additional salary for all teachers assigned to a specific discipline within an area education agency, or for additional salary for individual teachers assigned to a multidisciplinary team within an area education agency. If the plan provides additional salary for all teachers assigned to an attendance center, specific discipline, or multidisciplinary team, the receipt of additional salary by those teachers shall be determined on the basis of whether that attendance center, specific discipline, or multidisciplinary team meets specific objectives adopted for that attendance center, specific discipline, or multidisciplinary team. For school districts, the objectives may include, but are not limited to, decreasing the dropout rate, increasing the attendance rate, or accelerating the achievement growth of students enrolled in that attendance center through use of learning techniques which may include, but are not limited to, reading instruction using phonics techniques.

For school districts, additional instructional work assignments may include but are not limited to general curriculum planning and development, vertical articulation of curriculum, horizontal curriculum coordination, development of educational measurement practices for the school district, attendance at workshops and other programs for service as cooperating teachers for student teachers, development of plans for assisting beginning teachers during their first year of teaching, attendance at summer staff development programs, development of staff development programs for other teachers to be presented during the school year, participation in college-bound student support programs for minority students, and other plans locally determined in the manner specified in section 294A.15 and approved by the department of education under section 294A.16 that are of equal importance or more appropriately meet the educational needs of the school district.

Sec. 251. Section 294A.14, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this section, college-bound student support programs for minority students shall include one or more of the following:

1. Self-esteem enhancement for minority students.
2. Mentoring for minority students.
3. Methods to provide greater involvement of minority parents in the educational process.
4. Individual or group academic preparedness coaching for minority students.
5. A continuum of academic tutorial services for minority students.
6. Outreach programs which connect minority students with higher education programs.
7. School and business partnerships which provide direct support to minority students.

Sec. 252. Section 294A.16, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The department of education shall review each plan and its budget and notify the department of management of the names of school districts and area education agencies with approved plans. In approving school district supplemental pay plans which provide for additional instructional work assignments relating to college-bound student support programs for minority students, the department shall give preference to plans which provide for the forming of consortia with local community colleges and community-based organizations.

Sec. 253. Section 303.3, subsection 3, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

3. Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert but shall be available for expenditure for purposes of the contract until August 30 of the succeeding fiscal year.

Sec. 254. Section 303.94, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The state library includes, but is not limited to, a medical library, and a law library, and a patents depository library.

Sec. 255. Section 303.94, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The patents depository library shall be headed by a patents librarian, appointed by the director, subject to chapter 19A.

a. The patents librarian shall do all of the following:

(1) Operate the patents depository library which shall always be available for free use by the residents of Iowa under rules adopted by the department.

(2) Comply with any federal requirements concerning patent depositories.

(3) Assist library users and train staff to assist library users in utilizing the library and the patent backfile.

(4) Perform other duties imposed by law or by the rules of the department.

b. The patents librarian may do any of the following:

(1) Foster public awareness of the library and its services, through advertising, public service announcements, and other means.

(2) Receive and expend money for providing programs and services. The librarian may receive, accept, and administer moneys appropriated or granted to the patents depository library, separate from the general library fund, by the federal government or by any other public or private agency.

(3) Solicit and accept gifts, contributions, bequests, endowments, and other moneys or library materials. The librarian shall, to the extent possible, use gifts, contributions, bequests, and endowments in accordance with the expressed desires of the person making the gift, contribution, bequest, or endowment. The librarian shall report the gifts,

contributions, bequests, endowments, and other moneys received pursuant to this subparagraph to the department, for inclusion in its annual report to the general assembly under section 303.92, subsection 3.

Interest earned on moneys accepted under this subparagraph, except funds appropriated to the patents depository library from the general fund of the state, shall be credited to the fund or funds to which the moneys have been deposited, and is available for any or all purposes of the library under this subparagraph. Section 8.33 does not apply to funds credited to the patents depository library under this subparagraph.

Sec. 256. Section 286A.19, Code 1991, is repealed.

Sec. 257. Sections 207 and 215 of this division, being deemed of immediate importance, take effect upon enactment.

DIVISION III ECONOMIC DEVELOPMENT APPROPRIATIONS

Sec. 301. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	878,350
.....	FTEs	22.00

b. Rural resource coordination

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for rural resource coordination, rural community leadership, and the rural enterprise fund:

.....	\$	740,000
.....	FTEs	2.50

As a condition, limitation, and qualification of the appropriation under this subsection, \$425,000 shall be allocated to the rural enterprise fund, and \$140,000 shall be allocated for rural community leadership.

c. Primary research and computer center

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	350,000
.....	FTEs	6.50

d. Film office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	190,000
.....	FTEs	2.00

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,000,000
.....	FTEs	14.00

As a condition, limitation, and qualification of the appropriation made by this paragraph, the department shall establish a marketing initiative to assist Iowa companies producing recycling or reclamation equipment or services to expand into national markets.

As a condition, limitation, and qualification of the appropriation made by this paragraph, not more than thirty percent of the funds appropriated may be used for administration. The balance shall be used for marketing advertising.

b. Small business programs

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the small business program and the small business advisory council:

.....	\$	235,000
.....	FTEs	4.50

c. Federal procurement office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	100,000
.....	FTEs	3.00

d. Incubators:

.....	\$	80,000
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The department may establish criteria to provide funding beyond the initial three-year start-up period to existing small business and rural incubators.

e. Community economic betterment program

For deposit in the community economic betterment program funds for salaries, support, and for not more than the following full-time equivalent positions:

.....	\$	3,760,000
.....	FTEs	6.00

All grants, loans, and forgivable loans awarded under this paragraph shall be approved by the board. Notwithstanding section 8.33, moneys in this special fund at the end of each fiscal year shall not revert to the general fund but shall remain in the community economic betterment program fund.

f. Microenterprise development revolving fund

For deposit in the microenterprise development revolving fund established pursuant to section 15.240 for salaries, support, and for not more than the following full-time equivalent positions:

.....	\$	720,000
.....	FTEs	4.00

For the fiscal year beginning July 1, 1991, a minimum of \$500,000 shall be allocated to the targeted small business financial assistance program account and a minimum of \$220,000 shall be allocated to the self-employment loan program account. However, any amounts of those two minimum allocations that have not been committed on January 15, 1992, may be reallocated to the other accounts in the microenterprise development revolving fund.

g. Targeted small business program

For the salary, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent position:

.....	\$50,000	
.....	FTEs	1.00

3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

a. Community development block grant

For administration and related federal housing and urban development grant administration for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$320,855	
.....	FTEs	14.00

b. Rural community 2000 program

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$1,600,000	
.....	FTEs	1.25

Notwithstanding section 15.283, subsection 4, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, all funds allocated under this paragraph shall be used for traditional and new infrastructure and planning as specified under sections 15.284, 15.285, and 15.286A, as enacted by 1991 Iowa Acts, Senate File 254, section 9.

As a condition, limitation, and qualification of the appropriation under this paragraph, not more than \$300,000 shall be allocated for the planning category.

c. Community progress

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration of the community economic preparedness program, the Iowa community betterment program, and the city development board:

.....	\$467,350	
.....	FTEs	7.50

d. Councils of governments

To provide to Iowa's councils of governments funds for planning and technical assistance funds to assist local governments to develop community development strategies for addressing long-term and short-term community needs:

.....	\$300,000	
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e. Main street/rural main street program

For salaries and support for not more than the following full-time equivalent positions:

.....	\$365,000	
.....	FTEs	3.00

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

f. Regional economic development centers

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	768,000
.....	FTEs	2.00

As a condition, limitation, and qualification of the appropriation under this paragraph, not more than 10 percent shall be used by the department for administration of the program.

4. INTERNATIONAL DIVISION

a. International trade operations

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	550,000
.....	FTEs	6.00

As a condition, limitation, and qualification of the appropriation under this paragraph, \$160,000 shall be used in conjunction with the Iowa international development foundation for trade development with eastern Europe and the Soviet Union, including but not limited to Czechoslovakia, Hungary, and Poland. The foundation shall report to the general assembly by March 15, 1992, regarding its use of these funds, including, but not limited to, business contacts made, ties established, and trade developments made by the foundation.

b. European trade office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	285,000
.....	FTEs	2.50

c. Asian trade office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	255,000
.....	FTEs	2.00

d. Japan trade office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	300,000
.....	FTEs	2.00

As a condition, limitation, and qualification of the appropriations under paragraph "b" through paragraph "d", the department shall report to the general assembly by February 1, 1992, regarding its use of the funds appropriated, including but not limited to business contacts made, ties established, and trade developments made.

e. Export trade activities program

For export trade activities, including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing for the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, including salaries and support for not more than the following full-time equivalent position:

.....	\$	350,000
.....	FTEs	0.25

f. Agricultural product advisory council

For support, maintenance, and miscellaneous purposes:

.....	\$	4,000
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g. Partner state program:

.....	\$	100,000
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The department may contract with private groups or organizations which are the most appropriate to administer this program. The groups and organizations participating in the program shall, to the fullest extent possible, provide the funds to match the appropriation made in this paragraph.

h. Peace institute

For allocation to the Iowa peace institute established in chapter 38:

.....	\$	100,000
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5. TOURISM DIVISION

a. Tourism operations

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	745,000
.....	FTEs	15.97

As a condition, limitation, and qualification of the appropriation made in this paragraph, the appropriation shall not be used for advertising placements for in-state and out-of-state tourism marketing.

b. Tourism advertising

For contracting exclusively for tourism advertising for in-state and out-of-state tourism marketing services, tourism promotion programs, electronic media, print media, and printed materials:

.....	\$	2,540,000
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As a condition, limitation, and qualification of the appropriation made in this paragraph, the department shall develop public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

c. Welcome center program:

.....	\$	350,000
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Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

As a condition, limitation, and qualification of the appropriations made in this subsection, moneys appropriated shall be used for implementation of the recommendations of the statewide long-range plan for developing and operating welcome centers throughout the state.

Notwithstanding section 8.33, pursuant to 1990 Iowa Acts, chapter 1255, section 37, subsection 1, as amended by 1991 Iowa Acts, House File 173, section 1001, the amount of \$275,000 shall be available for the fiscal year beginning July 1, 1991, for completion of contract negotiations for the establishment of the welcome center in the Council Bluffs area.

d. Mississippi river parkway commission

For support, maintenance, and miscellaneous purposes:

.....	\$	19,000
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6. WORK FORCE DEVELOPMENT DIVISION

a. Youth work force programs

For purposes of the conservation corps, including salary, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,261,614
.....	FTEs	1.90

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

b. Iowa corps

For purposes of the Iowa corps, including salary, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	107,500
.....	FTEs	1.00

Notwithstanding section 8.33, moneys obligated for the payment of tuition credits under this program but not expended at the end of the fiscal year shall not revert to any fund but shall be available for expenditure during succeeding fiscal years.

c. Job retraining program

To the Iowa employment retraining fund created in section 15.298 including salaries and support for not more than the following full-time equivalent positions:

.....	\$	1,000,000
.....	FTEs	1.60

d. Work force investment program including salaries and support for not more than the following full-time equivalent position:

.....	\$	1,000,000
.....	FTEs	0.90

This program shall be administered through the department of economic development in consultation with the state job training coordinating council. The program shall be operated on a competitive grant basis and funds shall be available for projects that increase Iowa's pool of available labor via training and support services. \$300,000 of the amount appropriated in this paragraph shall be available specifically for displaced homemaker programs.

e. Labor management councils

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	202,320
.....	FTEs	1.05

As a condition, limitation, and qualification of receiving a grant from funds appropriated by this paragraph, grantees shall facilitate the active participation of labor as members of labor management councils. Grantees shall make a good faith effort to either schedule meetings during nonworking hours, or obtain voluntary agreements with employers to allow employees time off to attend labor management council meetings with no loss of pay or other benefits.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

Notwithstanding section 8.33, pursuant to 1990 Iowa Acts, chapter 1255, section 37, subsection 1, as amended by 1991 Iowa Acts, House File 173, section 1001, moneys remaining unencumbered or unobligated shall be available for expenditure for the fiscal year beginning July 1, 1991, for the same purposes.

Sec. 302. Notwithstanding section 28.120, subsections 5 and 6, there is appropriated from the Iowa community development loan fund to the department of economic development for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

RURAL DEVELOPMENT FINANCING:

.....\$ 50,000

Notwithstanding section 8.39, funds appropriated by this section shall not be subject to transfer.

Sec. 303. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund created in the office of the treasurer of state to the department of economic development for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For administration of chapter 280B, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....\$ 125,000
.....FTEs 2.40

2. For payment to the community colleges to supplement the coordination and instruction of apprentice related instruction, and instructional equipment for apprenticeship programs as provided in section 280A.44:

.....\$ 125,000

As a condition, limitation, and qualification of the appropriation under this subsection, funds shall be allocated to each community college on the basis of the percentage of total contact hours enrolled in apprenticeship training at community colleges as of July 1, 1991.

3. For the target alliance program if funds remain in the job training fund after the appropriations in subsections 1 and 2 are made:

.....\$ 30,000

Sec. 304. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the housing improvement fund created in section 220.100 for purposes of the fund:

.....\$ 2,800,000

Sec. 305. There is appropriated from the general fund of the state to the Wallace technology transfer foundation for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and other operational purposes, for funding the small business innovation research program, and for funding activities as provided in section 28.158:

.....\$ 2,660,000

As a condition, limitation, and qualification of the appropriation under this section, \$75,000 of the funds appropriated in this subsection shall be transferred to the Iowa quality coalition for productivity enhancement projects.

2. For transfer to the Iowa product development corporation fund established in section 28.89:

.....\$ 1,000,000

Sec. 306. There is appropriated from the general fund of the state to INTERNET for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the international network on trade fund created by the INTERNET board:

.....\$ 515,000

As a condition, limitation, and qualification of the appropriation under this section, \$140,000 shall be allocated to the department of economic development for the Iowa international development foundation for the salaries and support for not more than the following full-time equivalent positions:

.....FTEs 1.50

The full-time equivalent positions receiving moneys from the allocation for the Iowa international development foundation are employees of the department of economic development.

Sec. 307. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary to be used for the purpose designated:

For funding the small business development centers:

.....\$ 1,190,000

Sec. 308. There is appropriated from the community college job training fund created in section 280C.6, subsection 1, as amended by 1991 Iowa Acts, Senate File 90, to the department of economic development for the fiscal year beginning July 1,

1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of the Iowa small business new jobs training Act, and for not more than the following full-time equivalent position:

.....	\$	38,954
.....	FTEs	.70

Sec. 309. Section 15.286, subsection 2, Code 1991, is amended to read as follows:

2. Applicants must be seeking funds to assist in meeting the area needs of lower and very low income families in pursuit of decent housing or in meeting the purposes of the housing trust improvement fund program as described in section 220.100, subsection 2.

Sec. 310. Section 15.286, subsection 4, paragraph b, subparagraph (1), Code 1991, is amended to read as follows:

(1) Assistance that will be used to meet the purposes of the housing trust improvement fund program.

Sec. 311. Section 15.286A, subsection 2, as enacted by 1991 Iowa Acts, Senate File 254, section 9, is amended to read as follows:

2. A city, cluster of cities, county, group of counties, ~~unincorporated community, group of unincorporated communities,~~ council of governments, or regional planning commission, or one of these entities on behalf of an unincorporated community or group of unincorporated communities, is eligible to apply for loans or grants from this category for planning efforts related to the community builder program.

Sec. 312. Section 15.287, Code 1991, is amended to read as follows:

15.287 REVOLVING FUND.

The Iowa finance authority shall establish a revolving fund for the program and shall transfer to the department moneys to be administered by the department. The moneys in the revolving fund are appropriated for purposes of the program. Notwithstanding section 8.33, moneys in the fund at the end of a fiscal year shall not revert to any other fund but shall remain in the revolving fund. The fund shall consist of all appropriations, grants, or gifts received by the authority or the department specifically for use under this part and all repayments of loans or grants made under this part. However, loan repayments from loans made under section 28.120, which are not allocated to another program, shall be deposited in the revolving fund and shall be available for allocation by the director for categories administered by the department.

Sec. 313. Section 28.120, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Loan repayments made under this section and unallocated in the special account in subsection 5, shall be allocated to the revolving account of the rural community 2000 program created in section 15.287.

Sec. 314. Section 28.143, subsection 1, paragraph e, Code 1991, is amended to read as follows:

e. The superintendent of savings and loans credit unions.

Sec. 315. Section 28.144, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

28.144 PRESIDENT OF THE CORPORATION.

The director of the department shall appoint the president of the corporation from the division within the department that administers business financial assistance programs. Administrative and staff support shall be furnished by the department.

Sec. 316. Section 220.100, Code 1991, is amended to read as follows:

220.100 HOUSING TRUST IMPROVEMENT FUND PROGRAM.

1. A housing trust improvement fund is created within the authority. The moneys in the housing trust improvement fund are annually appropriated to the authority which shall allocate the available funds among and within the programs authorized by this section. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in the fund on June 30 of any fiscal year shall not revert to any other fund but shall be available for expenditure for subsequent fiscal years. Notwithstanding section 453.7, interest or earnings on moneys in the fund or appropriated to the fund shall be credited to the fund. The authority may expend up to four percent of the moneys appropriated for the programs in this section for administrative costs of the authority for those programs. The authority may provide financial assistance to a housing sponsor or an individual in the form of loans, guarantees, grants, interest subsidies, or by other means for the programs authorized by this section.

2. By rule, the authority shall establish the following financial assistance programs and provide the requirements for their proper administration:

a. A grant program for the homeless for the construction, rehabilitation, expansion, or costs of operating operations of group home shelter shelters for the homeless.

b. A home maintenance and repair program providing repair services to elderly, handicapped, or disabled families which qualify as lower income or very low income families.

c. A rental rehabilitation program for the construction or rehabilitation of single or multifamily rental properties leased to lower income or very low income families.

d. A home ownership incentive program to help lower income and very low income families achieve single family home ownership. Funds provided under this program shall not be restricted to first-time home buyers but shall be limited to mortgages under \$55,000, except in those areas of the state where the median price of homes exceeds the state average. The assistance provided shall include at least one of the following kinds of assistance:

(1) Closing costs assistance.

(2) Down payment assistance.

(3) Home maintenance and repair assistance.

(4) Loan processing assistance through a loan endorser review contractor who acts on behalf of the authority in assisting lenders in processing loans that will qualify for government insurance or guarantee or for financing under the authority's mortgage revenue bond program.

(5) Mortgage insurance program.

Five percent of the moneys expended under this program shall be used to finance the purchase or acquisition, in communities with a population of less than ten thousand, of manufactured homes as defined in 42 U.S.C. § 5403. Moneys available for this purpose which are unencumbered or unobligated at the end of the fiscal year shall revert to the housing improvement fund for reallocation for the next fiscal year.

Not more than 50 percent of the assistance provided under this program shall be provided under subparagraphs (4) and (5). So long as at least one of the kinds of assistance described in subparagraphs (1) through (5) are provided, additional assistance not described in subparagraphs (1) through (5) may also be provided.

e. The housing category of the rural community 2000 program, as described in section 15.286.

3. The authority shall coordinate the programs authorized by this section with the other programs under the jurisdiction of the authority.

4. Each application for financial assistance shall be rated based on local, housing sponsor, and recipient financial commitment, proposals for leveraging other financial assistance, experience with the recipient group involved, consideration for the housing project in the context of overall community needs, including vacancy rate of rental property and ratio of subsidized rental housing to nonsubsidized housing, ability to provide a counseling support system to the recipients, and a demonstrated capability by the housing sponsor to provide follow-up monitoring of recipients to determine if identifiable results have been achieved.

5. For the purposes of this section, "housing sponsor" is limited to private a for-profit entity, nonprofit corporations and local governments and joint ventures corporation, local government, or a joint venture involving a private for-profit entity, nonprofit corporation or local government and does not include a for-profit entity.

6. None of the funds provided to a housing sponsor under this section shall be used for the costs of administration. The authority may expend up to four percent of the funds appropriated for the programs in this section for the administrative costs under this section to hire adequate staff to carry out these programs.

7. During each regular session of the general assembly, the authority shall present, to the appropriate appropriations subcommittee, a report concerning the total estimated resources to be available for expenditure under this section for the next fiscal year and the amount the authority proposes to allocate to each program under this section.

7 8. A homelessness advisory committee is created consisting of the executive director or the executive director's designee, the directors or their designees from the departments of economic development, elder affairs, human services, and human rights, and at least three individuals from the private sector to be selected by the executive director. The advisory committee shall advise the authority in coordinating programs that provide for the homeless.

Sec. 317. Section 428A.1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

There is imposed on each deed, instrument, or writing by which any lands, tenements, or other realty in this state shall be are granted, assigned, transferred, or otherwise conveyed, a tax determined in the following manner: When there is no consideration or when the deed instrument or writing is executed and tendered for recording as an instrument corrective of title, and so states, there shall be is no tax. When there

is consideration and the actual market value of the real property transferred is in excess of five hundred dollars, the tax shall be ~~fifty-five~~ eighty cents for each five hundred dollars or fractional part of five hundred dollars in excess of five hundred dollars. The term "consideration", as used in this chapter, means the full amount of the actual sale price of the real property involved, paid or to be paid, including the amount of an incumbrance or lien on the property, whether assumed or not by the grantee. It shall be is presumed that the sale price so stated shall include includes the value of all personal property transferred as part of the sale unless the dollar value of said personal property is stated on the instrument of conveyance. When the dollar value of the personal property included in the sale is so stated, it shall be deducted from the consideration shown on the instrument for the purpose of determining the tax.

Sec. 318. Section 428A.8, Code 1991, is amended to read as follows:

428A.8 REMITTANCE TO STATE TREASURER — PORTION RETAINED IN COUNTY.

On or before the tenth day of each month the county recorder shall determine and pay to the treasurer of state ~~seventy-five~~ eighty-two and three-fourths percent of the receipts from the real estate transfer tax collected during the preceding month and the treasurer of state shall deposit the receipts in the general fund of the state.

The county recorder shall deposit the remaining ~~twenty-five~~ seventeen and one-fourth percent of the receipts in the county general fund.

The county recorder shall keep records and make reports with respect to the real estate transfer tax as the director of revenue and finance prescribes.

Sec. 319. Section 15.232, Code 1991, is repealed.

**DIVISION IV
JUSTICE SYSTEMS APPROPRIATIONS**

Sec. 401. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,416,222
.....	FTEs	177.00

2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	137,545
.....	FTEs	4.75

In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the attorney general shall provide up to \$41,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the prosecuting attorney training program, the prosecuting intern program, or both. Counties participating in the prosecuting intern program shall match the state funds.

3. In addition to the funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1991, and ending June 30, 1992, an amount not exceeding \$95,000 to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions.

4. In addition to funds appropriated under subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1991, and ending June 30, 1992, an amount not exceeding \$50,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and \$25,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment, if the judgment authorizes the use of the award for public education on consumer fraud. Notwithstanding section 8.33, funds received in a previous fiscal year which have not been expended shall be credited to this fiscal year.

5. For the farm mediation service program:

.....\$ 100,000

6. For the legal assistance for farmers program:

.....\$ 100,000

7. For victim assistance grants, as provided in Senate File 444, if Senate File 444 is enacted by the Seventy-fourth General Assembly, first regular session, in a manner which raises certain court costs and fees and deposits the resulting receipts either directly into the general fund of the state, or into the general fund of the state through the court revenue distribution account:

.....\$ 1,400,000

As a condition, limitation, and qualification of this appropriation, no more than \$60,000 shall be expended for the costs of the general office of the attorney general's administrative duties pursuant to Senate File 444, and \$100,000 shall be awarded to the department of corrections for one-time costs associated with establishing batterers' treatment programs in the judicial district departments of correctional services, as set forth in Senate File 444. The department of corrections shall award the \$100,000 on a competitive basis to the judicial district departments of correctional services. The remaining funds shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

However, if Senate File 444 is not enacted by the Seventy-fourth General Assembly, first regular session, in a manner which raises certain court costs and fees and deposits the resulting receipts either directly into the general fund, or into the general fund through the court revenue distribution account, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary to be used for the purpose designated:

For victim assistance grants:

\$ 1,071,782

Whether or not Senate File 444 is enacted by the Seventy-fourth General Assembly, notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation pursuant to this subsection shall not revert to the general fund of the state, and shall not be transferred to any other program.

8. For the GASA prosecuting attorney program:

\$ 103,400

FTEs 1.00

9. The balance of the fund created under section 321J.17 may be used to provide salary and support of not more than 6 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

10. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a cumulative basis for full-time equivalent positions and available moneys.

Sec. 402. There is appropriated from the general fund to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

\$ 2,000,000

FTEs 32.00

Sec. 403. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

\$ 770,000

FTEs 18.00

As a condition, limitation, and qualification of this appropriation the board of parole shall maintain an automated docket and shall maintain the board's automated risk assessment model.

As a condition, limitation, and qualification of this appropriation the board of parole shall employ 2 statistical research analysts to assist with the application of the risk assessment model in the parole decision-making process. The board of parole shall also require the board's administrative staff to be cross-trained to assure that each individual on that staff is familiar with all tasks performed by the staff.

It is the intent of the general assembly that the department of corrections and the board of parole shall review, and implement as necessary, the findings and recommendations contained in the final report prepared by the consultant and presented

to the corrections system review task force which was established by 1988 Iowa Acts, chapter 1271, as they relate to the department of corrections and the board of parole. The board shall report to the justice system appropriations subcommittee during the 1992 legislative session, at the request of the subcommittee, steps taken to implement any of those recommendations, or the reasons for failing to implement such recommendations.

Sec. 404. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	21,829,312
.....	FTEs	502.50

As a condition, limitation, and qualification of this appropriation, the facility shall employ 310 correctional officers.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	16,153,646
.....	FTEs	356.00

(1) As a condition, limitation, and qualification of this appropriation, the facility shall employ 211 correctional officers and a part-time chaplain of a minority race.

(2) Of the funds appropriated, the department's budget for Anamosa shall include funding for 2 full-time substance abuse counselors for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	13,737,933
.....	FTEs	307.53

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,149,032
.....	FTEs	91.72

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	11,606,136
.....	FTEs	267.15

As a condition, limitation, and qualification of this appropriation, the facility shall employ 141 correctional officers, and a full-time chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities.

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,988,999
.....	FTEs	82.89

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,318,793
.....	FTEs	137.20

As a condition, limitation, and qualification of this appropriation, the facility shall employ 6 additional counselors to expand "The Other Way" substance abuse treatment program. The facility may provide up to \$205,250 as a state match requirement to receive federal substance abuse treatment grants.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,760,300
.....	FTEs	112.14

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the justice system appropriations subcommittee and the legislative fiscal bureau on or before January 15, 1992, outlining the implementation of the centralized education program for the correctional system. The report shall include a listing of the educational institutions that are involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

3. If the inmate tort claim fund for inmate claims of less than \$50 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 25A for inmate tort claims of less than \$50.

Sec. 405. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,141,828
.....	FTEs	43.52

As a condition, limitation, and qualification of this appropriation the department shall employ an education director and clerk to administer a centralized education program for the correctional system.

The department shall monitor the use of the classification model by the judicial district departments of correctional services and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 246.908, 901.7, and 906.17 and for offenders confined pursuant to section 246.513:

.....	\$	250,000
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3. For federal prison reimbursement and miscellaneous contracts:

.....	\$	360,000
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The department of corrections shall use funds appropriated by this subsection to continue to contract for the services of a Muslim imam.

4. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant:

.....	\$	375,000
.....	FTEs	8.22

5. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1989 Iowa Acts, chapter 316, section 7, subsection 6:

.....	\$	625,860
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6. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, chapter 1257, section 24:

.....	\$	3,143,250
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Sec. 406.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....	\$	5,628,321
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The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "a", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "a".

The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

b. For the second judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....\$ 3,987,710

The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "b".

The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

c. For the third judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....\$ 2,471,347

The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and the intensive supervision program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 3, paragraph "d".

The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

d. For the fourth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....\$ 2,004,154

The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "d".

The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

e. For the fifth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....\$ 7,163,590

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e", and shall continue to provide for the rental of electronic monitoring equipment.

The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

f. For the sixth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....\$ 5,594,770

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "f", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "f".

The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

g. For the seventh judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....\$ 3,908,666

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "g".

The district department shall continue the job development program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph "e".

The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

h. For the eighth judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....\$ 3,170,622

The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "h", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "h".

The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

i. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:

.....\$ 91,057

2. The department of corrections shall continue the OWI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section.

3. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

4. Each judicial district department of correctional services and the department of corrections shall continue the treatment alternatives to street crime programs established in 1989 Iowa Acts, chapter 225, section 9.

5. The first, sixth, and eighth judicial district departments of correctional services and the department of corrections shall continue the job training and development grant programs established in 1989 Iowa Acts, chapter 316, section 7, subsection 2.

6. The department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.

7. The governor's alliance on substance abuse shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

Sec. 407. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. 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, including fully compensating clerks of court, trial court supervisors, trial court technicians II, and financial supervisors I and II for the full 40-hour workweek, 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:

.....\$ 73,200,000

As a condition, limitation, and qualification of this appropriation, the department shall reimburse the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1991.

As a condition, limitation, and qualification of this appropriation, the judicial department, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

The judicial department shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

Of the funds appropriated under this subsection, not more than \$1,800,000 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.

2. For the juvenile victim restitution program:

.....\$ 100,000

Sec. 408. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa court information system:

\$ 875,000

As a condition, limitation, and qualification of this appropriation, the judicial department, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

The judicial department shall not change the appropriations from the amounts appropriated under this section, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

The judicial department shall conduct a comparable worth study concerning juvenile court officers. As used in this paragraph, "comparable worth" means comparable worth as defined in section 602.1204. The judicial department shall report its findings and recommendations to the joint justice systems appropriations subcommittee by January 1, 1992. No pay grade changes resulting from the study shall be implemented prior to July 1, 1992, subject to sufficient salary adjustment funds being appropriated specifically for that purpose.

Sec. 409. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall continue to develop an automated data system for use in the sharing of information between the department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole.

Sec. 410. Section 13.15, unnumbered paragraph 2, Code 1991, is amended to read as follows:

The rules shall provide for an hourly mediation fee not to exceed ~~twenty-five dollars per hour per party~~ fifty dollars for the borrower and one hundred dollars for the creditor. The hourly mediation fee may be waived for any party demonstrating financial hardship upon application to the farm mediation service.

Sec. 411. NEW SECTION. 13.26 FARM ASSISTANCE FUND ESTABLISHED.

A farm assistance fund is established as a separate fund in the state treasury under the control of the department of justice. It is the intent of the general assembly that the moneys deposited in the fund shall be used for legal assistance to financially distressed farmers. These funds shall be used only to the extent appropriated by the general assembly. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to any fund but shall remain in the fund for the subsequent fiscal year.

Sec. 412. Section 312.2, subsection 13, Code 1991, as amended by 1991 Iowa Acts, House File 173, section 1223, is amended to read as follows:

13. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the department of justice from the road use tax fund an

amount equal to twenty-five cents on each title issuance for motor vehicle fraud law enforcement and prosecution purposes including, but not limited to, the enforcement of state and federal odometer laws, the prosecution of highway-related criminal matters, and the training of county attorney and attorney general staff in the prosecution of violations of chapters 321, 321A, and 321J, and related offenses.

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. 413. Section 356.26, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The district court may also grant by order to any person sentenced to a county jail the privilege of a sentence of in-home detention where the county sheriff has certified to the court that the jail has an in-home detention program. The department of corrections shall report to the legislative fiscal bureau on a semiannual basis concerning utilization of in-home detention, including the counties which have established such programs and the number of prisoners allowed in-home detention privileges.

Sec. 414. Section 602.1301, subsection 2, paragraph a, subparagraph (1), Code 1991, is amended by striking the subparagraph and inserting in lieu thereof the following:

(1) Iowa court information system.

Sec. 415. Section 602.8102, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 163A. Make every reasonable effort to collect all outstanding fines, penalties, surcharges, and court costs. The clerk shall notify in writing within forty-five days after assessment, those persons who have unpaid fines, penalties, surcharges, and court costs.

Sec. 416. Section 654.18, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. The mortgagor and mortgagee shall file a jointly executed document with the county recorder in the county where the real property is located stating that the mortgagor and mortgagee have elected to follow the alternative voluntary foreclosure procedures pursuant to this section. If the subject property is agricultural land used for farming, as defined in section 172C.1, in addition to the fee collected pursuant to section 331.604, the recorder shall collect a fee of sixty dollars for filing the document, and shall remit the sixty-dollar fee to the treasurer of state for deposit in the farm assistance fund established in section 13.26.

Sec. 417. Section 654.19, Code 1991, is amended to read as follows:

654.19 DEED IN LIEU OF FORECLOSURE — AGRICULTURAL LAND.

In lieu of a foreclosure action in court due to default on a recorded mortgage or deed of trust of real property, if the subject property is agricultural land used for farming, as defined in section 172C.1, the mortgagee and mortgagor may enter into an agreement in which the mortgagor agrees to transfer the agricultural land to the mortgagee in satisfaction of all or part of the mortgage obligation as agreed upon by the parties. The agreement may grant the mortgagor a right to purchase the agricultural land for

a period not to exceed five years, and may entitle the mortgagor to lease the agricultural land. The agreement shall be recorded with the deed transferring title to the mortgagee. In addition to the fee collected pursuant to section 331.604, the recorder shall collect a fee of sixty dollars for recording the agreement and deed, and shall remit the sixty-dollar fee to the treasurer of state for deposit in the farm assistance fund established in section 13.26. A transfer of title and agreement pursuant to this section does not constitute an equitable mortgage.

Sec. 418. Section 655A.7, Code 1991, is amended to read as follows:

655A.7 PROOF AND RECORD OF SERVICE.

If the terms and conditions as to which there is default are not performed within the thirty days, the party serving the notice or causing it to be served shall file for record in the office of the county recorder a copy of the notice with proofs of service required under section 655A.4 attached or endorsed on it and, in case of service by publication, a personal affidavit that personal service could not be made within this state, and when those documents are filed and recorded, the record is constructive notice to all parties of the due foreclosure of the mortgage. In addition to the fee collected pursuant to section 331.604, the recorder shall collect a fee of sixty dollars for recording the documents required by this section, and shall remit the sixty-dollar fee to the treasurer of state for deposit in the farm assistance fund established in section 13.26.

Sec. 419. Section 656.5, Code 1991, is amended to read as follows:

656.5 PROOF AND RECORD OF SERVICE.

If the terms and conditions as to which there is default are not performed within said thirty days, the party serving said notice or causing the same to be served, may file for record in the office of the county recorder a copy of the notice aforesaid with proofs of service attached or endorsed thereon (and, in case of service by publication, a personal affidavit that personal service could not be made within this state), and when so filed and recorded, the said record shall be constructive notice to all parties of the due forfeiture and cancellation of said contract. If the subject property is agricultural land used for farming, as defined in section 172C.1, in addition to the fee collected pursuant to section 331.604, the recorder shall collect a fee of sixty dollars for filing the notice, and shall remit the sixty-dollar fee to the treasurer of state for deposit in the farm assistance fund established in section 13.26.

Sec. 420. Section 905.4, subsection 5, Code 1991, is amended to read as follows:

5. Arrange for, by contract or on such alternative basis as may be mutually acceptable, and equip suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program, provided that the board shall to the greatest extent feasible utilize existing facilities and shall keep capital expenditures for acquisition, renovation and repair of facilities to a minimum. The district board shall not enter into lease-purchase agreements for the purposes of constructing, renovating, expanding, or otherwise improving a community-based correctional facility or office unless express authorization has been granted by the general assembly, and current funding is adequate to meet the lease-purchase obligation.

Sec. 421. Section 905.6, subsection 5, Code 1991, is amended to read as follows:

5. Act as secretary to the district board, prepare its agenda and record its proceedings. The district shall provide a copy of minutes from each meeting of the district board to the legislative fiscal bureau.

Sec. 422. 1990 Iowa Acts, chapter 1224, section 1, unnumbered paragraph 1, is amended to read as follows:

In order to implement this Act, the department of human services and the judicial department shall mutually agree on a schedule to complete the transfer of support payment collection and disbursement responsibilities from the collection services center to the clerks of the district court. The schedule shall provide for the completion of the transfer of the responsibilities for all affected orders by June 30, ~~1991~~ 1993. The following procedure shall be used for any order affected by the initial transfer of responsibilities:

Sec. 423. 1990 Iowa Acts, chapter 1257, section 24, subsection 4, unnumbered paragraph 2, is amended to read as follows:

As a condition, limitation, and qualification of this appropriation, the beds shall be used for a 30-to-60-day shock revocation program for parole and probation violators who are male offenders. The beds shall be administered by the state department of corrections.

Sec. 424. 1990 Iowa Acts, chapter 1268, section 5, subsection 2, is amended to read as follows:

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 246.908, 901.7, and 906.17 and for offenders confined pursuant to section 246.513:

.....\$ 215,000

Sec. 425. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

1. Section 420 of this division takes effect on January 1, 1992.

2. Sections 422 and 424 of this division, being deemed of immediate importance, take effect upon enactment. Section 424 of the division applies retroactively to July 1, 1990.

DIVISION V RELATING TO STANDING APPROPRIATIONS AND TAXES

Sec. 501. Notwithstanding the standing appropriation in sections 425A.1 to the family farm tax credit fund and 426.1 to the agricultural land tax credit fund, there is appropriated from the general fund of the state to the agricultural land tax credit fund for the fiscal year beginning July 1, 1991, the sum of \$43,065,000 of which the first \$10,000,000 shall be deposited into the family farm tax credit fund in lieu of the standing appropriation made in section 425A.1.

Sec. 502.

1. Notwithstanding the standing appropriation in section 405A.8 to the department of revenue and finance for personal property tax replacement under chapter 405A, there is appropriated from the general fund of the state under section 405A.8 for the fiscal year beginning July 1, 1991, the sum of \$61,934,033.

2. Notwithstanding the standing appropriation in section 425.39, the amount appropriated from the general fund of the state under section 425.39, for the fiscal year beginning July 1, 1991, for purposes of implementing the extraordinary property tax and reimbursement division of chapter 425, shall not exceed \$11,880,300. The director shall pay, in full, all claims to be paid during the fiscal year beginning July 1, 1991, for reimbursement of rent constituting property taxes paid. If the amount of claims for credit for property taxes due to be paid during the fiscal year beginning July 1, 1991, exceed the amount remaining after payment to renters the director of revenue and finance shall prorate the payments to the counties for the property tax credit. In order for the director to carry out the requirements of this subsection, notwithstanding any provision to the contrary in sections 425.16 through 425.39, claims for reimbursement for rent constituting property taxes paid filed before May 1, 1992, shall be eligible to be paid in full during the fiscal year ending June 30, 1992, and those claims filed on or after May 1, 1992, shall be eligible to be paid during the fiscal year beginning July 1, 1992, and the director is not required to make payments to counties for the property tax credit before June 15, 1992.

Sec. 503. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 4, there is appropriated from the general fund of the state, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 1991, to the Iowa resources enhancement and protection fund the sum of \$10,900,000. However, if moneys from the lottery are appropriated by the state to the Iowa resources enhancement and protection fund, the amount appropriated under this section shall be reduced by the amount appropriated from the lottery.

Sec. 504. 1990 Iowa Acts, chapter 1250, section 18, unnumbered paragraph 2, is amended to read as follows:

For the special mental health services fund:

.....	\$	10,500,000
.....		<u>10,395,000</u>

Sec. 505. DEPARTMENT OF HUMAN SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For payment of expenses and compensation of commission of inquiry commissioners pursuant to section 229.35:

.....	\$	1,000
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2. For payment of transfer expenses of mentally ill persons with no county of legal settlement pursuant to section 230.8 and recovery of such persons' commitment costs pursuant to section 230.11:

.....	\$	107,000
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Sec. 506. DEPARTMENT OF REVENUE AND FINANCE. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For payment of recording fees pursuant to section 422.26:

.....	\$	50,000
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Sec. 507. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 1991, the amount appropriated from the general fund of the state pursuant to those sections for the following designated purposes shall not exceed the following amounts:

1. For administering absentee ballots of state residents serving in the armed forces under section 53.50:

\$ 2,574

2. For the reimbursement of fees and charges presented to but not owed the state under section 12.13:

\$ 0

3. For the cost of printing or manufacturing of cigarette and little cigar tax stamps under section 98.7:

\$ 126,126

4. For deposit in and the use of the livestock disease fund under section 267.8:

\$ 291,060

5. To pay the state's portion of the cost of benefits calculated in section 411.20, subsections 2 and 3, under section 411.20, subsection 1:

\$ 3,201,660

6. To reimburse counties for the loss of property tax revenues as follows:

a. Homestead tax credit under section 425.1:

\$ 102,960,000

b. Military service tax credit under section 426A.1:

\$ 3,069,000

c. Machinery and computer equipment tax replacement under section 427B.13:

\$ 0

If the amounts of calculated county reimbursement exceed any of the amounts specified in this subsection the director of revenue and finance shall prorate the amount available.

7. For costs of postconviction relief proceedings pursuant to section 663A.5 and costs and fees of parole revocation proceedings and criminal cases brought against an inmate under section 815.1:

\$ 70,000

8. For state employees salary book printing under section 18.75, subsection 8:

\$ 4,950

9. To the expenses incurred or costs taxed to the state in a proceeding brought by or against a state department or agency under section 19.10:

\$ 81,180

10. To pay necessary expenses incurred to perform or cause to be performed any legal duty imposed on the executive council under section 19.29:

\$ 1,881,000

11. To pay the cost of public improvement assessments against state-owned land under section 307.45:

.....\$ 0

12. For payment of costs of habeas corpus proceedings where plaintiff is confined in a state institution under section 663.44:

.....\$ 0

13. To pay claims and awards against the state under sections 25.2 and 25A.11:

.....\$ 2,970,000

14. For the payment of salary and expenses of a deputy sheriff responsible for law enforcement on the Indian settlement under section 331.660:

.....\$ 24,255

15. For compensation of officers and enlisted men in and the expenses of the national guard under section 29A.29:

.....\$ 38,808

16. For payment of workers' compensation claims due employees of the state under section 85.57:

.....\$ 5,692,500

17. For deposit into the state communications network fund under section 18.137:

.....\$ 0

18. For payment of state school foundation aid under section 257.16, including state aid for increasing enrollment in section 257.13, an amount which equals one-half of one percent less than the amount computed under the state school foundation aid formula.

Notwithstanding chapter 257, if the portion of the budget of a school district or area education agency for special education support services to be funded by state aid appropriated under section 257.16 exceeds the amount appropriated under this subsection, the director of the department of management shall allocate state aid payments in the manner provided in this subsection:

a. In order to allocate the reduction in the state aid to be paid to area education agencies for special education support services, the director of the department of management shall reduce the state aid paid to each area education agency by one-half of one percent of the special education support services foundation base multiplied by the weighted enrollment in the area education agency.

b. The director of the department of management shall determine the amounts to be paid to school districts as an advance for increasing enrollment under section 257.13 and shall reduce those amounts by one-half of one percent.

c. The director of the department of management shall allocate the difference between the money appropriated by this subsection and the total of the state aid payments made to area education agencies for special education support services and the amount paid to school districts as an advance for increasing enrollment. The difference shall be paid to school districts as state school foundation aid. The director of the department of management shall divide the amount to be paid to school districts by the weighted enrollment in the state to determine a per pupil amount of state aid and shall multiply that per pupil amount of state aid by one-half of one percent for the state aid reduction per pupil. The state aid paid to each school district under section 257.16 shall be reduced by an amount equal to the state aid reduction per pupil

multiplied by the weighted enrollment of the district. School districts not receiving the entire amount of state school foundation aid under chapter 257 for the budget year beginning July 1, 1991, may use their cash reserve to make up the lost aid and, unless the general assembly prohibits the levy by February 15, 1992, may raise the lost state aid by a cash reserve levy under section 298.10 to replace the state school foundation aid reduction.

19. For the payment of claims of public school districts for transportation services to nonpublic school pupils under section 285.2:

.....\$ 6,156,729

If the claims exceed the amount available under this subsection, the director of the department of education shall prorate the claims of the school districts.

20. To pay instructional support state aid under section 257.20:

.....\$ 12,935,000

If the portion of the budget to be funded by instructional support state aid computed under section 257.20 exceeds the amount available under this subsection, the director of the department of management shall prorate the amount available to the school districts entitled to such aid. School districts not receiving the full amount of such state aid shall not raise the lost state aid by property tax.

21. For payment of franchise tax allocations to cities and counties under section 422.65:

.....\$ 9,702,000

If the amounts to be allocated as computed under section 422.65 to cities and counties exceed the amount available under this subsection, the director of revenue and finance shall prorate the amount to be paid to each city and county.

Sec. 508. Section 97B.72, unnumbered paragraph 2, Code 1991, is amended to read as follows:

There is appropriated from the general fund of the state to the department of personnel moneys available to the general assembly under section 2.12 an amount sufficient to pay the contributions of the employer based on service of the members in an amount equal to the contributions which would have been made if the members of the general assembly who made employee contributions had been members of the system during their service in the general assembly plus two percent interest plus interest dividends for all completed calendar years and for any completed calendar year for which the interest dividend has not been declared and for completed months of partially completed calendar years at two percent interest plus the interest dividend rate calculated for the previous year, compounded annually, from the end of the calendar year in which contribution was made to the first day of the month of such date.

Sec. 509. Section 98.6, subsection 1, Code 1991, is amended to read as follows:

1. There is hereby levied, assessed, and imposed, and shall be collected and paid to the department, the following taxes on all cigarettes used or otherwise disposed of in this state for any purpose whatsoever:

Class A. On cigarettes weighing not more than three pounds per thousand, six and one-half eighteen mills on each such cigarette.

Class B. On cigarettes weighing more than three pounds per thousand, seven and one-half eighteen mills on each such cigarette.

Sec. 510. Section 98.6, subsection 2, Code 1991, is amended by striking the subsection.

Sec. 511. Section 98.43, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A tax is imposed upon all tobacco products in this state and upon any person engaged in business as a distributor thereof of tobacco products, at the rate of nineteen twenty-two percent of the wholesale sales price of the tobacco products, except little cigars as defined in section 98.42. Little cigars shall be subject to the same rate of tax imposed upon cigarettes in section 98.6, payable at the time and in the manner provided in section 98.6; and stamps shall be affixed as provided in division I of this chapter. The tax on tobacco products, excluding little cigars, shall be imposed at the time the distributor does any of the following:

Sec. 512. Section 98.43, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A tax is imposed upon the use or storage by consumers of tobacco products in this state, and upon the consumers, at the rate of nineteen twenty-two percent of the cost of the tobacco products.

Sec. 513. Section 135D.22, subsection 2, paragraph b, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the effective date provision in 1990 Iowa Acts, chapter 1250, section 21, this lettered paragraph is effective for mobile home tax claims filed on or after January 1, 1993, and any claims filed under this lettered paragraph before that date shall not be allowed.

Sec. 514. Section 229.35, Code 1991, is amended to read as follows:

229.35 COMMISSION OF INQUIRY — COMPENSATION — PAYMENT.

Said The commissioners of a commission of inquiry shall be entitled to their necessary expenses and a reasonable compensation, to be allowed by the judge, who shall certify the same amounts to the director of revenue and finance who shall thereupon draw the proper warrants on any funds in the state treasury not otherwise appropriated pay such amounts from moneys appropriated to the department of human services. The applicant shall pay said these costs and expenses if the judge shall so order on a finding that the complaint was filed without probable cause.

Sec. 515. Section 230.8, Code 1991, is amended to read as follows:

230.8 TRANSFERS OF MENTALLY ILL PERSONS — EXPENSES.

The transfer to state hospitals or to the places of their legal settlement of mentally ill persons who have no legal settlement in this state or whose legal settlement is unknown, shall be made according to the directions of the administrator, and when practicable by employees of state hospitals, and the actual and necessary expenses of such these transfers shall be paid on itemized vouchers sworn to by the claimants and approved by the administrator, from any funds in the state treasury not otherwise appropriated to the department of human services.

Sec. 516. Section 230.11, Code 1991, is amended to read as follows:

230.11 RECOVERY OF COSTS FROM STATE.

Costs and expenses attending the taking into custody, care, and investigation of a person who has been admitted or committed to a state hospital, veterans administration hospital or other agency of the United States government, for the mentally ill and who has no legal settlement in this state or whose legal settlement is unknown, including cost of commitment, if any, shall be paid out of any money in the state treasury not otherwise from moneys appropriated to the department of human services, on itemized vouchers executed by the auditor of the county which has paid them, and approved by the administrator.

Sec. 517. Section 257.1, subsection 2, unnumbered paragraph 2, Code 1991, is amended to read as follows:

For the budget year commencing July 1, 1991, and for each succeeding budget year the regular program foundation base per pupil is eighty-three and five-tenths percent of the regular program state cost per pupil. For each succeeding budget year, the regular program foundation base shall increase twenty-five hundredths percent per year until the regular program foundation base reaches eighty-five percent of the regular program state cost per pupil, except that the regular program foundation base per pupil for the portion of weighted enrollment that is additional enrollment because of special education is seventy-nine percent of the regular program state cost per pupil. For the budget year commencing July 1, 1991, and for each succeeding budget year the special education support services foundation base is eighty-three and five-tenths seventy-nine percent of the special education support services state cost per pupil. It shall increase at the same rate as the regular program foundation base. The combined foundation base is the sum of the regular program foundation base and the special education support services foundation base.

Sec. 518. Section 257.2, subsection 12, Code 1991, is amended by striking the subsection.

Sec. 519. Section 257.15, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this subsection, in computing the amount of revenues generated by the foundation property tax and the additional property tax under chapter 442, Code 1989, the computation shall be based on a regular program foundation base per pupil of eighty-three percent of the regular program state cost per pupil except that for the portion of weighted enrollment that is additional enrollment because of special education the regular program foundation base per pupil shall be seventy-nine percent of the regular program state cost per pupil. The special education support services foundation base shall be seventy-nine percent of the special education support services state cost per pupil.

Sec. 520. Section 257.31, subsections 6 and 11, Code 1991, are amended by striking the subsections.

Sec. 521. Section 270.5, Code 1991, is amended to read as follows:

270.5 CERTIFICATION TO DIRECTOR OF REVENUE AND FINANCE.

The superintendent shall, on the first days of June and December of each year,

certify to the director of revenue and finance the amounts due from the several counties pursuant to sections 270.4 and 270.6, and the director of revenue and finance shall thereupon pass the same to the credit of the institution the amounts due to the general fund of the state, and charge the amount to the proper county.

Sec. 522. Section 422.26, unnumbered paragraph 6, Code 1991, is amended to read as follows:

The department shall pay, from moneys appropriated to the department for this purpose, a recording fee as provided in section 331.604, for the recording of the lien, or for its satisfaction.

Sec. 523. Section 442.3, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The state foundation base for the school year beginning July 1, 1986 is eighty percent of the state cost per pupil. The state foundation base for the school year beginning July 1, 1987 is eighty-one and one-half percent of the state cost per pupil. For each succeeding school year, the state foundation base shall be increased by the amount of one-half percent of the state cost per pupil, up to a maximum of eighty-five eighty-three percent of the state cost per pupil. The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. 524. Section 425.23, subsection 1, paragraph b, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the effective date provisions in 1990 Iowa Acts, chapter 1250, section 21, this lettered paragraph is effective for property tax claims filed on or after January 1, 1993, and for rent reimbursement claims filed on or after January 1, 1994, and all such claims filed under this lettered paragraph before such dates shall not be allowed.

Sec. 525. Section 820.24, Code 1991, is amended to read as follows:

820.24 EXPENSES — HOW PAID.

When the punishment of the crime shall be the confinement of the criminal in the penitentiary, the expenses shall be paid out of the state treasury funds appropriated to the office of the governor, on the certificate of the governor and warrant of the director of revenue and finance; and in all other cases they shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses shall be the fees paid to the officers of the state on whose governor the requisition is made, and all necessary and actual traveling expenses incurred in returning the prisoner.

Sec. 526. Section 906.10, Code 1991, is repealed.

Sec. 527. Sections 509 through 512 of this division take effect June 1, 1991.

Sec. 528. Sections 517, 519, and 523 of this division, being deemed of immediate importance, take effect upon enactment.

Sec. 529. Sections 513 and 524 of this division, being deemed of immediate importance, take effect upon enactment and apply retroactively to January 1, 1991.

DIVISION VI
MISCELLANEOUS CODE CHANGES

Sec. 601. Section 18.12, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 18A. Establish fee schedules for use of facilities which are funded through the sale of tax-exempt investments such as those which the treasurer of state is authorized to invest in under section 261.38, subsection 5. Revenue received as a result of the fee schedules shall be used to repay tax-exempt investments for the facility for which the fees are charged.

Sec. 602. Section 18.117, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A state officer or employee shall not use a state-owned motor vehicle for personal private use, nor shall the officer or employee be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the state vehicle dispatcher, and in that case the officer or employee shall receive twenty-one cents per mile an amount to be determined by the state which may be the maximum allowable under the federal internal revenue service rules per mile, notwithstanding established mileage requirements or depreciation allowances. A statutory provision stipulating necessary mileage, travel, or actual expenses reimbursement to a state officer falls under the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section. However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services. If a state motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned vehicle unless the state vehicle assigned is not usable.

Sec. 603. Section 73.7, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this chapter or other statutes, a governing body of the state, in its sole discretion, is permitted to enter into negotiations with a supplier of coal produced within the state of Iowa in order to modify an existing contract for the purchase of coal. The governing body and the supplier may modify the contract in any manner mutually agreed upon.

Sec. 604. Section 79.9, Code 1991, is amended to read as follows:

79.9 CHARGE FOR USE OF AUTOMOBILE BY OTHER THAN STATE OFFICER OR EMPLOYEE.

When a public officer or employee, other than a state officer or employee, is entitled to be paid for expenses in performing a public duty, a charge shall be made, allowed and paid for the use of an automobile, as determined by the local governing body, in an amount not exceeding twenty-one cents per mile which may be the maximum allowable under federal internal revenue service rules per mile, notwithstanding established mileage requirements or depreciation allowances. A statutory provision stipulating necessary mileage, travel, or actual reimbursement to a local public officer or employee

falls within the mileage reimbursement limitation specified in this section unless specifically provided otherwise. A political subdivision may authorize the use of private vehicles for the conduct of official business of the political subdivision at an annual amount in lieu of actual and necessary travel expense reimbursement provided in this section. A peace officer, other than a state officer or employee, as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section.

Sec. 605. Section 99F.10, subsection 4, Code 1991, is amended to read as follows:

4. In determining the license fees and state admission fees to be charged as provided under section 99F.4 and this section, the commission shall use the amount appropriated to the commission plus the cost of auditing excursion gambling boat activities as the basis for determining the amount of revenue to be raised from the license fees and admission fees.

Sec. 606. Section 106.78, subsections 1 and 5, Code 1991, are amended to read as follows:

1. a. The county recorder shall charge a five dollar fee to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title.

b. In addition to the fee required under paragraph "a", and sections 106.82 and 106.84, a surcharge of five dollars shall be required.

5. The funds collected under this section subsection 1, paragraph "a" shall be placed in the general fund of the county and used for the expenses of the county conservation board if one exists in that county. Of each surcharge collected as required under subsection 1, paragraph "b", the county recorder shall remit five dollars to the office of treasurer of state for deposit in the general fund of the state.

Sec. 607. NEW SECTION. 321.52A CERTIFICATE OF TITLE SURCHARGE.

In addition to the fee required for the issuance of a certificate of title under section 321.20, 321.23, 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge of five dollars shall be required. Of each surcharge collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit in the general fund of the state.

Sec. 608. Section 321.152, subsections 1 and 2, Code 1991, are amended to read as follows:

1. ~~Two point six~~ Four and one-quarter percent of the total collection for each annual or semiannual vehicle registration and each duplicate registration card or plate issued.

2. Twenty percent of all fees Two dollars and fifty cents from each fee collected for certificates of title.

Sec. 609. Section 425A.2, subsection 1, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Actively engaged in farming" means the designated person is personally involved in the production of crops and livestock on the eligible tract on a regular, continuous, and substantial basis. However, a lessor, whether under a cash or a crop share lease, is not actively engaged in farming on the area of the tract covered by the lease. This provision applies to both written and oral leases.

Sec. 610. Section 425A.2, subsection 4, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Eligible tract" or "eligible tract of agricultural land" means an area of agricultural land which meets all of the following:

a. Is comprised of all of the contiguous tracts under identical legal ownership that are located within the same county.

b. In the aggregate more than half the acres of the contiguous tract is devoted to the production of crops or livestock by a designated person who is actively engaged in farming.

c. For purposes of paragraph "b", if some or all of the contiguous tract is being farmed under a lease arrangement, the activities of the lessor do not constitute being actively engaged in farming on the areas of the tract covered by the lease. If the lessee is a designated person who is actively engaged in farming, the acres under lease may be considered in determining whether more than half the acres of the contiguous tract are devoted to the production of crops or livestock.

Sec. 611. Section 425A.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. "Designated person" means one of the following:

a. If the owner is an individual, the designated person includes the owner of the tract or a person related to the owner as spouse, parent, grandparent, child, grandchild, stepchild, and their spouses.

b. If the owner is a partnership, a partner, or the partner's spouse.

c. If the owner is a family farm corporation, a family member who is a shareholder of the family farm corporation or the shareholder's spouse.

d. If the owner is an authorized farm corporation, a shareholder who owns at least fifty-one percent of the stock of the authorized farm corporation or the shareholder's spouse.

Sec. 612. Section 425A.3, subsection 2, Code 1991, is amended by striking the subsection and inserting the following:

2. An eligible tract of agricultural land qualifies for the credit computed under subsection 1 if the tract is owned by an owner as defined in section 425A.2 and a designated person is actively engaged in farming during the fiscal year preceding the fiscal year in which the auditor computes the amount of the credit under section 425A.5 for which the tract would be eligible. Notwithstanding the foregoing sentence, the "actively engaged in farming" requirement is satisfied if the designated person is in general control of the tract under a federal program pertaining to agricultural land.

Sec. 613. Section 425A.3, subsection 3, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

3. The county board of supervisors shall determine the eligibility of each tract for which an application is received.

Sec. 614. Section 425A.4, subsection 1, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

1. To apply for the credit, the person shall each year between July 1 and October 15 deliver to the county assessor a verified statement and designation of the tracts of agricultural land for which the credit is claimed. The assessor shall return the statement and designation on or before November 15 of each year to the county board of supervisors with a recommendation for allowance or disallowance.

Sec. 615. Section 425A.4, subsection 2, Code 1991, is amended to read as follows:

2. The county board of supervisors in each county shall examine all claims delivered to county assessors, and shall either allow or disallow the claims, and if disallowed shall send notice of disallowance by certified regular mail to the claimant at the claimant's last known address. The claimant may appeal the decision of the board to the district court in which the tract for which the credit is claimed is situated by giving written notice of the appeal to the county assessor board of supervisors within twenty days from the date of the mailing of the notice of the decision of the board of supervisors.

Sec. 616. 425A.5, Code 1991, is amended to read as follows:

425A.5 COMPUTATION BY AUDITOR — APPEAL.

The family farm tax credit allowed each year shall be computed as follows: On or before June March 1, the county auditor shall list by school districts all tracts of agricultural land which are entitled to credit, the taxable value for the previous year, the budget from each school district for the previous year, and the tax rate determined for the general fund of the school district in the manner prescribed in section 444.3 for the previous year, and if the tax rate is in excess of five dollars and forty cents per thousand dollars of assessed value, the auditor shall multiply the tax levy which is in excess of five dollars and forty cents per thousand dollars of assessed value by the total taxable value of the agricultural land entitled to credit in the school district, and on or before June March 1, certify the total amount of credit and the total number of acres entitled to the credit to the department of revenue and finance.

Sec. 617. Section 425A.6, Code 1991, is amended to read as follows:

425A.6 WARRANTS DRAWN BY DIRECTOR.

After receiving from the county auditors the certifications provided for in section 425A.5, and during the following fiscal year, the director of revenue and finance shall draw warrants on the family farm tax credit fund created in section 425A.1, payable to the county treasurers in the amount certified by the county auditors of the respective counties and mail the warrants to the county auditors on August 15 June 1 of each year taking into consideration the relative budget and cash position of the state resources. However, if the family farm tax credit fund is insufficient to pay in full the total of the amounts certified to the director of revenue and finance, the director shall prorate the fund to the county treasurers and shall notify the county auditors of the pro rata percentage on or before August June 1.

Sec. 618. Section 554.9401, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Of each fee collected by the county recorder under sections 570A.4, 554.9403, 554.9405, and 554.9406, the county recorder shall remit five dollars, if filed on a standard form or six dollars otherwise, to the office of the treasurer of state for deposit in the general fund of the state.

Sec. 619. Section 554.9403, subsection 5, paragraphs a and b, Code 1991, are amended to read as follows:

a. Five Ten dollars for an original financing statement if the statement is in the standard form prescribed by the secretary of state, and otherwise six twelve dollars.

b. Five Ten dollars for a continuation statement if the statement is in the standard form prescribed by the secretary of state, and otherwise six twelve dollars.

Sec. 620. Section 554.9404, subsection 3, Code 1991, is amended to read as follows:

3. There shall be ~~no~~ a ten-dollar fee for filing a termination statement.

Sec. 621. Section 554.9405, subsections 1 and 2, Code 1991, are amended to read as follows:

1. A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 554.9403, subsection 4. The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment on a form conforming to standards prescribed by the secretary of state shall be five ten dollars, or if such statement otherwise conforms to the requirements of this section, six twelve dollars.

2. A secured party may assign of record all or a part of the rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. The filing officer shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to section 554.9103, subsection 5, the filing officer shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, the filing officer shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment on a form conforming to standards prescribed by the secretary of state shall be five ten dollars, or if such statement otherwise conforms to the requirements of this section, six twelve dollars. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (section 554.9402, subsection 6), may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this chapter.

For financing statements covering fixture filings, changes in the filings, and termination of the filings, an additional fee shall be charged for recording in an amount specified in section 331.604.

Sec. 622. Section 554.9406, Code 1991, is amended to read as follows:

554.9406 RELEASE OF COLLATERAL — DUTIES OF FILING OFFICER — FEES.

A secured party of record may by a signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with section 554.9405, subsection 2, including payment of the required fee. Upon presentation of such a statement of release the filing officer shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release on a form conforming to standards prescribed by the secretary of state shall be five ten dollars, or if such statement otherwise conforms to the requirements of this section, ~~six~~ twelve dollars.

Sec. 623. Section 556.2, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Any demand, savings, or matured time deposit made in this state with a banking organization, together with any interest or dividend, excluding any charges that may lawfully be withheld, unless the owner has, within five three years:

Sec. 624. Section 556.2, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Any funds paid in this state toward the purchase of shares or other interest in a financial organization or any deposit made in this state, and any interest or dividends, excluding any charges that may lawfully be withheld, unless the owner has within five three years:

Sec. 625. Section 556.2, subsections 4, 5, and 6, Code 1991, are amended to read as follows:

4. Any sum payable on checks certified in this state or on written instruments issued in this state on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders, and traveler's checks, that, with the exception of traveler's checks, has been outstanding for more than five three years from the date it was payable, or from the date of its issuance if payable on demand, or, in the case of traveler's checks, that has been outstanding for more than fifteen years from the date of its issuance, unless the owner has within five three years, or within fifteen years in the case of traveler's checks, corresponded in writing with the banking or financial organization or business association concerned, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association. The memorandum shall be dated and may have been prepared by the banking or financial organization or business association, in which case it shall be signed by an officer of the banking or financial organization, or a member of the business association, or it may have been prepared by the owner.

5. Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box in this state on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than five three years from the date on which the lease or rental period expired.

6. A banking organization or financial organization shall send to the owner of each account, to which none of the actions specified in paragraphs "a" through "d" of subsection 1 or "a" through "d" of subsection 2 have occurred during the preceding five three calendar years, a notice by certified mail stating in substance the following:

"According to our records, we have had no contact with you regarding (describe account) for more than five three years. Under Iowa law, if there is a period of five three years without contact, we may be required to transfer this account to the custody of the treasurer of state of Iowa as unclaimed property. You may prevent this by taking some action, such as a deposit or withdrawal, which indicates your interest in this account or by signing this form and returning it to us.

I desire to keep the above account open and active.

.....
Your signature"

The notice required under this section shall be mailed within thirty days of the lapse of the five-year three-year period in which there is no activity. The cost of the certified mail of the notice required in this section may be deducted from the account by the banking or financial organization.

Sec. 626. Section 556.3, subsection 2, Code 1991, is amended to read as follows:

2. "Unclaimed funds," as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than five three years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if the policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based and shall be presumed abandoned and to be unclaimed funds as defined in this section if unclaimed and unpaid for more than two years thereafter, unless the person appearing entitled thereto has within the two-year period assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan or corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

Sec. 627. Section 556.4, Code 1991, is amended to read as follows:

556.4 DEPOSITS AND REFUNDS HELD BY UTILITIES.

The following funds held or owing by any utility are presumed abandoned:

1. Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in this state, less any lawful deductions, that has remained unclaimed by the person appearing on the records of

the utility entitled to the deposit for more than two years one year after the termination of the services for which the deposit or advance payment was made.

2. Any sum which a utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest on the refund, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled to the refund for more than two years one year after the date it became payable in accordance with the final determination or order providing for the refund.

Sec. 628. Section 556.5, subsection 6, Code 1991, is amended to read as follows:

6. Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within five three years after the date prescribed for payment or delivery, is presumed abandoned.

Sec. 629. Section 556.7, unnumbered paragraph 1, Code 1991, is amended to read as follows:

All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within five three years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary which shall have been dated and may have been prepared by the fiduciary or by the owner:

Sec. 630. Section 570A.4, subsection 4, Code 1991, is amended to read as follows:

4. The secretary of state shall note the filing of a lien statement under this section in the manner provided by chapter 554, the uniform commercial code, and shall charge a five dollar filing fee if the statement is the standard form prescribed by the secretary of state, and otherwise a fee of six dollars as provided under section 554.9403.

Sec. 631. 1991 Iowa Acts, Senate File 452, section 10, subsection 3, unnumbered paragraph 1, is amended by striking the paragraph and inserting in lieu thereof the following:

The convention shall provide for staggered terms of office for directors elected pursuant to this Act. Notwithstanding section 173.6, an original director may serve an unlimited number of terms.

Sec. 632. PARTICIPATION IN STATE HEALTH OR MEDICAL INSURANCE PROGRAMS BY RETIREES BETWEEN THE AGES OF FIFTY-FIVE AND SIXTY-FIVE.

1. As used in this section, unless the context otherwise requires:

a. "Health or medical insurance program" means a state health or medical group insurance plan for employees of the state.

b. "Member" means a member of the Iowa public employees' retirement system, who at the date of termination of employment is receiving full health or medical insurance benefits under the state's programs and is not receiving disability payments under the state employees' disability insurance program.

2. A member with at least ten years of membership service who retires on or after August 1, 1991, and before August 1, 1993, who applies to receive retirement benefits under this chapter prior to August 1, 1993, who has attained at least the age of fifty-five but is under the age of sixty-five at the time of retirement, and who was a participant in a health or medical insurance program in which the state makes contributions at the time of retirement, may continue to participate in that state health or medical insurance program as authorized by law. However, notwithstanding any other provision of law to the contrary, the state shall continue to pay the employer's portion of the premium under the program for the retiree at the rate paid for full-time state employees until the retiree discontinues participation in the program or attains the age of sixty-five, whichever occurs first. However, in order to have the state continue to pay the employer's portion of the premium, the member must send written notification to the department of personnel at any time from July 1, 1991, through April 1, 1992, of the intent to retire and the anticipated date of retirement.

3. If a member continues participation in a health or medical insurance program and the state pays premiums as authorized in subsection 2, the member is not eligible to accept further employment in which the state or a political subdivision of the state is the employer.

4. A state department shall not be required to delete more than its proportionate share of all general fund positions vacated due to the incentive for retirement established in subsection 2. All positions vacated by a member exercising the rights established in subsection 2 shall be deleted, and the savings, as determined by the department of management, shall revert to the general fund of the state in a manner specified by the department of management, except that the portion of the savings which represents the cost of the employer's portion of a member's premium payable under this section shall not revert but shall be transferred to the department of personnel to defray the costs of implementing this section. However, if an affected department determines that the vacancy may be detrimental to critical services provided to the public, the affected department may, with the approval of the department of management, exchange a position or positions determined by the department of management to be of an equal value, to be deleted. If a position is not available for exchange, the department may, with the approval of the director of the department of management, retain and fill the position.

Sec. 633. It is the intent of the general assembly, in the event that revenue estimates decline, that the governor consider making selective recommendations to a special session of the general assembly prior to exercising the authority under section 8.31. Further, that a reduction in spending shall not exceed 1 percent for a decline in revenues of \$33,000,000, or 2 percent for a decline in revenues of \$66,000,000.

Sec. 634. It is the intent of the general assembly that beginning with the fiscal year beginning July 1, 1992, the governor shall propose and the general assembly shall pass a budget in which ongoing expenditures do not exceed ongoing revenues.

DIVISION VII MISCELLANEOUS APPROPRIATIONS

Sec. 701. 1991 Iowa Acts, Senate File 529, section 102, subsection 1, is amended to read as follows:

1. For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	\$	993,462
.....		<u>1,033,462</u>
.....	FTEs	17.00

Sec. 702. 1991 Iowa Acts, Senate File 529, section 114, subsection 1, is amended to read as follows:

1. AUDIT AND COMPLIANCE

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	10,825,147
.....		<u>10,989,147</u>

Sec. 703. 1991 Iowa Acts, Senate File 529, section 116, unnumbered paragraph 2, is amended to read as follows:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,050,932
.....		<u>7,440,932</u>
.....	FTEs	138.55

2. Title page, by striking lines 1 through 8 and inserting the following: "An Act relating to appropriations for state departments, agencies, programs, funds, including the department of human services, education programs and agencies, the department of economic development, justice-related programs and agencies, and INTERNET, and adjusting the school foundation aid program, adjusting certain standing appropriations, increasing the cigarette and tobacco products tax, providing for certain fees, decreasing the time period for declaring certain funds unclaimed, making related statutory changes, and providing for effective and applicability dates."

3. By renumbering and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

THOMAS J. JOCHUM, Chair
TONY BISIGNANO
JOHN GRONINGA

ON THE PART OF THE SENATE:

LEONARD L. BOSWELL, Chair
BILL HUTCHINS
JOE J. WELSH

Brand of Benton in the chair at 1:39 p.m.

Speaker Arnould in the chair at 1:50 p.m.

Jochum of Dubuque moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 50, nays 48.

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. 479)

The ayes were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brammer	Brand
Brown	Burke	Chapman	Cphoon
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
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 49:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Carpenter	Connors
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
Renaud	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

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 479 be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Regular Calendar

House File 708, a bill for an act providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date, was taken up for consideration.

Blanshan of Greene offered the following amendment H—4069 filed by him and moved its adoption:

H—4069

- 1 Amend House File 708 as follows:
- 2 1. Page 60, lines 16 and 17, by striking the
- 3 words "to the south" and inserting the following:
- 4 "proceeding to the south of West avenue".

Amendment H—4069 was adopted.

SENATE FILE 546 SUBSTITUTED FOR HOUSE FILE 708

Blanshan of Greene asked and received unanimous consent to substitute Senate File 546 for House File 708.

Senate File 546, a bill for an act providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date, was taken up for consideration.

Wise of Lee in the chair at 2:45 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?" (S.F. 546)

The ayes were, 93:

Adams	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
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
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	McKean

McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Rafferty
Renaud	Renken	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Wise			
Presiding			

The nays were, 7:

Harbor	Hibbard	Johnson	Maulsby
Mertz	Ollie	Royer	

Absent or not voting, none.

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

HOUSE FILE 708 WITHDRAWN

Blanshan of Greene asked and received unanimous consent to withdraw House File 708 from further consideration by the House.

SENATE MESSAGES CONSIDERED

Senate File 549, by committee on appropriations, a bill for an act relating to appropriations from the lottery fund.

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

Senate File 550, by Hutchins and Rife, a bill for an act relating to transportation provided by motor carriers.

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **Senate File 546** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

(House File 335)

Millage of Scott called up for consideration the report of the conference committee on House File 335 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 335

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 335, a bill for an act relating to a parent's right of action for the death of a child, respectfully make the following report:

1. That the House recedes from its amendment, S—3737.

2. That the Senate recedes from its amendment, H—4071.

3. That House File 335, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 598.21, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Upon the death of a person subject to any order or agreement providing for child support payments, the court shall, notwithstanding the will of the person or other distribution of the person's assets, establish a trust from such assets to provide for the continued payment of the child support payments as provided in the order for support or until the child attains majority, whichever is later. Any assets remaining at the time such child support payments end shall be distributed as provided in the person's will or as provided by law."

2. Page 1, line 6, by inserting before the word "An" the following: "1."

3. Page 1, line 11, by inserting before the word "A" the following: "2."

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

"3. A parent may recover for loss of companionship and society of an adult child without a showing that the parent is dependent on the adult child or that the adult child is dependent upon the parent. However, it shall be presumed that the parent has suffered no loss. This presumption shall be rebutted only if the parent proves the loss by a preponderance of the evidence."

5. Title page, by inserting after the word "to" the following: "establishing child support trusts and to".

6. By renumbering as necessary.

ON THE PART OF THE HOUSE:

DANIEL J. JAY, Chair
DAVE HIBBARD
DAVID MILLAGE
MICHAEL K. PETERSON

ON THE PART OF THE SENATE:

RICHARD J. VARN, Chair
PATRICK J. DELUHERY
DONALD V. DOYLE
JAMES B. KERSTEN
HARRY SLIFE

The motion prevailed and the conference committee report 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. 335)

The ayes were, 74:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Bisignano	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Corbett	Daggett
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Gill	Gipp
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	Kistler	Knapp
Lundby	McKean	McKinney	McNeal
Mertz	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Wissing	Wise		
	Presiding		

The nays were, 26:

Banks	Beaman	Bennett	Black
Blanshan	Branstad	Carpenter	De Groot
Garman	Groninga	Halvorson, R. A.	Harbor
Johnson	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	Metcalf	Petersen, D. F.
Renken	Royer	Teaford	Tyrrell
Van Maanen	Weidman		

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

Neuhauser of Johnson asked and received unanimous consent that House File 335 be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 30

The House resumed consideration of House Concurrent Resolution 30, a concurrent resolution relating to the state board of regents ten-year building program, previously deferred and found on pages 2266 through 2268 of the House Journal.

Speaker Arnould in the chair at 3:38 p.m.

Brand of Benton offered the following amendment H—4131 filed by him from the floor and moved its adoption:

H—4131

- 1 Amend House Concurrent Resolution 30, as follows:
- 2 1. Page 2, line 21, by striking the words "By
- 3 The" and inserting the word "By".

Amendment H—4131 was adopted.

Brand of Benton offered the following amendment H—4127 filed by him from the floor and moved its adoption:

H—4127

- 1 Amend House Concurrent Resolution 30, as follows:
- 2 1. Page 4, by inserting after line 11, the
- 3 following:
- 4 "*Be It Further Resolved*, That if the amount of
- 5 bonds issued under this resolution exceeds the actual
- 6 costs of projects approved in this resolution, the
- 7 amount of the difference shall be used to pay the
- 8 principal and interest due on bonds issued under
- 9 chapter 262A."

Amendment H—4127 was adopted.

Brand of Benton moved the adoption of House Concurrent Resolution 30, as amended.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 53, nays 46.

House Concurrent Resolution 30, as amended, was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that House Concurrent Resolution 30 be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on transportation to consider Senate File 550.

McKinney of Dallas asked and received unanimous consent to suspend the rules for a meeting of the committee on appropriations to consider Senate File 549.

The House stood at ease at 4:01 p.m., until the fall of the gavel.

The House resumed session at 5:16 p.m., Adams of Hamilton in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 11, 1991, adopted the conference committee report and passed 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 May 11, 1991, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on May 11, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 28, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

JOHN F. DWYER, Secretary

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON TRANSPORTATION

Senate File 550, a bill for an act relating to transportation provided by motor carriers.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—4133 May 11, 1991.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 550.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, until his return, on request of Tyrrell of Iowa.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 550, a bill for an act relating to transportation provided by motor carriers, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—4133 filed by the committee on transportation and moved its adoption:

H—4133

1 Amend Senate File 550 as passed by the Senate, as
2 follows:

3 1. Page 2, line 11, by inserting after the word
4 "premiums." the following: "A motor carrier shall
5 require the owner-operator to provide and maintain a
6 certificate of workers' compensation insurance
7 covering the owner-operator's employees."

8 2. Page 2, line 11, by striking the words
9 "However, an" and inserting the following: "An".

10 3. By striking page 2, line 29 through page 4,
11 line 31.

The committee amendment H—4133 was adopted.

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

On the question "Shall the bill pass?" (S.F. 550)

The ayes were, 89:

Arnould, Spkr.	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Branstad	Brown
Burke	Carpenter	Chapman	Cphoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	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	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	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Adams			
Presiding			

The nays were, 2:

Renken	Teaford
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Absent or not voting, 9:

Blanshan	Brammer	Brand	Doderer
Groninga	Kremer	Mertz	Shoultz
Svoboda			

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

Speaker Arnould in the chair at 5:22 p.m.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 550 be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 529)

Jochum of Dubuque called up for consideration the report of the conference committee on Senate File 529 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 529

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on 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, respectfully submit the following recommendations:

1. That the House recedes from its amendment, S—3625.

2. That Senate File 529, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 11, by striking the figure "1,623,450" and inserting the following: "2,123,450".

2. By striking page 2, line 34, through page 3, line 1 and inserting the following:

"2. For the Iowa substance abuse clearinghouse in Cedar Rapids for staff, materials, and operating expenses:

.....\$ 38,000".

3. Page 3, by striking line 7 and inserting the following: "clearinghouse."

4. Page 3, line 16, by striking the figure "752,033" and inserting the following: "791,614".

5. Page 6, by inserting after line 26 the following:

"The department of general services may use funds appropriated in this subsection for utility costs to fund energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24-month period. The department of general services shall report quarterly to the chairpersons and ranking members of the administration appropriations subcommittee, and to the legislative fiscal bureau, concerning the savings generated as a result of implementation of these projects."

6. Page 13, line 19, by striking the figure "10,787,985" and inserting the following: "10,825,147".

7. Page 13, line 23, by striking the figure "6,744,640" and inserting the following: "6,750,450".

8. Page 13, line 27, by striking the figure "2,053,165" and inserting the following: "2,006,656".

9. Page 13, line 31, by striking the figure "1,362,581" and inserting the following: "1,383,566".

10. Page 13, line 35, by striking the figure "2,225,415" and inserting the following: "2,172,978".

11. Page 14, line 4, by striking the figure "964,784" and inserting the following: "1,033,213".

12. Page 15, by inserting after line 1 the following:

"_____. As a condition, limitation, and qualification of the appropriations made in this section, the department of revenue and finance, utilizing the resources available through the governor's planning council for developmental disabilities and the commission of persons with disabilities, shall study and determine the process by which persons with disabilities will deduct expenses they pay for personal assistance services that enable them to be employed. For purposes of this subsection, "disability" means a severe, disabling condition that persists indefinitely, and causes problems in language, learning, mobility, or capacity for self-sufficiency. The department shall file a report of its study with the governor and the general assembly by January 15, 1992."

13. Page 15, line 30, by striking the figure "1,524,880" and inserting the following: "1,574,880".

14. Page 17, by inserting before line 15 the following:

"Sec. _____. NEW SECTION. 7.15A APPOINTMENTS.

The governor, when appointing a person to fill a full-time position for a division, department, board, commission, or council of the state shall provide all necessary information regarding the appointive position to the department of personnel.

The department of personnel shall give public notice of recruitment for the position, and the position shall remain open for at least fifteen calendar days following the date of public notice.

Recruitment for the position may be limited to a specific geographic area or to persons with specific background qualifications, or both. Recruitment announcements shall specify the title, salary range, method for making application, closing date for receiving applications, and any specific availability or background requirements. Recruitment announcements shall be posted in conspicuous locations throughout the relevant state agency and in the offices of the division of job service of the department of employment services. Recruitment announcements shall also be sent to newspapers, radio stations, educational institutions, professional and vocational associations, and other recruitment sources as funds allow."

15. By striking page 17, line 28, through page 18, line 5, and inserting the following:

"Sec. _____. USE OF RECOVERED ADMINISTRATIVE FUNDS. The funds collected as administrative and related overhead costs under section 12.8 for the fiscal year beginning July 1, 1991, shall be credited to the general fund of the state. The treasurer of state shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee, to the legislative fiscal committee, and to the legislative fiscal bureau, as to the amounts collected. It is the intent of the general assembly that commencing with the fiscal year beginning July 1, 1992, the administrative and related overhead costs recovered shall become part of the budget of the office of treasurer of state."

16. Page 18, line 11, by striking the word "initial" and inserting the following: "continued".

17. Page 18, line 20, by striking the word "locate" and inserting the following: "maintain".

18. Page 18, by inserting after line 23 the following:

"Sec. ____ . SPECIAL OLYMPICS FUND. There is appropriated from the general fund of the state to the Iowa special olympics fund for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa special olympics fund:

.....\$ 5,000

1. An Iowa special olympics fund is established in the office of the treasurer of state, which shall consist of the amounts appropriated to the fund by the general assembly for each fiscal year.

2. The moneys in the Iowa special olympics fund shall be expended at the request of the honorary chairperson of the Iowa special olympics.

Sec. ____ . Section 421.17, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 32. INDIRECT COST ALLOCATION.

a. To develop and administer an indirect cost allocation system for state agencies. The system shall be based upon standard cost accounting methodologies and shall be used to allocate both direct and indirect costs of state agencies or state agency functions in providing centralized services to other state agencies. A cost that is allocated to a state agency pursuant to this system shall be billed to the state agency and the cost is payable to the general fund of the state. The source of payment for the billed cost shall be any revenue source except for the general fund of the state. If a state agency is authorized by law to bill and recover direct expenses, the state agency shall recover indirect costs in the same manner.

b. For the purposes of this subsection, "state agency" means a board, commission, department, including the department of revenue and finance, or other administrative office, institution, bureau, or unit of the state of Iowa. The term "state agency" does not include the general assembly, the governor, the courts, or any political subdivision of the state, or its offices and units."

19. Page 18, by striking lines 24 through 32.

20. Page 19, line 10, by striking the figure "985,358" and inserting the following: "1,085,919".

21. Page 19, line 23, by striking the figure "32.20" and inserting the following: "38.20".

22. Page 19, by inserting after line 28, the following:

" ____ . As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$140,000 and 5.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing agricultural land."

23. Page 19, line 33, by striking the figure "828,873" and inserting the following: "911,000".

24. Page 19, line 34, by striking the figure "19.0" and inserting the following: "21.0".

25. Page 20, line 1, by striking the figure "163,820" and inserting the following: "65,000".

26. Page 20, by inserting after line 6, the following:

"_____. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$500 shall be allocated from the appropriation for reimbursement of a poultry association conducting a statewide poultry show. The poultry association shall submit a claim for reimbursement to the department which details their annual income and includes a statement of expenditures incurred for the statewide show."

27. Page 20, line 31, by striking the word "paragraph," and inserting the following: "paragraph "a",".

28. Page 20, by inserting after line 33, the following:

"Also as a condition, limitation, and qualification of the appropriation under this paragraph "a", \$200,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators."

29. Page 21, line 28, by striking the figure "5,232,428" and inserting the following: "5,132,428".

30. Page 23, line 24, by striking the figure "500,000" and inserting the following: "400,000".

31. Page 23, line 35, by striking the figure "40,000" and inserting the following: "25,000".

32. Page 25, line 1, by striking the figure "711,672" and inserting the following: "725,672".

33. Page 25, line 13, by striking the figure "5,170,899" and inserting the following: "5,377,899".

34. Page 25, by inserting after line 14 the following:

"As a condition, limitation, and qualification of the appropriation under this subsection, the department of natural resources shall construct a safety fence on the dam at Beeds lake in Franklin county."

35. Page 25, line 25, by striking the figure "1,223,941" and inserting the following: "1,323,941".

36. Page 25, line 26, by striking the figure "58.62" and inserting the following: "59.62".

37. Page 25, line 31, by striking the figure "1,965,992" and inserting the following: "1,973,992".

38. By striking page 27, line 23 through page 28, line 7.

39. Page 28, line 23, by striking the figure "1,350,000" and inserting the following: "2,620,568".

40. Page 28, line 31, by striking the figure "850,000" and inserting the following: "750,000".

41. Page 31, by inserting after line 20 the following:

"Sec. _____. The laboratory division of the department of agriculture and land stewardship, the university of Iowa, and Iowa state university of science and technology shall cooperate together in developing a plan for sharing laboratory resources, eliminating duplication of efforts, and reducing the expenditures of moneys from the general fund of the state."

42. Page 32, by inserting after line 10 the following:

"Sec. _____. The general assembly requests that the department of natural resources study to the extent practicable the contribution to groundwater and surface water contamination caused by the application of lawn care chemicals. A report prepared by the department shall be forwarded to the secretary of the senate and chief clerk of the house of representatives as soon as possible."

43. Page 34, by striking lines 6 through 9.

44. By striking page 34, line 34, through page 35, line 30, and inserting the following:

"Sec. _____. Section 173.14B, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The board may issue and sell negotiable revenue bonds of the authority in denominations and amounts as the board deems for the best interests of the fair, ~~for any of the following purposes after authorization.~~ However, the board must first submit a list of the purposes ranked by priority and a purpose must be authorized by a constitutional majority of each house of the general assembly and approval approved by the governor. A purpose must be one of the following:

Sec. _____. Section 173.14B, subsection 2, Code 1991, is amended to read as follows:

2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes outstanding at any time under subsection 1 and this subsection shall not exceed one hundred fifty six million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code."

45. Page 37, lines 4 and 5, by striking the words "AND RECORDS".

46. Page 37, by striking lines 6 through 8 and inserting the following:

"The department may establish a schedule of fees for subscriptions to publications produced by the".

47. By striking page 37, line 16, through page 38, line 13, and inserting the following: "the publication."

48. Page 39, by striking lines 3 through 15.

49. Page 40, by inserting after line 34 the following:

"Sec. ____ . EFFECTIVE DATE. Section 221 of this Act, being deemed of immediate importance, takes effect upon enactment."

50. Page 41, line 10, by striking the figure "995,421" and inserting the following: "1,031,421".

51. Page 41, line 33, by striking the figure "130,853" and inserting the following: "180,853".

52. Page 42, line 4, by striking the figure "318,858" and inserting the following: "344,358".

53. Page 42, line 7, by striking the figure "125,000" and inserting the following: "130,000".

54. Page 42, line 9, by striking the figure "33,500" and inserting the following: "44,000".

55. Page 42, by striking lines 11 through 26.

56. Page 43, line 13, by striking the figure "229,415" and inserting the following: "351,806".

57. Page 43, line 14, by striking the figure "5.00" and inserting the following: "10.00".

58. Page 43, by striking lines 15 through 19 and inserting the following:

"a. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

b. Of the funds appropriated in this subsection, no less than \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice."

59. Page 43, by inserting before line 20, the following:

"9. COMMUNITY ACTION AGENCIES DIVISION

For the expenses of the community action agencies commission:

.....\$ 3,644".

60. Page 43, line 28, by striking the figure "1,400,576" and inserting the following: "1,418,576".

61. Page 43, by inserting after line 29, the following:

"Of the funds appropriated under this section, \$18,000 shall be used to fund the continuation of the vending program throughout the state."

62. Page 44, line 5, by striking the figure "\$50,000" and inserting the following: "a sufficient amount".

63. Page 44, line 20, by striking the figure "83,000" and inserting the following: "73,000".

64. Page 44, line 28, by inserting after the word "care," the following: "respite care, case management for the frail elderly,".

65. Page 45, by striking lines 3 through 11.

66. Page 45, line 20, by striking the letter "a."

67. Page 45, by striking lines 25 through 31.

68. Page 46, by inserting after line 2 the following:

"The department shall not add any new full-time equivalent positions for administration of the certificate of need program and shall submit a full-time equivalent position needs report to the general assembly by January 1, 1992."

69. Page 46, line 18, by striking the figure "100,000" and inserting the following: "300,000".

70. Page 46, by inserting after line 28 the following:

"The health data commission shall submit a report to the general assembly annually by January 15 regarding the feasibility of providing matching funds for state dollars provided. The report shall also include a summary of the previous fiscal year budget including receipts and expenditures of private and public funds generated and a projected budget for the next fiscal year."

71. Page 46, line 33, by striking the figure "2,301,510" and inserting the following: "2,407,574".

72. Page 46, line 34, by striking the figure "82.04" and inserting the following: "85.54".

73. Page 49, line 12, by striking the figure "8,571,941" and inserting the following: "8,472,000".

74. Page 49, line 20, by striking the figure "4,345,820" and inserting the following: "4,347,820".

75. Page 49, line 23, by striking the figure "631,000" and inserting the following: "578,969".

76. Page 49, by striking lines 25 and 26, and inserting the following: "funds, \$282,969 shall be allocated for regional".

77. Page 49, line 31, by striking the figure "99,000" and inserting the following: "77,000".

78. Page 49, line 33, by striking the figure "657,500" and inserting the following: "754,500".

79. Page 50, line 15, by striking the figure "341,500" and inserting the following: "321,993".

80. Page 50, line 21, by striking the figure "125,000" and inserting the following: "119,497".

81. Page 50, line 23, by striking the figure "67,000" and inserting the following: "64,044".

82. Page 50, line 31, by striking the figure "101,500" and inserting the following: "97,092".

83. Page 51, line 26, by striking the figure "2,682,249" and inserting the following: "2,596,249".

84. Page 53, line 14, by striking the figure "8,975,159" and inserting the following: "8,875,159".

85. Page 57, line 24, by striking the figure "606,945" and inserting the following: "605,000".

86. Page 58, line 5, by striking the word "section" and inserting the following: "paragraph".

87. Page 60, by inserting after line 5 the following:

"Sec. 3001. 1990 Iowa Acts, chapter 1166, section 2, is repealed.

Sec. 3002. EFFECTIVE DATE. Section 3001 of this Act takes effect June 30, 1991."

88. Page 65, by striking lines 31 through 34 and inserting the following:

.....	\$	1,612,239
.....	FTEs	117.00

Of the amount appropriated in this subsection, \$110,438, or so much thereof as is necessary, shall be expended for 7.00".

89. Page 66, by inserting after line 1 the following:

"A nursing home regulation review task force is established for the purpose of reviewing rules and recommendations to implement federal requirements for nursing home reform and to make recommendations on whether the department of inspections and appeals is in need of increased funding and staffing levels for implementing appropriate nursing home reform. The task force is to be organized and convened by the department of inspections and appeals. The membership of the task force is to consist of the following:

1. One member representing the department of inspections and appeals to be appointed by the director of that department.

2. One member representing the department of human services to be appointed by the director of that department.

3. One member representing the nursing home ombudsman within the department of elder affairs to be appointed by the director of that department.

4. One member representing the Iowa health care association.

5. One member representing the Iowa association of homes for the aging.

6. One member representing the Iowa hospital association.

7. One member representing the Iowa council of health care centers.

8. Legislative members to be appointed by the legislative council. Legislative members shall include members from the senate and the house of representatives who serve on the regulation appropriations subcommittee and the standing committees on human resources.

The task force shall meet as necessary and shall report the conclusions and recommendations of the task force to the general assembly by September 1, 1991."

90. By striking page 66, line 32 through page 67, line 2, and inserting the following:

.....\$	265,910
.....FTEs	5.50"

91. Page 68, by striking lines 22 through 32 and inserting the following: "appeals, including the amount of restitution collected for attorney fees as follows:

a. By county.

b. By case type in the following categories:

(1) Juvenile cases involving delinquency actions, child in need of assistance actions, or termination of parental rights actions.

(2) Adult cases involving misdemeanor or felony prosecutions.

Sec. 2001. Section 13B.1, subsection 1, Code 1991, is amended to read as follows:

1. "Appointed attorney" means an attorney appointed by the court and compensated by the state to represent an indigent defendant.

Sec. 2002. NEW SECTION. 13B.2A INDIGENT DEFENSE ADVISORY COMMISSION ESTABLISHED.

An indigent defense advisory commission is established within the department to advise and make recommendations to the state public defender regarding the establishment and implementation of cost-effective methods to provide indigent defense. The advisory commission shall consist of nine members: four members to be appointed by the governor, subject to senate confirmation, including two members from nominees made by the Iowa state bar association, and two members from nominees made by the Iowa judges association; two members appointed by the governor, subject to senate confirmation; one member to be appointed by the governor, subject to senate confirmation, from nominees made by the Iowa county attorney's association; and two members one from each chamber of the general assembly to be appointed by the legislative council with no more than one of the members from any one political party. Each member shall serve a three-year term, with initial terms to be staggered. The members should represent a balance of attorneys and nonattorneys.

The members of the commission are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of the duties of the commission. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

Sec. 2003. NEW SECTION. 13B.2B DUTIES AND POWERS OF THE INDIGENT DEFENSE ADVISORY COMMISSION.

The advisory commission shall advise the state public defender regarding all of the following:

1. Recommendations for quality, cost-effective methods for delivery of indigent defense services.

2. Recommendations for the budget to be developed by the state public defender for all indigent defense costs.

3. Recommendations for client indigency criteria to be applied statewide.

4. Recommendations related to mechanisms for enhancing restitution and recoupment efforts and for monitoring recoupment efforts.

5. Recommendations regarding other methods to contain indigent defense costs.

6. Recommendations regarding proposed administrative rules regarding the operations of the state public defender.

7. The advisory commission shall also make recommendations to the supreme court regarding fee guidelines for court-appointed counsel.

The advisory commission shall also file a written report with the governor and the general assembly on January 1 of each year regarding the recommendations and activities of the commission for the preceding fiscal year.

Sec. 2004. Section 13B.4, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

13B.4 DUTIES AND POWERS OF STATE PUBLIC DEFENDER.

1. The state public defender shall coordinate the provision of legal representation of all indigents under arrest or charged with a crime, on appeal in criminal cases, and on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and may provide for the representation of indigents in proceedings instituted pursuant to chapter 908. The state public defender shall not engage in the private practice of law.

2. The state public defender shall file with the court in each county served by a public defender a designation of which local public defender office shall receive notice of appointment of cases. Except as otherwise provided, in each county in which the state public defender files such designation, the state public defender or its designee shall be appointed by the court to all cases, whether criminal or juvenile in nature. Such appointment shall not be made if the state public defender notifies the court that the local public defender will not provide legal representation in cases involving offenses as identified in the notification by the state public defender.

3. The state public defender may contract with persons admitted to practice law in this state for the provision of legal services to indigent persons where there is no local public defender available to provide such services.

4. The state public defender is authorized to review any claim made for payment of indigent defense costs and to request a hearing before the court granting a claim within thirty days of receipt of such claim if the state public defender believes the claim to be excessive.

5. The state public defender is authorized to contract with county attorneys to provide collection services related to court-ordered indigent defense restitution of court-appointed attorney fees or the expense of a public defender.

6. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter.

Sec. 2005. Section 13B.8, subsection 1, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Before establishing or abolishing a local public defender office, the state public defender shall provide a written report detailing the reasons for the action to be taken to the justice systems regulation appropriations subcommittee, the chairperson, vice chairperson, and ranking member of the senate committee on judiciary and committee on appropriations, and the chairperson, vice chairperson, and ranking member of the house of representatives committee on judiciary and law enforcement and committee on appropriations. The report shall contain a statement of the estimated fiscal impact of the action taken. Any action taken in establishing or abolishing a local public defender office shall only take effect upon the approval of the general assembly. If the state public defender proposes to abolish a local public defender office prior to the beginning of any regular session of the general assembly and the general assembly takes no action regarding that proposal during the first ninety days of the first regular session occurring after the proposal is made, the office shall be abolished.

Sec. 2006. Section 13B.9, Code 1991, is amended to read as follows:

13B.9 POWERS AND DUTIES OF LOCAL PUBLIC DEFENDERS.

1. The local public defender shall do all of the following:

a. Represent without fee an indigent person who is under arrest or charged with a crime if the indigent person requests it representation or the court orders it representation. The local public defender shall counsel and defend an indigent defendant at every stage of the criminal proceedings and prosecute before or after conviction any appeals or other remedies which the local public defender considers to be in the interest of justice unless the court appoints other counsel is appointed to the case.

b. Represent an indigent party, without fee and upon an order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 in a county served by a public defender. The local public defender shall counsel and represent an indigent party in all proceedings pursuant to chapter 232 in a county served by a public defender and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless the court appoints other counsel is appointed to the case. The state public defender shall be reimbursed by the counties for services rendered by employees of the local public defenders' offices under this subsection, pursuant to section 232.141.

c. Make an initial determination of indigence as required under section 815.9 prior to the initial arraignment or other initial court appearance.

d. Make an annual report to the state public defender. The report shall include all cases handled by the local public defender during the preceding calendar year.

2. An appointed attorney under this section is not liable to a person represented by the attorney pursuant to this chapter for damages as a result of a conviction unless the court determines in a postconviction appeal that the person's conviction resulted from ineffective assistance of counsel.

3. The local public defender may appoint the number of assistant public defenders, clerks, investigators, stenographers, and other employees as approved by the state public defender. An assistant local public defender must be an attorney licensed to practice before the Iowa supreme court. Appointments shall be made in the manner prescribed by the state public defender.

4. The local public defender shall handle every case to which the local public defender is appointed if the local public defender can reasonably handle the case.

5. If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. The court may appoint a contract attorney or a private noncontracting attorney, who has agreed to take the case, considering the experience of the attorney and the difficulty of the case."

92. Page 70, by striking lines 11 and 12 and inserting the following:

" \$ 1,470,846
..... FTEs 41.50".

93. Page 71, by striking lines 16 through 19 and inserting the following:

"The banking division shall provide technical assistance and staffing assistance to the director of the department of commerce, as necessary, to assist the director in the director's capacity as superintendent of savings and loan associations as provided in Senate File 494, if enacted by the 1991 Session of the Seventy-fourth General Assembly."

94. By striking page 74, line 19, through page 75, line 21, and inserting the following:

"Sec. _____. Section 96.7, subsection 9, Code 1991, is amended by striking the subsection."

95. Page 78, by inserting after line 12, the following:

"Sec. 2007. Section 815.10, Code 1991, is amended to read as follows:

815.10 APPOINTMENT OF COUNSEL BY COURT.

1. The court, for cause and upon its own motion or upon application by an indigent person or a public defender, may shall appoint a public defender or any attorney who is admitted to the practice of law in this state the state public defender or the state public defender's designee pursuant to section 13B.4, or an attorney pursuant to section 13B.9 to represent an indigent person at any state stage of the criminal or juvenile proceedings or on appeal of any criminal or juvenile action in which the indigent person is entitled to legal assistance at public expense. However, in juvenile cases the court may directly appoint an existing nonprofit corporation established for and engaged in the provision of legal services for juveniles. An appointment shall not be made unless the person is determined to be indigent under section 815.9.

2. If a court finds that a person desires legal assistance and is not indigent, but refuses to employ an attorney, the court shall appoint a public defender or another attorney to represent the person at public expense. If the state public defender or the state public defender's designee pursuant to section 13B.4, or an attorney other than a public defender is appointed, the fee paid to the attorney pursuant to section 13B.9 to represent the person. The cost of providing legal assistance shall be taxed as a court cost against the person.

3. An attorney other than a public defender or a contract attorney who is appointed by the court under subsection 1 or 2 this section shall apply to the district court for compensation and for reimbursement of costs incurred. The amount of compensation due shall be determined in accordance with section 815.7.

Sec. ____ . NEW SECTION. 815.10A CLAIM FOR COMPENSATION — REQUIREMENTS.

1. The department of inspections and appeals shall require all claims for compensation filed by court-appointed attorneys for indigent defense cases, whether adult or juvenile, to include specific information as required by rules of the department.

2. If the information required in this section is submitted with the claim for compensation, the court may then award reasonable and proper compensation to the attorney. If information required is not submitted with the claim for compensation, the department may reject the claim until such information is submitted.

Sec. 2008. The state public defender shall make an initial filing as required in section 13B.4, subsection 2, as amended in this Act, regarding the designation of public defender offices to receive notice of appointment of cases no later than forty days after July 1, 1991.

Sec. 2009. Sections 2001 through 2006, and sections 2007 and 2008 of this division are repealed effective July 1, 1995, and the Code editor shall return the language in the Code sections amended in this Act to the language appearing in the 1991 Code.

Sec. 2010. It is the intent of the general assembly that the state public defender provide for the defense of major felony case defendants by public defenders on a regional basis.

Sec. 2011. Sections 2001 through 2006, and sections 2007, 2008, and 2009 of this division of this Act, being deemed of immediate importance, are effective upon enactment."

96. Page 79, line 8, by striking the figure "3,315,946" and inserting the following: "3,405,823".

97. Page 79, line 28, by striking the figure "9,676" and inserting the following: "10,185".

98. Page 80, line 2, by inserting after the word "system," the following: "and the missing person program,".

99. Page 80, by inserting after line 13, the following:

"As a condition, limitation, and qualification of the appropriation in this subsection, the department of public safety shall continue to collect, classify, and disseminate statistics as provided in section 80.40 and section 236.9 on violations relating to section 729.5 and on incidents involving domestic abuse."

100. Page 80, line 27, by striking the figure "6,250,157" and inserting the following: "6,954,157".

101. Page 80, line 28, by striking the figure "141.00" and inserting the following: "149.00".

102. Page 80, by inserting after line 28 the following:

"It is the intent of the general assembly that the department of public safety shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on

new riverboats. However, new positions filled shall not exceed 4 per riverboat and the positions shall not be filled more than 120 days before the riverboat is expected to receive passengers."

103. Page 81, line 29, by striking the figure "27,771" and inserting the following: "29,544".

104. Page 82, by striking lines 19 through 21.

105. Page 86, line 20, by striking the figure "2,959.00" and inserting the following: "2,951.00".

106. Page 86, by inserting before line 21 the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, the department shall conduct a pilot project for contracting with counties for winter maintenance on state primary highways. The department shall continue this project for a duration that is sufficient to determine the feasibility of performing permanent contractual maintenance with counties. Participating counties shall meet minimum criteria relating to highway maintenance functions, as determined by the department. The department shall submit an annual report to the general assembly outlining the progress of the pilot project."

107. Page 88, by inserting after line 6, the following:

"13. For the purchase of land adjacent to the department's maintenance facility site in Hamlin:

.....\$ 15,000".

108. By striking page 88, line 26 through page 89, line 1 and inserting the following:

"1. For providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 307B; and for airport engineering studies and improvement projects as provided in chapter 328:

.....\$ 5,230,546

From the appropriation in this subsection, up to the following amounts shall be used for the following airport improvement projects:

a. For runway extension in Belle Plaine:

.....\$ 112,500

b. For ramp extension and runway drainage in Decorah:

.....\$ 103,000

c. For ramp reconstruction in Fort Dodge:

.....\$ 97,000

d. For land acquisition for a new runway in Greenfield:

.....\$ 182,000

e. For land and grading for runway extension in Harlan:

.....\$ 86,000

f. For runway and taxiway lighting system upgrade in Iowa Falls:

.....\$ 49,000

g. For land and grading for a new runway in Washington:

.....\$ 190,000

h. For ramp reconstruction in Webster City:

.....\$ 73,000"

109. Page 89, line 3, by striking the figure "900,000" and inserting the following: "500,000".

110. Page 89, line 5, by striking the figure "\$900,000" and inserting the following: "\$500,000".

111. Page 89, by striking lines 8 through 17 and inserting the following:

"a. Grants for interstate and intrastate air travel, in an amount up to \$100,000. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.

b. Grants in an amount up to \$10,000 for marketing of essential air service airports to facilitate air travel. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.

c. Grants for the air service development program for the commercial air service airports identified in the state aviation plan."

112. Page 90, by inserting after line 22 the following:

"Sec. _____. Section 307.45, unnumbered paragraph 4, Code 1991, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

However, an assessment in excess of sixty thousand dollars in effect on or after December 1, 1990, is not valid unless it is provided for or contained within a capital appropriation by the general assembly."

113. Page 90, by inserting after line 35, the following:

"Sec. _____. Section 312.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 22. The treasurer of state, before making the allotments provided for in this section shall, for the fiscal year beginning July 1, 1991, credit from the revenues otherwise to be credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", the sum of seven hundred fifty thousand dollars to the state department of transportation to be used for providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18, for use by the railway finance authority as provided in chapter 307B, for airport engineering studies and improvement projects as provided for in chapter 328, and for essential air service airports. However, the amount transferred shall not be used unless authorized by the transportation commission. All unexpended funds from this appropriation shall revert to the road use tax fund. To authorize any such use, the commission must find that one or more of the following conditions exist as sole and sufficient justification for use of this appropriation:

a. The funds may be used to match federal funds that cannot otherwise be matched due to lack of available state matching moneys, when such federal funds are or may be made available to the state. Notwithstanding the provisions of section 8.33, all funds

obligated for match of federal funds shall remain available until expended or no longer needed for matching purposes, at which time they shall be reverted in accordance with the provisions of this section.

b. Unforeseen emergencies or circumstances arise, after the transportation commission has adopted an annual program of projects, that would require the elimination of an approved project, provided that such projects would otherwise be eligible for expenditure."

114. Page 91, by inserting before line 1 the following:

"Sec. _____. Section 313.2A, subsection 2, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Metropolitan area bypasses consistent with metropolitan or regional area plans established through cooperation by the department and local officials.

Sec. _____. Section 313.2A, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. NETWORK DEVELOPMENT. In establishing priorities for improvement projects, the department shall take into consideration the following additional criteria: urban area bypasses that improve urban or regional accessibility or improve corridor travel; projects consistent with regional or metropolitan transportation plans established through cooperation by the department and local officials; and the willingness of local officials to provide financial or other assistance for the development of projects."

115. Page 91, by striking lines 10 through 32.

116. Page 92, by inserting after line 10, the following:

"Sec. _____. As a condition, limitation, and qualification of the appropriations made in this division, the state department of transportation shall develop a proposal, including necessary appropriation recommendations, for an air cargo service and development study program. The recommendations shall be reported to the general assembly by January 15, 1992. The department shall consult with local officials, airport authorities, representatives of business and industry, representatives of air cargo service providers, and the state department of economic development in developing these recommendations."

117. Page 92, by inserting after line 11 the following:

**"DIVISION VI
STATE BUDGETING, CAPITAL PROJECTS,
AND LEASE-PURCHASE AGREEMENTS**

Sec. _____. Section 2.47A, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. Receive quarterly semiannual status reports for all ongoing capital projects of state agencies, pursuant to section 18.12, subsection 15.

Sec. _____. Section 8.6, subsection 13, Code 1991, is amended to read as follows:

13. CAPITAL PROJECT BUDGETING REQUESTS. To compile annually, ~~no later than October 1~~, all capital project budgeting requests of all state agencies, as defined in section 8.3A, and to consolidate the requests, with individual state agency priorities noted, into a report for submission to the legislative capital projects committee ~~not later than October~~ November 1, with any. Any additional information regarding the capital project budgeting requests or priorities ~~to shall be compiled and submitted in the same manner no later than November 1 report.~~

Sec. _____. Section 8.6, subsection 14, unnumbered paragraph 1, Code 1991, is amended to read as follows:

To prepare annually, in cooperation with the department of general services, a five-year capital project priority plan for all state agencies, as defined in section 8.3A, to be submitted ~~no later than July~~ November 1, ~~beginning in the year 1990~~, to the legislative capital projects committee. The plan shall include but is not limited to the following:

Sec. _____. Section 8.29, unnumbered paragraph 4, Code 1991, is amended to read as follows:

The state board of regents, with the approval of the director of the department of management and the director of the legislative fiscal bureau, shall establish a uniform budgeting and accounting system for the institutions of higher education under its control, and shall require each of the institutions of higher education to begin operating under the uniform system ~~not later than June 30, 1976~~ 1991.

Sec. _____. Section 8.35A, subsection 2, Code 1991, is amended to read as follows:

2. Commencing September 1, the director shall provide weekly budget tapes in the form and level of detail requested by the legislative fiscal bureau reflecting finalized agency budget requests for the following fiscal year as submitted to the governor. The director shall transmit all agency requests in final form to the legislative fiscal bureau by November 15. Final The final budget records information required under sections 8.22 and 8.28 containing the governor's recommendation and final agency requests shall be transmitted to the legislative fiscal bureau by January 1 or no later than the date the governor's budget document is delivered to the printer. The governor's recommendation included on this record shall be considered confidential by the legislative fiscal bureau until it is made public by the governor. The legislative fiscal bureau shall use this data in the preparation of information for the legislative appropriation process.

Sec. _____. NEW SECTION. 8.46 LEASE-PURCHASE – REPORTING.

For the purposes of this section, unless the context otherwise requires, "state agency" means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

1. Before entering into a contract involving a lease-purchase arrangement in which any part or the total amount of the contract is at least fifty thousand dollars, a state agency shall notify the legislative fiscal committee of the legislative council regarding the contract. The notification is required regardless of the source of payment for the lease-purchase arrangement. The notification shall include all of the following information:

a. A description of the object of the lease-purchase arrangement.

- b. The cost of the contract.
- c. The terms of the contract.
- d. The total cost of the contract, including principal and interest costs.
- e. An identification of the means and source of payment of the contract.
- f. An analysis of consequences of delaying or abandoning the commencement of the contract.

2. The legislative fiscal committee shall report to the legislative council concerning the notifications it receives pursuant to this section.

3. A state agency shall report quarterly to the legislative fiscal committee concerning its contracts involving a lease-purchase arrangement. The format of the report shall be determined by the legislative fiscal bureau in consultation with the department of management. The report shall include all of the following information:

- a. A description of the objects of a lease-purchase arrangement under contract.
- b. The total costs of the contracts.
- c. Total principal and interest cost in each fiscal year of each contract.
- d. An identification of the means and source of payment for each contract.

Sec. _____. Section 18.12, subsection 10, unnumbered paragraph 1, paragraphs b, d, and e, and unnumbered paragraphs 2 and 3, Code 1991, are amended to read as follows:

On behalf of the department, enter into lease-purchase contracts for real or personal property, wherever located within the state, to be used for buildings, facilities, and structures, or for additions or improvements to existing buildings, facilities, and structures, to carry out the provisions of this chapter section or for the proper use and benefit of the state and its state agencies on the following terms and conditions:

b. The lease-purchase contract may provide for ultimate ownership of the property by the state. Title to all property acquired in this manner shall be taken and held in the name of the state. The state shall be the lessee or contracting party under all lease-purchase contracts entered into pursuant to this chapter section. The lease-purchase contract may contain provisions similar to provisions customarily found in lease-purchase contracts between private persons, including, but not limited to, provisions prohibiting the acquisition or use by the lessee of competing property or property in substitution for the lease-purchased property, obligating the lessee to pay costs of operation, maintenance, insurance, and taxes relating to the property, and permitting the lessor to retain a security interest in the property lease-purchased, until title passes to the state, which may be assigned or pledged by the lessor. The director may contract for additional security or liquidity for a lease-purchase contract and may enter into agreements for letters of credit, lines of credit, insurance, or other forms of security with respect to rental and other payments due under a lease-purchase contract. Fees for the costs of additional security or liquidity are a cost of entering into the lease-purchase contract and may be paid from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available. The lease-purchase contract may include the costs of entering into the lease-purchase contract as a cost of the lease-purchased property. The provision of a lease-purchase contract which provides that a portion of the periodic

rental payment be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 does not apply to lease-purchase contracts entered into pursuant to this chapter section. Rental and other costs due under lease-purchase contracts entered into pursuant to this chapter section shall be payable from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available.

d. The director shall not enter into lease-purchase contracts pursuant to this chapter section without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased. However, the director shall not enter into a lease-purchase contract for real or personal property which is to be constructed for use as a prison or prison-related facility without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased and with the construction in accordance with space needs as established by an independent study of space needs authorized by the general assembly.

e. A contract for acquisition, construction, erection, demolition, alteration, or repair by a private person of real or personal property to be lease-purchased by the director pursuant to this chapter section is exempt from section 18.6, subsections 1 and 9, unless the lease-purchase contract is funded in advance by a deposit of the lessor's moneys to be administered by the director under a lease-purchase contract which requires rent payments to commence upon delivery of the lessor's moneys to the lessee.

This subsection provides an alternative and independent method for carrying out projects under this chapter and for entering into lease-purchase contracts in connection therewith with the projects, without reference to any other statute, and is not an amendment of or subject to the provision of any other law. No publication of any notice, whether under section 23.12 or otherwise, and no other or further proceedings with respect to the lease-purchase contracts is referred to in this section are required except as set forth in this chapter section, any provisions of other statutes of the state to the contrary notwithstanding.

For purposes of this subsection and subsection 12, "state agency" means a board, commission, bureau, division, office, department, or branch of state government.

Sec. _____. Section 18.12, subsection 15, Code 1991, is amended to read as follows:

15. Prepare quarterly semiannual status reports for all ongoing capital projects of all state agencies, as defined in section 8.3A, and submit the status reports to the legislative capital projects committee.

Sec. _____. Section 262A.3, Code 1991, is amended to read as follows:

262A.3 TEN-YEAR FIVE-YEAR PROGRAM AND TWO-YEAR BOND PROPOSAL SUBMITTED EACH YEAR.

The board shall prepare and submit to the general assembly for approval or rejection a proposed ten-year five-year building program for each institution, including an estimate of the maximum amount of bonds which the board expects to issue under the provisions of this chapter during each year of the ensuing biennium. Such The program and estimate shall be submitted no later than seven days after the passage of this chapter by the general assembly and thereafter no later than seven days after

the convening of each regular annual session of the general assembly. The building program shall contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions. This list shall be revised annually, but no project shall be eliminated from the list when bonds have previously been issued by the board to pay the cost thereof of the project. Each such list shall contain an estimate of the cost of each of the buildings and facilities referred to therein in the list. If the general assembly rejects or fails to approve any proposed ten-year five-year building program, such this action or inaction shall not affect the status or legality of any project previously or subsequently authorized by the general assembly as provided in section 262A.4.

Sec. _____. NEW SECTION. 455A.9 STATE FISH AND GAME PROTECTION FUND – CAPITAL PROJECTS AND CONTINGENCIES.

Funds remaining in the state fish and game protection fund during a fiscal year which are not specifically appropriated by the general assembly are appropriated and may be used for capital projects and contingencies under the jurisdiction of the fish and wildlife division arising during the fiscal year. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this section, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this section are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly."

118. Title page, by striking lines 2 and 3 and inserting the following: "departments, agencies, funds, and certain other entities, making related statutory changes, and providing".

119. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

THOMAS J. JOCHUM, Chair
JANET L. ADAMS
HAROLD VAN MAANEN
PHILIP WISE

ON THE PART OF THE SENATE:

LEONARD L. BOSWELL, Chair
BILL HUTCHINS
JACK RIFE
DALE L. TIEDEN
JOE J. WELSH

The motion prevailed and the conference committee report was adopted.

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

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

The ayes were, 55:

Adams	Baker	Beaman	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Chapman	Connors	Daggett	Dickinson
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Hammond	Hansen, S. D.	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	McKinney	Mertz	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Teaford	Tyrrell	Van Maanen
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 42:

Banks	Bartz	Bennett	Carpenter
Cohoon	Corbett	De Groot	Diemer
Doderer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Harbor	Hurley
Iverson	Johnson	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Muhlbauer	Neuhauser	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Spenner	Weidman		

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 529 be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 713.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 713, a bill for an act relating to state budget and financial control by requiring certain financial practices and establishing

a temporary fund and a capitals fund, limiting the amount of federal income tax that may be deducted for individual income tax purposes, and providing a retroactive applicability provision, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—4130 filed from the floor by Halvorson, Garman, Metcalf, Lageschulte, Harbor, Diemer, Corbett, Banks, Grubbs, Lundby, Bartz, Tyrrell, Eddie, Beaman, Krebsbach, Hurley, Hahn, Carpenter, De Groot, Royer, Hanson of Delaware, Iverson, Gipp, McNeal, Weidman, Millage, Renken, Spenner, Rafferty, McKean, Petersen of Muscatine, Maulsby, Johnson, Bennett, Branstad, Hester, Kremer, Daggett, Van Maanen, Siegrist and Hanson of Black Hawk:

H—4130

1 Amend House File 713, as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Sec. _____. Section 8.22A, Code 1991, is amended by
5 adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. By December 15, 1991,
7 and each succeeding fiscal year, the conference shall
8 agree to a general fund revenue estimate and a general
9 fund ending balance estimate for the fiscal year
10 ending the following June 30. These estimates shall
11 be used to calculate the state general fund
12 expenditure limitation under section 8.56.

13 Sec. _____. Section 8.55, subsections 2 and 3, Code
14 1991, are amended to read as follows:

15 2. The maximum balance of the Iowa economic
16 emergency fund is the amount equal to ten percent of
17 the funds appropriated from the general fund of the
18 state during the preceding fiscal year. There is
19 appropriated from ~~any surplus existing in the general~~
20 ~~fund of the state at the conclusion of the fiscal year~~
21 ~~to the Iowa economic emergency fund for each fiscal~~
22 ~~year an amount equal to the smaller of the amount of~~
23 ~~the surplus or the amount necessary to achieve the~~
24 ~~maximum balance, or one percent of the previous fiscal~~
25 ~~year's general fund revenues, as determined by the~~
26 ~~latest estimate of the revenue estimating conference~~
27 ~~on or prior to December 15 of the previous fiscal~~
28 ~~year.~~

29 3. The moneys in the Iowa economic emergency fund
30 may be appropriated by the general assembly only if at
31 least sixty percent of the members in each house vote
32 in favor of the bill, only in the fiscal year for
33 which the appropriation is made, and only for a
34 purpose for which the general assembly previously

35 appropriated funds for that fiscal year. However, the
36 balance in the Iowa economic emergency fund may be
37 used in determining the cash position of the general
38 fund of the state for the payment of state
39 obligations.

40 Sec. _____. NEW SECTION. 8.56 GENERAL FUND
41 EXPENDITURE LIMITATION.

42 1. There is created a state general fund
43 expenditure limitation for each fiscal year beginning
44 on or after July 1, 1990, calculated as provided in
45 this section.

46 2. The state general fund expenditure limitation
47 for a fiscal year equals the following:

48 a. The previous fiscal year's general fund
49 revenues, as determined by the latest estimate of the
50 revenue estimating conference on or prior to December

Page 2

1 15 of the previous fiscal year.

2 b. Plus the previous fiscal year's general fund
3 ending balance, as determined by the latest estimate
4 of the revenue estimating conference on or prior to
5 December 15 of the previous fiscal year.

6 c. Minus the product of the fiscal year's
7 percentage limitation, reduced by one percentage
8 point, and the amount in paragraph "a". However, this
9 subtraction shall not be made for the fiscal year
10 beginning July 1, 1990.

11 d. Minus the product of one percent and the amount
12 in paragraph "a". However, this subtraction shall not
13 be made for the fiscal year beginning July 1, 1990.

14 3. For purposes of the computation under
15 subsection 2, the fiscal year's percentage limitation,
16 as used in subsection 2, paragraph "c" is the
17 following:

18 a. For the fiscal year beginning July 1, 1990,
19 zero percent.

20 b. For the fiscal year beginning July 1, 1991, one
21 percent.

22 c. For the fiscal year beginning July 1, 1992, two
23 percent.

24 d. For the fiscal year beginning July 1, 1993,
25 three percent.

26 e. For the fiscal year beginning July 1, 1994,
27 four percent.

28 f. For the fiscal year beginning July 1, 1995, and
29 each subsequent fiscal year, five percent.

30 4. The state general fund expenditure limitation
31 provided for in this section shall be used by the
32 governor in the preparation of the budget under
33 section 8.22 and by the general assembly in the budget

34 process."

35 2. Title page, by striking lines 1 through 6 and
36 inserting the following: "An Act relating to a state
37 fund expenditure limitation and providing an effective
38 date."

Gill of Woodbury in the chair at 5:46 p.m.

Halvorson of Clayton moved the adoption of amendment H—4130.

Roll call was requested by Van Maanen of Mahaska and Bartz of Worth.

Rule 75 was invoked.

On the question "Shall amendment H—4130 be adopted?"
(H.F. 713)

The ayes were, 47:

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	Jay	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Poncy	Rafferty	Renken
Royer	Shoning	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

The nays were, 52:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Brown	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Gill
			Presiding

Absent or not voting, 1:

Brammer

Amendment H—4130 lost.

Halvorson of Clayton offered the following amendment H—4128 filed by him and Harbor of Mills from the floor and moved its adoption:

H—4128

- 1 Amend House File 713 as follows:
- 2 1. Page 2, line 2, by striking the word "five"
- 3 and inserting the following: "ten".

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H—4128 lost.

Halvorson of Clayton offered the following amendment H—4129 filed by him from the floor and moved its adoption:

H—4129

- 1 Amend House File 713 as follows:
- 2 1. Page 7, by inserting before line 10 the
- 3 following:
- 4 "Sec. _____. Upon the effective date of a state
- 5 constitutional amendment that imposes a limit on state
- 6 spending, section 4 of this Act is repealed."

Amendment H—4129 lost.

Bennett of Ida rose on a point of order and invoked Rule 32 to refer House File 713 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

McKinney of Dallas moved to suspend Rule 32 to continue debate on House File 713.

A non-record roll call was requested.

The ayes were 52, nays 44.

The motion prevailed and Rule 32 was suspended.

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. 713)

The ayes were, 51:

Adams
Bernau

Arnould, Spkr.
Bisignano

Baker
Black

Beatty
Blanshan

Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jesse
Jochum	Knapp	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Teaford
Wise	Wissing	Gill	
		Presiding	

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	Jay	Johnson
Kistler	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Shoning	Siegrist	Spenner
Svoboda	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.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 713** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on May 11, 1991, adopted the conference committee report and passed 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.

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 476)**

Halvorson of Webster called up for consideration the report of the conference committee on Senate File 476 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 476**

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on 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, respectfully submit the following recommendations:

1. That the House amendment, S-3631, to Senate File 476, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking page 1, line 43, through page 2, line 18.

2. Page 5, by inserting after line 18 the following:

"_____. Page 4, by inserting after line 28 the following:

"Sec. _____. 1991 Iowa Acts, Senate File 505, section 12, if enacted by the Seventy-fourth General Assembly, 1991 Session, is amended to read as follows:

SEC. 12. ANTISEVERABILITY CLAUSE.

Notwithstanding section 4.12, if section 56.36A, subsections 3 or 4, or section 56.37, subsection 3, or the application thereof is invalid, this Act as a whole shall be invalid." "

3. Page 5, by striking lines 24 through 26.

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

ROD HALVORSON, Chair
EUGENE BLANSHAN
JANE TEAFORD
DARRELL R. HANSON
BOB RENKEN

ON THE PART OF THE SENATE:

JOHN P. KIBBIE, Chair
MICHAEL E. GRONSTAL
JEAN LLOYD-JONES
RICHARD F. DRAKE
PAUL D. PATE

The motion prevailed and the conference committee report 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. 476)

The ayes were, 99:

Adams	Arnould, Spkr.	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	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	Gill	
		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.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 476 be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 549, a bill for an act relating to appropriations from the lottery fund.

Fiscal Note is required.

Recommended **Do Pass** May 11, 1991.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 549.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 549, a bill for an act relating to appropriations from the lottery fund, with report of committee recommending passage was taken up for consideration.

Banks of Plymouth offered the following amendment H—4132 filed by him from the floor and moved its adoption:

H—4132

- 1 Amend Senate File 549, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 18, by striking the figure
- 4 "200,000" and inserting the following: "500,000".
- 5 2. By striking page 2, line 19, through page 3,
- 6 line 5.
- 7 3. By renumbering and correcting internal
- 8 references.

Amendment H—4132 lost.

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. 549)

The ayes were, 97:

Adams	Arnould, Spkr.	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	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	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
Gill			
Presiding			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 549** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Dvorsky of Johnson called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H—4135:

H-4135

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, line 25, by striking the word
4 "newspaper" and inserting the following: "newspaper
5 newspapers".

6 2. Page 6, line 16, by striking the word
7 "newspaper" and inserting the following:
8 "newspapers".

9 3. Page 7, by striking lines 8 through 11 and
10 inserting the following: "1991, is amended by
11 striking the paragraph."

12 4. Page 7, by inserting before line 12, the
13 following:

14 "Sec. _____. Section 331.238, subsection 2, Code
15 1991, is amended by adding the following new
16 unnumbered paragraph after lettered paragraph k:
17 NEW UNNUMBERED PARAGRAPH. This subsection does not
18 apply to the board of trustees of a county hospital."

19 5. Page 7, by inserting before line 12 the
20 following:

21 "Sec. _____. Section 331.238, Code 1991, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 3. An alternative form of county
24 government shall provide for the partisan election of
25 its officers."

26 6. Page 8, by inserting after line 29 the follow-
27 ing:

28 "Sec. _____. Section 331.248, subsection 2,
29 paragraph b, Code 1991, is amended to read as follows:

30 b. Provide for establishment of service areas,
31 except that formation of a city-county consolidation
32 government form shall not affect the assignment of
33 electric utility service territories pursuant to
34 chapter 476, and shall not affect the rights of a city
35 to grant a franchise under chapter 364."

36 7. Page 10, line 14, by inserting after the word
37 "areas." the following: "For each service provided by
38 the consolidated government, the consolidated
39 government shall assume the same statutory rights,
40 powers, and duties relating to the provision of the
41 service as if the member city were itself providing
42 the service to its citizens."

43 8. Page 11, line 33, by striking the word
44 "COUNTY-COUNTY" and inserting the following:
45 "MULTICOUNTY".

46 9. Page 11, line 34, by striking the word
47 "county-county" and inserting the following:
48 "multicounty".

49 10. Page 12, line 5, by striking the word
50 "COUNTY-" and inserting the following: "MULTI-".

Page 2

- 1 11. Page 12, line 7, by striking the word
2 "county-county" and inserting the following:
3 "multicounty".
4 12. Page 12, line 16, by striking the word
5 "county-county" and inserting the following:
6 "multicounty".
7 13. Page 12, line 17, by striking the word
8 "county-county" and inserting the following:
9 "multicounty".
10 14. Page 12, line 19, by striking the word
11 "county-county" and inserting the following:
12 "multicounty".
13 15. Page 14, line 6, by inserting after the word
14 "governments" the following: ", except that formation
15 of a community commonwealth shall not affect the
16 assignment of electric utility service territories
17 pursuant to chapter 476, and shall not affect the
18 rights of a city to grant a franchise under chapter
19 364."
20 16. Page 14, line 22, inserting after the word
21 "services." the following: "For each service provided
22 by the community commonwealth, the community
23 commonwealth shall assume the same statutory rights,
24 powers, and duties relating to the provision of the
25 service as if the member city were itself providing
26 the service to its citizens."
27 17. Page 20, by striking lines 7 and 8 and
28 inserting the following: "time, and place of the
29 hearing shall be published in the official county
30 newspapers of each county in which the participating
31 cities are located."
32 18. Page 21, line 2, by striking the word
33 "newspaper" and inserting the following:
34 "newspapers".
35 19. Page 25, line 12, by inserting after the word
36 "areas" the following: ", except that formation of a
37 consolidated metropolitan corporation shall not affect
38 the assignment of electric utility service territories
39 pursuant to chapter 476, and shall not affect the
40 rights of a city to grant a franchise under chapter
41 364."
42 20. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4135.

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

On the question "Shall the bill pass?" (H.F. 693)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	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
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	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	Svoboda	Teaford
Van Maanen	Weidman	Wise	Wissing
Gill			

Presiding

The nays were, 6:

Banks	Garman	Maulsby	Petersen, D. F.
Renken	Tyrrell		

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 House File 693 be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 28

McKinney of Dallas asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 28, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

Shearer of Louisa offered the following amendment H—4134 filed by him from the floor and moved its adoption:

H—4134

- 1 Amend Senate Concurrent Resolution 28, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "House" the words "*of Representatives*".

Amendment H—4134 was adopted.

Shearer of Louisa moved the adoption of the resolution, as amended.

A non-record roll call was requested.

The ayes were 88, nays none.

The motion prevailed and the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate Concurrent Resolution 28** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 29

Shoultz of Black Hawk called up for consideration House Concurrent Resolution 29, a concurrent resolution relating to the establishment of a solid waste and recycling consortium, and moved its adoption.

The motion prevailed and the resolution was adopted.

Speaker Arnould in the chair at 7:20 p.m.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House Concurrent Resolution 29** be immediately messaged to the Senate.

The House stood at ease at 7:21 p.m., until the fall of the gavel.

The House resumed session at 8:19 p.m., Dvorsky of Johnson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 11, 1991, failed to adopt the conference committee report on House File 335, a bill for an act relating to a parent's right of action for the death of a child.

Also: That the Senate has on May 11, 1991, appointed a second conference committee on House File 335, a bill for an act relating to a parent's right of action for the death of a child, and the members of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Scott, Senator Deluhery; the Senator from Woodbury, Senator Doyle; the Senator from Webster, Senator Kersten; the Senator from Clinton, Senator Rittmer.

Also: That the Senate has on May 11, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 662, a bill for an act relating to facilities used to maintain animals, and providing penalties.

Also: That the Senate has on May 11, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 704, a bill for an act granting urban renewal and urban revitalization authority to counties.

Also: That the Senate has on May 11, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa.

Also: That the Senate has on May 11, 1991, amended and adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 25, 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.

Also: That the Senate has on May 11, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 30, a concurrent resolution relating to the state board of regents ten-year building program.

Also: That the Senate has on May 11, 1991, adopted the conference committee report and passed 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.

Also: That the Senate has on May 11, 1991, adopted the conference committee report and passed 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.

Also: That the Senate has on May 11, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 505, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties.

Also: That the Senate has on May 11, 1991, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 550, a bill for an act relating to transportation provided by motor carriers.

JOHN F. DWYER, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

SECOND CONFERENCE COMMITTEE APPOINTED (House File 335)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 335: Jay of Appanoose, Chair; Hibbard of Madison, Peterson of Carroll, Millage of Scott and Harbor of Mills.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 496)

Sherzan of Polk called up for consideration the report of the conference committee on Senate File 496 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 496

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 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, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4098.
2. That the House recedes from its amendment, S—3698.
3. That Senate File 496, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 80B.11, subsection 2, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 2, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

2. Minimum basic training requirements law enforcement officers employed after July 1, 1968, must complete in order to remain eligible for continued employment and the time within which such basic training must be completed. Minimum requirements shall mandate training devoted to the topic of domestic abuse. The council shall submit an annual report to the general assembly by January 15 of each year relating to the continuing education requirements devoted to the topic of domestic abuse, including the number of hours required, the substance of the classes offered, and other related matters."

2. Page 1, by inserting after line 15 the following:

"Sec. _____. Section 236.5, subsection 4, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 8, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

4. A certified copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant and the county sheriff having jurisdiction to enforce the order or consent agreement, and the twenty-four hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified. The clerk shall notify the county sheriff and the twenty-four hour dispatcher for the county sheriff by telephone or otherwise in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four hour dispatcher for the law enforcement agencies upon notification by the clerk. The clerk shall send or deliver a written copy of any such document to the law enforcement agencies and the twenty-four hour dispatcher within twenty-four hours of filing the document.

Sec. _____. Section 236.14, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

When a person arrested for a domestic abuse assault, or taken into custody for contempt proceedings pursuant to section 236.11, is brought before a magistrate and the magistrate finds probable cause to believe that domestic abuse or a violation of an order or consent agreement has occurred and that the presence of the alleged abuser in the victim's residence poses a threat to the victim's safety of the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, the magistrate shall enter an order which shall require the alleged abuser to have no contact with the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, and to refrain from harassing the alleged victim, persons residing with the alleged victim, or members of the alleged victim's relatives immediate family, in addition to any other conditions of release determined and imposed by the magistrate under section 811.2. A no-contact order requiring the alleged abuser to have no contact with the alleged victim's children shall prevail over any existing order awarding custody or visitation rights, which may be in conflict with the no-contact order.

Sec. _____. Section 246.108, subsection 1, paragraph p, Code 1991, as enacted by 1991 Iowa Acts, Senate File 444, section 18, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

p. Adopt rules subject to the approval of the board, requiring the establishment and implementation of batterers' support groups programs in all of the institutions under the jurisdiction of the department.

Sec. _____. Section 246.206, subsection 1, Code 1991, is amended to read as follows:

1. The correctional release center at Newton shall be utilized for the preparation of inmates of the correctional institutions for discharge, work release, or parole. The director may transfer an inmate of a correctional institution within ninety days of the inmate's release from custody to the correctional release center for intensive training to assist the inmate in the transition to civilian living. The statutes applicable to an inmate at the corrective institution from which transferred shall remain applicable during the inmate's stay at the correctional release center."

3. Page 1, line 17, by striking the word "may" and inserting the following: "shall".

4. Page 1, by striking line 20 and inserting the following: "is for the confinement of offenders, for no longer than sixty days, who have".

5. Page 3, line 19, by inserting after the word "facilities" the following: "and institutions".

6. By striking page 3, line 35, through page 4, line 8, and inserting the following: "following classification. The facilities established shall meet all the following requirements:

a. Is a treatment facility meeting the licensure standards of the division of substance abuse of the department of public health.

b. Is a facility meeting applicable standards of the American corrections association.

c. Is a facility which meets any other rule or requirement adopted by the department pursuant to chapter 17A."

7. Page 5, lines 25 and 26, by striking the words "in the same manner following the fifth day of confinement".

8. Page 10, by inserting after line 4, the following:

"Sec. _____. Section 602.8105, subsection 1, paragraph m, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 23, if enacted by the 1991 Session of the Seventy-fourth General assembly, is amended to read as follows:

m. For filing an application for a license to marry, thirty dollars. The clerk of the district court shall remit to the treasurer of state twenty dollars for each marriage license application filed. The treasurer of state shall deposit the funds received in the general fund of the state. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars. The court shall authorize the issuance of a marriage license without the payment of any fees imposed by this paragraph upon a showing that the applicant is unable to pay the fees.

Sec. _____. Section 602.8105, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph after paragraph u:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any other provision of law to the contrary, including but not limited to the other provisions of this section, five dollars of the fees imposed pursuant to paragraph "a", the five dollar additional fee imposed pursuant to paragraph "l", and fifteen dollars of the fees imposed pursuant to paragraphs "m" and "n" shall be remitted to the treasurer of state for deposit into the general fund of the state, and shall not be deposited in the court revenue distribution account, and shall not be deposited in the judicial retirement fund.

Sec. _____. Section 602.8106, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding any other provision of law to the contrary, including but not limited to the other provisions of this section, five dollars of the fee for filing and docketing of a complaint or information for a simple misdemeanor and five dollars of the fee for filing and docketing of a complaint or information for a nonscheduled simple misdemeanor imposed pursuant to subsection 1 shall be remitted to the treasurer of state for deposit into the general fund of the state, and shall not be deposited in the court revenue distribution account, and shall not be deposited in the judicial retirement fund."

9. Page 11, by inserting after line 2, the following:

"Sec. _____. Section 708.2A, subsection 4, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 27, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

4. A person convicted of violating this section shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive days. This section does not prohibit the court from sentencing and the defendant from serving the maximum term of confinement or from paying the maximum fine permitted pursuant to chapters 902 and 903, and does not prohibit the court from entering a deferred judgment or sentence pursuant to section 907.3, if the defendant has not previously received a deferred sentence or judgment for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault. However, once the defendant has received one deferred sentence or judgment involving a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, the defendant shall not be eligible to receive another deferred sentence or judgment for a violation of this section.

Sec. _____. Section 708.2A, subsection 6, Code 1991, as amended by 1991 Iowa Acts, Senate File 444, section 27, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

6. In addition to the mandatory minimum term of confinement imposed by this section, the court may shall order the defendant to participate in a batterers' treatment program as required under section 708.2B. ~~However~~ **In addition**, as a condition of deferring judgment or sentence pursuant to section 907.3, the court shall order the defendant to participate in a batterers' treatment program. The clerk of the district court shall send a copy of the judgment or deferred judgment to the judicial district department of correctional services."

10. Page 11, line 6, by inserting after the word "corrections" the following: ", or an officer, employee, or agent of a judicial district department of correctional services,".

11. Page 11, line 8, by inserting after the word "corrections" the following: "or a judicial district department of correctional services".

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

"Sec. _____. Section 901.3, subsection 7, Code 1991, is amended by striking the subsection."

13. Page 12, by inserting after line 24, the following:

"Sec. _____. Section 907.3, subsection 1, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Prior to the commission of the offense the defendant had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A, and the current offense is a violation of section 708.2A.

Sec. _____. Section 907.3, subsection 2, Code 1991, is amended to read as follows:

2. At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department of correctional services. However, the court shall not defer the sentence for a violation of section 708.2A if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. _____. Section 907.9, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A probation officer or the director of the judicial district department of correctional services who acts in compliance with this section is acting in the course of the person's official duty and is not personally liable, either civilly or criminally, for the acts of a person discharged from probation by the officer after such discharge, unless the discharge constitutes willful disregard of the person's duty."

14. Page 12, line 32, by inserting after the figure "246.207" the following: "if the parole revocation officer or board panel determines that placement in a violator facility is necessary".

15. Page 15, by inserting after line 4, the following:

"Sec. _____. NEW SECTION. 910.10 RESTITUTION LIEN.

1. The state or a person entitled to restitution under a court order may file a restitution lien.

2. The restitution lien shall set forth all of the following information, if known:

a. The name and date of birth of the person whose property or other interests are subject to the lien.

b. The present address of the residence and principal place of business of the person named in the lien.

c. The criminal proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number.

d. The name and business address of the attorney representing the state in the proceeding pursuant to which the lien is filed or the name and residence and business address of each person entitled to restitution pursuant to a court order.

e. A statement that the notice is being filed pursuant to this section.

f. The amount of restitution the person has been ordered to pay or is likely to be ordered to pay.

3. A restitution lien may be filed by either of the following:

a. A prosecuting attorney in a criminal proceeding in which restitution is likely to be sought after the filing of an information or indictment. At the time of arraignment, the prosecuting attorney shall give the defendant notice of any restitution lien filed.

b. A victim in a criminal proceeding after restitution is determined and ordered by the trial court following pronouncement of the judgment and sentence.

4. The filing of a restitution lien in accordance with this section creates a lien in favor of the state and the victim in any personal or real property identified in the lien to the extent of the interest held in that property by the person named in the lien.

5. This section does not limit the right of the state or any other person entitled to restitution to obtain any other remedy authorized by law.

Sec. _____. Section 910A.11, subsection 4, Code 1991, as enacted by 1991 Iowa Acts, Senate File 444, section 32, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

4. An application may be made pursuant to this section in a criminal case, and if made, a district associate judge or magistrate having jurisdiction of the highest offense charged in the criminal case or a district judge shall have jurisdiction to enter an order under this section.

Sec. _____. 1991 Iowa Acts, Senate File 444, section 16, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

SEC. 16. NEW SECTION. 236.17 DOMESTIC ABUSE TRAINING REQUIREMENTS.

The department, in cooperation with victim service providers, may shall work with various professional organizations to encourage organizations to establish training programs for professionals who work in the area of domestic abuse prevention and services. Domestic abuse training may include, but is not limited to, the following areas:

1. The enforcement of both civil and criminal remedies in domestic abuse matters.
2. The nature, extent, and causes of domestic abuse.
3. The legal rights and remedies available to domestic abuse victims, including crime victim compensation.
4. Services available to domestic abuse victims and their children, including the domestic abuse telephone hotline.
5. The mandatory arrest provisions of section 236.12, and other duties of peace officers pursuant to this chapter.
6. Techniques for intervention in domestic abuse cases.

Sec. _____. 1991 Iowa Acts, Senate File 444, section 26, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

SEC. 26. Section 631.6, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The clerk shall collect an additional fee of five dollars upon docketing a small claims action, and shall remit the fee to the treasurer of state for deposit in the general fund of the state. Notwithstanding any provision of law to the contrary, including but not limited to the other provisions of this section, the additional fee of five dollars imposed in this paragraph shall not be deposited in the court revenue distribution account, and shall not be deposited in the judicial retirement fund.

Sec. _____. 1991 Iowa Acts, Senate File 444, section 28, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

SEC. 28. NEW SECTION. 708.2B TREATMENT OF DOMESTIC ABUSE OFFENDERS.

As used in this section, "district department" means a judicial district department of correctional services, established pursuant to section 905.2. A person convicted of, or receiving a deferred judgment for, domestic abuse assault shall report to the district department in order to participate in a batterers' treatment program for domestic abuse offenders, if ordered to do so by the court pursuant to section 708.2A. Participation in the batterers' treatment program shall not require a person to be placed on probation, but a person on probation may participate in the program. The district departments may contract for services in completing the duties relating to the batterers' treatment programs. The district departments shall assess the fees for participation in the program, and shall either collect or contract for the collection of the fees to recoup the costs of treatment, but may waive the fee or collect a lesser amount upon a showing of cause. The fees shall be used by each of the district departments or contract service providers for the establishment, administration, coordination, and provision of direct services of the batterers' treatment programs.

Sec. _____. 1991 Iowa Acts, Senate File 444, section 36, subsection 2, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is amended to read as follows:

2. From July 1, 1991, through December 31, 1992, the court may shall order a defendant who is convicted of, or who receives a deferred judgment for, a violation of section 708.2A to participate in a batterers' treatment program through other treatment

or counseling services, until the programs are established by the judicial district departments of correctional services, to the extent that the court has the authority under existing sentencing procedures. The court shall order the defendant to pay for the treatment, unless just cause is demonstrated for waiving the fee.

Sec. _____. 1991 Iowa Acts, Senate File 444, section 1, if enacted by the 1991 Session of the Seventy-fourth General Assembly, is repealed.

Sec. _____. PILOT PROGRAM FOR DOMESTIC ABUSE PROSECUTION PLANS AND PROCEDURES.

1. The prosecuting attorneys training coordinator shall establish a pilot program pertaining to the prosecution of domestic abuse assaults. For the purposes of this section, "domestic abuse assault" means an assault, as defined in section 708.1 which is domestic abuse as defined in section 236.2. The prosecuting attorneys training coordinator, in consultation with the criminal and juvenile justice planning council, shall select county attorneys whose jurisdictions have a high dismissal rate in domestic abuse assault cases and where there are more than a de minimus number of cases. A minimum number of five county attorneys shall participate in the pilot program.

2. The coordinator shall notify the county attorneys who shall develop and implement a written plan to expedite and improve the efficiency and just disposition of domestic abuse matters in their respective jurisdictions. The county attorneys shall solicit input from the chief judge of the judicial district in which their county is located and law enforcement agencies within their jurisdictions in developing the written plan. The program participants shall seek assistance from domestic abuse advocates and other interested members of the public in the development of a model plan and in the development or adaptation of the plans in each of the jurisdictions represented by the five county attorneys. Once a model plan is developed, the prosecuting attorneys training coordinator shall make it available to all prosecuting attorneys, regardless of whether the prosecuting attorneys are participants in the pilot program. All plans must state goals and contain policies and procedures to address the following matters:

a. The early assignment of a prosecuting attorney, who has the responsibility of handling a domestic abuse assault matter through disposition, and who is also responsible for establishing early contact with the victim.

b. The facilitation of the earliest possible contact between the prosecuting attorney's office and the victim for the purpose of acquainting the victim with the criminal justice process, the use of subpoenas, the victim's role as a witness in the prosecution, a victim's rights under chapter 236, and available domestic abuse and victim services.

c. The coordination of the prosecuting attorney's efforts with those of a domestic abuse advocate or victim advocate, where available, and to facilitate the early provision of victim advocacy services.

d. Methods that will be used to identify, gather, and preserve evidence, in addition to the victim's testimony, that will enhance the ability to prosecute a case when a victim is reluctant to assist, including, but not limited to, physical evidence of the victim's injury, evidence relating to the scene of the crime, eye witness testimony, and statements of the victim made at or near the time of injury.

e. The education of local law enforcement agencies about the contents of the plan and their role in assisting with its implementation.

f. The use of subpoenas of victims and witnesses, where appropriate.

g. Annual review of the plan to evaluate whether it is meeting its goals effectively and whether improvements are needed.

h. A timetable for implementation.

3. A copy of each plan shall be filed with the prosecuting attorneys training coordinator by July 1, 1992. The county attorneys selected for the pilot program shall file a status report on the pilot program by July 1, 1993. The pilot program shall terminate on July 1, 1994. The status report must contain information on the number of prosecutions and dismissals of domestic abuse cases in the county attorney's office."

16. Title page, line 3, by inserting after the word "facilities," the following: "relating to treatment, prevention, prosecution, and sentencing concerning domestic abuse cases,".

17. By renumbering and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

GARY SHERZAN, Chair
MICHAEL K. PETERSON
MATTHEW WISSING

ON THE PART OF THE SENATE:

AL STURGEON, Chair
ALLEN BORLAUG
MICHAEL E. GRONSTAL
JACK W. HESTER
LARRY MURPHY

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 496)

The ayes were, 95:

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
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
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Dvorsky	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Connors	Doderer	Shoning
Shoultz			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 496** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Kremer of Buchanan called up for consideration **House File 662**, a bill for an act relating to facilities used to maintain animals, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4139:

H—4139

- 1 Amend House File 662, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 22 and 23, and
- 4 inserting the following:
- 5 “(1) Disrupt operations conducted at the animal
- 6 facility, if the operations directly relate to
- 7 agricultural production, animal maintenance,
- 8 educational or scientific purposes, or veterinary
- 9 care.”
- 10 2. Page 2, by striking lines 34 and 35.
- 11 3. Page 3, line 15, by striking the word “or”.
- 12 4. Page 3, by striking lines 16 and 17, and
- 13 inserting the following: “to an animal or damage to
- 14 property exceeds one hundred dollars but does not
- 15 exceed five hundred dollars, a serious misdemeanor if
- 16 the injury to an animal or damage to property exceeds
- 17 fifty dollars but does not exceed one hundred dollars,
- 18 or a simple misdemeanor if the injury to an animal or
- 19 damage to property does not exceed fifty dollars.”
- 20 5. Page 3, by striking lines 22 and 23.
- 21 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4139.

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

On the question "Shall the bill pass?" (H.F. 662)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cphoon	Corbett	Daggett
De Groot	Dickinson	Diemer	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	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Dvorsky		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Black	Brammer	Connors	Doderer
Shoning	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 662 be immediately messaged to the Senate.

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 184)**

Wissing of Scott called up for consideration the report of the conference committee on Senate File 184 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 184**

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 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, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4084.

2. That the House amendment, S—3692, to Senate File 184, as amended, passed, and reprinted by the Senate, is amended as follows:

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

“_____. Page 3, line 14, by striking the word “or”.

_____. Page 3, line 17, by inserting after the word “grade”, the following: “, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services”.

“_____. Page 3, by inserting after line 24, the following:

“Sec. _____. Section 2 of this Act shall apply to pupils participating in open enrollment as a result of whole grade sharing agreements entered into on or after July 1, 1990.””

2. Page 1, line 12, by inserting after the word “athletics” the following: “, and providing for the Act’s applicability”.

3. By numbering, renumbering, and changing internal references as necessary.

ON THE PART OF THE HOUSE:

MATTHEW WISSING, Chair
TOM BAKER
DONALD E. HANSON
BOB KISTLER
C. ARTHUR OLLIE

ON THE PART OF THE SENATE:

RICHARD VARN, Chair
EUGENE FRAISE
H. KAY HEDGE
JOHN P. KIBBIE
WILMER RENSINK

The motion prevailed and the conference committee report 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. 184)

The ayes were, 91:

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
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	Holveck	Hurley
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
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Dvorsky	
		Presiding	

The nays were, 3:

Hibbard	Iverson	Jesse
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Absent or not voting, 6:

Brammer	Connors	Doderer	Groninga
Shoning	Shultz		

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

HOUSE FILES 157 AND 677 WITHDRAWN

Halvorson of Webster asked and received unanimous consent to withdraw House Files 157 and 677 from further consideration by the House.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 184 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Dickinson of Jackson called up for consideration **House File 704**, a bill for an act granting urban renewal and urban revitalization authority to counties, amended by the Senate, and moved that the House concur in the following Senate amendment H—4137:

H—4137

- 1 Amend House File 704 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 1 through 4 and
- 4 inserting the following: "the state."

The motion prevailed and the House concurred in the Senate amendment H—4137.

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

On the question "Shall the bill pass?" (H.F. 704)

The ayes were, 80:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brand
Branstad	Burke	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Harbor	Hatch
Hester	Hibbard	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
Mertz	Metcalf	Millage	Muhlbauer
Murphy	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Siegrist	Spear
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Dvorsky
			Presiding

The nays were, 16:

Bernau	Brown	Carpenter	Halvorson, R. N.
Hammond	Hanson, D. R.	Haverland	Holveck
Hurley	Jesse	McNeal	Miller
Neuhauser	Nielsen	Osterberg	Teaford

Absent or not voting, 4:

Brammer

Doderer

Shoning

Shoultz

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

Poncy of Wapello called up for consideration **House Concurrent Resolution 25**, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H—4138:

H—4138.

- 1 Amend House Concurrent Resolution 25, as passed by
- 2 the House, as follows:
- 3 1. Page 2, by striking lines 14 and 15, and
- 4 inserting the following: "letterhead of the General
- 5 Assembly, which shall be sent to the commanding
- 6 officer of each Iowa".
- 7 2. Page 2, line 18, by striking the word "with"
- 8 and inserting the following: "which shall express".
- 9 3. Page 2, by striking lines 20 and 21 and
- 10 inserting the following: "the members of the General
- 11 Assembly for the future endeavors of the members of
- 12 each national guard or reserve unit."
- 13 4. Page 2, by striking line 22 and inserting the
- 14 following:
- 15 "Whereas, the (Unit".
- 16 5. Page 2, line 26, by striking the word
- 17 "person's" and inserting the following: "unit's".
- 18 6. Page 2, line 29, by striking the words "(Rank
- 19 and Name)" and inserting the following: "the (Unit
- 20 Designation, Branch of Service)".
- 21 7. Page 3, by striking lines 7 through 9, and
- 22 inserting the following:
- 23 "The General Assembly hereby commends the members
- 24 of the (Unit Designation, Branch of Service) for
- 25 having exhibited all the virtues of good citizenship;
- 26 thanks the members of the (Unit Designation, Branch of
- 27 Service) for devotion".
- 28 8. Page 3, line 13, by striking the words "(Rank
- 29 and Name)" and inserting the following: "members of
- 30 the (Unit Designation, Branch of Service)".
- 31 9. Page 3, by striking lines 21 and 22, and
- 32 inserting the following: "President of the Senate and
- 33 be sent to the commanding officer of the (Unit
- 34 Designation, Branch of Service) with".

The motion prevailed and the House concurred in the Senate amendment H—4138.

On motion by Poncy of Wapello, House Concurrent Resolution 25, as amended, was adopted.

HOUSE REFUSED TO CONCUR

Gruhn of Dickinson called up for consideration **House File 712**, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa, amended by the Senate, and moved that the House concur in the following Senate amendment H—4140:

H—4140

- 1 Amend House File 712, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 10, by striking the words "the
- 4 following person" and inserting the following: "each
- 5 of the following persons".
- 6 2. Page 1, by inserting after line 17 the
- 7 following:
- 8 "David W. Kirchner G90-1938 Outdated \$3,851.64
- 9 Cedar Falls, Iowa invoice".
- 10 3. Page 1, by striking lines 19 and 20, and
- 11 inserting the following: "claims submitted."

The motion lost and the House refused to concur in the Senate amendment H—4140.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 704 and 712 and House Concurrent Resolution 25.**

The House stood at ease at 9:08 p.m., until the fall of the gavel.

The House resumed session at 10:01 p.m., Speaker Arnould in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 11, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 703, a bill for an act relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates.

JOHN F. DWYER, Secretary

**ADOPTION OF THE REPORT OF THE
SECOND CONFERENCE COMMITTEE
(House File 335)**

Millage of Scott called up for consideration the report of the second conference committee on House File 335 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE SECOND CONFERENCE COMMITTEE
ON HOUSE FILE 335**

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the second conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 335, a bill for an act relating to a parent's right of action for the death of a child, respectfully make the following report:

1. That the House recedes from its amendment, S—3737.
2. That the Senate recedes from its amendment, H—4071.
3. That House File 335, as amended, passed, and reprinted by the House, is amended as follows:

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

"A parent may recover for loss of companionship and society of an adult child without a showing that the parent is dependent on the adult child or that the adult child is dependent upon the parent. However, it shall be presumed that the parent has suffered no loss. This presumption shall be rebutted only if the parent proves the loss by a preponderance of the evidence."

ON THE PART OF THE HOUSE:

DANIEL J. JAY, Chair
WILLIAM H. HARBOR
DAVE HIBBARD
DAVID MILLAGE
MICHAEL K. PETERSON

ON THE PART OF THE SENATE:

RICHARD J. VARN, Chair
PATRICK J. DELUHERY
DONALD V. DOYLE
JAMES B. KERSTEN

The motion prevailed and the second conference committee report 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. 335)

The ayes were, 63:

Adams
Beatty

Baker
Bernau

Bartz
Bisignano

Beaman
Black

Blanshan	Brand	Brown	Burke
Cohoon	Corbett	Dickinson	Eddie
Fogarty	Gill	Gipp	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Jay
Jesse	Jochum	Knapp	Koenigs
McKean	McKinney	McNeal	Mertz
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spenner	Svoboda	Teaford
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, 28:

Banks	Bennett	Carpenter	Daggett
De Groot	Diemer	Garman	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Harbor
Iverson	Johnson	Kistler	Krebsbach
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Petersen, D. F.	Renken	Royer
Spear	Tyrrell	Van Maanen	Weidman

Absent or not voting, 9:

Brammer	Branstad	Chapman	Connors
Doderer	Dvorsky	Kremer	Osterberg
Shoning			

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 335 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Jay of Appanoose called up for consideration House File 709, 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, amended by the Senate amendment H — 4113 as follows:

H-4113

1 Amend House File 709, as passed by the House, as
2 follows:

3 1. Page 11, line 23, by striking the words "but
4 without changing the meaning" and inserting the
5 following: "but without changing the meaning".

6 2. Page 11, by striking lines 28 through 30 and
7 inserting the following: "making the corrections.
8 The Code editor shall maintain a record of the
9 corrections made under this paragraph. The record
10 shall be available to the public."

11 3. Page 19, by inserting after line 4 the
12 following:

13 "Sec. _____. Section 21.2, subsection 1, paragraph
14 f, Code 1991, is amended to read as follows:

15 f. A nonprofit corporation other than a county or
16 district fair or agricultural society, whose
17 facilities or indebtedness are supported in whole or
18 in part with property tax revenue and which is
19 licensed to conduct pari-mutuel wagering pursuant to
20 chapter 99D or a nonprofit corporation which is a
21 successor to the nonprofit corporation which built the
22 facility.

23 Sec. _____. Section 22.1, unnumbered paragraphs 1
24 and 2, Code 1991, are amended to read as follows:

25 As used in this chapter, "public records" includes
26 all records, documents, tape, or other information,
27 stored or preserved in any medium, of or belonging to
28 this state or any county, city, township, school
29 corporation, political subdivision, nonprofit
30 corporation other than a county or district fair or
31 agricultural society whose facilities or indebtedness
32 are supported in whole or in part with property tax
33 revenue and which is licensed to conduct pari-mutuel
34 wagering pursuant to chapter 99D, or tax-supported
35 district in this state, or any branch, department,
36 board, bureau, commission, council, or committee of
37 any of the foregoing.

38 The term "government body" means this state, or any
39 county, city, township, school corporation, political
40 subdivision, tax supported district, nonprofit
41 corporation other than a county or district fair or
42 agricultural society whose facilities or indebtedness
43 are supported in whole or in part with property tax
44 revenue and which is licensed to conduct pari-mutuel
45 wagering pursuant to chapter 99D, or other entity of
46 this state, or any branch, department, board, bureau,
47 commission, council, committee, official or officer,
48 of any of the foregoing or any employee delegated the
49 responsibility for implementing the requirements of
50 this chapter."

Page 2

1 4. Page 28, by inserting after line 4 the
2 following:

3 "Sec. _____. Section 321J.4A, subsection 3, Code
4 1991, is amended to read as follows:

5 3. If the court issues an impoundment order, the
6 registration certificate and registration plates shall
7 be surrendered to the court either three days after
8 the order is issued or on the date specified by the
9 court, whichever is later. If the registration plates
10 have been surrendered to the department pursuant to
11 section 321A.17, the defendant shall notify the court.
12 The court shall forward the notice and impoundment
13 order to the county treasurer. The court shall
14 forward surrendered registration certificates to the
15 county recorder treasurer within seven days after
16 surrender. The court may destroy the surrendered
17 registration plates. Except as provided in subsection
18 5, new registration plates shall not be issued to the
19 defendant or owner until the driver's license of the
20 violator has been reissued or reinstated. The court
21 shall notify the director within ten days after
22 issuing an impoundment order.

23 Sec. _____. Section 321J.4A, subsection 4, paragraph
24 a, subparagraph (2), Code 1991, is amended to read as
25 follows:

26 (2) The defendant or owner has a temporary
27 restricted license issued pursuant to section 321J.20
28 321J.4, subsection 8.

29 Sec. _____. Section 321J.4A, subsection 5, Code
30 1991, is amended to read as follows:

31 5. A registered owner shall not sell a motor
32 vehicle during the time its registration plates and
33 registration certificate have been ordered surrendered
34 or during the time its registration plates bear a
35 special series number, unless the registered owner
36 applies to the department for consent to transfer
37 title to the motor vehicle. If the department is
38 satisfied that the proposed sale is in good faith and
39 for valid consideration, that the registered owner
40 will be deprived of custody and control of the motor
41 vehicle, and that the sale is not for the purpose of
42 circumventing the provisions of this section, the
43 department may certify its consent to the county
44 recorder treasurer. The county recorder treasurer
45 shall then transfer the registration certificate title
46 to the new owner upon proper application and issue new
47 registration plates. After the registration plates
48 and registration certificate have been ordered
49 surrendered to the court under this section, if the
50 title to the motor vehicle is transferred by the

Page 3

1 cancellation of a conditional sales contract, a sale.
2 upon execution, or by decree or order of a court of
3 competent jurisdiction, the department shall order the
4 ~~registration certificate~~ title surrendered to the new
5 registered owner. The county ~~recorder~~ treasurer shall
6 then transfer the ~~registration certificate~~ title and
7 issue new registration plates to the new registered
8 owner."

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

11 "Sec. 10000. Section 602.8105, subsection 1,
12 paragraph a, Code 1991, is amended to read as follows:

13 a. For filing and docketing a petition other than
14 for modification of a dissolution decree to which a
15 written stipulation is attached at the time of filing
16 containing the agreement of the parties to the terms
17 of the modification, or an appeal or writ of error,
18 forty-five dollars. Four dollars of the fee shall be
19 deposited in the court revenue distribution account
20 established under section 602.8108, and forty-one
21 dollars of the fee shall be paid into the state
22 treasury. Of the amount paid to the state treasury,
23 one dollar shall be deposited in the judicial
24 retirement fund established in section 602.9104 to be
25 used to pay retirement benefits of the judicial
26 retirement system, and the remainder shall be
27 deposited in the general fund of the state. In
28 counties having a population of one hundred ninety-
29 five thousand or over, an additional five dollars
30 shall be charged and collected, to be known as the
31 journal publication fee and used for the purposes
32 provided for in section 618.13."

33 6. Page 33, by inserting after line 32 the
34 following:

35 "Sec. _____. Section 910A.15, unnumbered paragraph
36 1, Code 1991, is amended to read as follows:

37 A prosecuting witness who is a child minor, as
38 defined in section ~~702.5~~ 599.1, in a any case
39 involving a violation of chapter 709 or section 726.2,
40 726.3, 726.6, or 728.12, is entitled to have the
41 witness's interests represented by a guardian ad litem
42 at all stages of the proceedings arising from such
43 violation. The guardian ad litem shall may be a
44 practicing attorney and shall be designated by the
45 court after due consideration is given to the desires
46 and needs of the child minor and the compatibility of
47 the child minor and the child's minor's interests with
48 the prospective guardian ad litem. If a guardian ad
49 litem has previously been appointed for the child
50 minor in a proceeding under chapter 232 or a

Page 4

1 proceeding in which the juvenile court has waived
2 jurisdiction under section 232.45, the court shall may
3 appoint the same guardian ad litem under this section.
4 The guardian ad litem shall receive notice of and may
5 attend all depositions, hearings and trial proceedings
6 to support the child minor and advocate for the
7 protection of the child minor but shall not be allowed
8 to separately introduce evidence or to directly
9 examine or cross-examine witnesses. However, the
10 guardian ad litem shall file reports to the court as
11 required by the court."

12 7. Page 34, by inserting after line 22, the
13 following:

14 "Sec. _____. Senate File 541, section 13, unnumbered
15 paragraph 2, if enacted by the Seventy-fourth General
16 Assembly, 1991 Session, is amended to read as follows:

17 Funds appropriated by this subsection are the funds
18 anticipated to be received from the federal government
19 under Pub. L. No. 100-508 101-508, section 5082, which
20 provides for the child care and development block
21 grant. The department shall expend the funds
22 appropriated by this section as provided in the
23 federal law making the funds available and in
24 conformance with chapter 17A.

25 Sec. _____. Senate File 541, section 14, unnumbered
26 paragraph 1, if enacted by the Seventy-fourth General
27 Assembly, 1991 Session, is amended to read as follows:

28 There is appropriated from the fund created by
29 section 8.41 to the department of human services for
30 the federal fiscal year beginning October 1, 1990, and
31 ending September 30, 1991, the following amount:"

32 8. Page 34, by inserting after line 32, the
33 following:

34 "Sec. _____. EFFECTIVE DATE AND RETROACTIVITY
35 PROVISIONS.

36 Section 10000 of this Act, being deemed of
37 immediate importance, takes effect upon enactment, and
38 applies retroactively to cases filed on or after
39 January 1, 1991."

40 9. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

McKean of Jones offered the following amendment H—4119, to
the Senate amendment H—4113, filed by him and moved its adoption:

H—4119

1 Amend the Senate amendment, H—4113, to House File
2 709, as passed by the House, as follows:

3 1. Page 3, by striking lines 9 through 32.

4 2. By striking page 3, line 33 through page 4,
5 line 11.

6 3. Page 4, by striking lines 32 through 39.

Amendment H—4119 was adopted.

Jay of Appanoose offered the following amendment H—4141, to the Senate amendment H—4113, filed by him from the floor and moved its adoption:

H—4141

- 1 Amend the Senate amendment, H—4113, to House File
- 2 709, as passed by the House, as follows:
- 3 1. Page 4, by inserting after line 31 the follow-
- 4 ing:
- 5 "Sec. _____. House File 479, section 418, if enacted
- 6 by the Seventy-fourth General Assembly, 1991 Session,
- 7 is repealed." "
- 8 2. By renumbering as necessary.

Amendment H—4141 was adopted.

Bisignano of Polk offered the following amendment H—4142, to the Senate amendment H—4113, filed by him from the floor and moved its adoption:

H—4142

- 1 Amend the Senate amendment H—4113, to House File
- 2 709, as passed by the House as follows:
- 3 1. Page 1, by inserting after line 10, the
- 4 following:
- 5 "_____. Page 18, by inserting after line 12, the
- 6 following:
- 7 "Sec. _____. Section 17A.8, subsection 1, paragraphs
- 8 a and b, Code 1991, are amended to read as follows:
- 9 a. Three Five senators appointed by the majority
- 10 leader of the senate.
- 11 b. Three Five representatives appointed by the
- 12 speaker of the house."
- 13 2. By renumbering as necessary.

Amendment H—4142 was adopted.

On motion by Jay of Appanoose, the House concurred in the Senate amendment H—4113, as amended.

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

On the question "Shall the bill pass?" (H.F. 709)

The ayes were, 93:

Adams
Beaman

Baker
Beatty

Banks
Bennett

Bartz
Bernau

Bisignano	Black	Blanshan	Brand
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	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	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker			
Arnould			

The nays were, 1:

Branstad

Absent or not voting, 6:

Brammer	Connors	Doderer	Hatch
Osterberg	Shoning		

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

Shoultz of Black Hawk called up for consideration **House File 703**, a bill for an act relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—4143:

H—4143

- 1 Amend House File 703, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 24 and 25 and
- 4 inserting the following: "A nonresident licensed fur
- 5 dealer may purchase location permits to operate at
- 6 locations other than at the".
- 7 2. Page 1, line 26, by inserting after the word
- 8 "license." the following: "A resident licensed fur
- 9 dealer may obtain location permits without fee."

10 3. Page 1, by striking line 32 and inserting the
 11 following: "if any, furnish the proper license and
 12 location permits to the dealer."

13 4. Page 2, line 3, by striking the figure "12.50"
 14 and inserting the following: "10.50".

15 5. Page 2, line 5, by striking the word "Three-
 16 day" and inserting the following: "Seven-day".

17 6. Page 3, by inserting after line 8 the
 18 following:

19 g. Location permit for nonresident

20 fur dealers\$ 55.00".

21 7. By renumbering, relettering, or redesignating

22 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—4143.

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

On the question "Shall the bill pass?" (H.F. 703)

The ayes were, 53:

Adams	Beatty	Bernau	Black
Blanshan	Brown	Burke	Carpenter
Chapman	Dickinson	Diemer	Dvorsky
Eddie	Fogarty	Gill	Gipp
Groninga	Gruhn	Hahn	Halvorson, R. A.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Koenigs
Lageschulte	McKinney	McNeal	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Rafferty	Shearer	Sherzan	Shoultz
Siegrist	Svoboda	Teaford	Wissing
Mr. Speaker			
Arnould			

The nays were, 43:

Baker	Banks	Bartz	Beaman
Bennett	Bisignano	Brand	Branstad
Cohoon	Corbett	Daggett	De Groot
Garman	Grubbs	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Harbor	Hurley
Jay	Knapp	Krebsbach	Kremer
Lundby	Maulsby	McKean	Mertz
Millage	Muhlbauer	Murphy	Petersen, D. F.
Poncy	Renaud	Renken	Royer

Schrader
Van Maanen

Spear
Weidman

Spenner
Wise

Tyrrell

Absent or not voting, 4:

Brammer

Connors

Doderer

Shoning

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 703 and 709.**

The House stood at ease at 10:30 p.m., until the fall of the gavel.

The House resumed session at 12:47 a.m., Sunday, May 12, 1991, 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 May 11, 1991, adopted the second conference committee report and passed House File 335, a bill for an act relating to a parent's right of action for the death of a child.

Also: That the Senate has, on May 11, 1991, insisted on its amendment to House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa, and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Kinley, Chair; the Senator from Dallas, Senator Riordan; the Senator from Dubuque, Senator Welsh; the Senator from Marshall, Senator Soorholtz; the Senator from Hardin, Senator Taylor.

Also: That the Senate has on May 11, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 28, a concurrent resolution expressing congratulations to the Iowa State Horticultural Society on the occasion of the Society's 125th Anniversary.

Also: That the Senate has on May 11, 1991, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 29, a concurrent resolution relating to the establishment of a solid waste and recycling consortium.

Also: That the Senate has on May 11, 1991, adopted the conference committee report and passed Senate File 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund.

Also: That the Senate has on May 11, 1991, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 28, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED (House File 712)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 712: Gruhn of Dickinson, Chair; Fogarty of Palo Alto, Lundby of Linn, Teaford of Black Hawk and Gipp of Winneshiek.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the session, on request of Spenner of Henry.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 536)

Svoboda of Tama called up for consideration the report of the conference committee on Senate File 536 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 536

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 536, a bill for an act relating to the limitation period for filing for an Iowa income tax credit or refund, respectfully make the following report:

1. That the House recedes from its amendment, S—3716.
2. That Senate File 536, as passed by the Senate, is amended as follows:
 1. Page 1, by inserting before line 1 the following:

"Section 1. Section 422.73, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall enter into an agreement with the Internal Revenue Service for the transmission of federal income tax reports on individuals required to file an Iowa income tax return who have been involved in an income tax matter with the Internal Revenue Service. After final disposition of the income tax matter between the taxpayer and the Internal Revenue Service, the department shall determine whether the individual is due a state income tax refund as a result of final disposition of such income tax matter. If the individual is due a

state income tax refund, the department shall notify the individual within thirty days and request the individual to file a claim for refund or credit with the department."

2. By renumbering as necessary.

ON THE PART OF THE HOUSE:

JANE SVOBODA, Chair
GORDON BURKE
JANET ADAMS
HORACE DAGGETT
JANET METCALF

ON THE PART OF THE SENATE:

WILLIAM D. PALMER, Chair
MIKE CONNOLLY
WILLIAM W. DIELEMAN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 536)

The ayes were, 87:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	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
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Krebsbach
Kremer	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 13:

Busignano	Blanshan	Brammer	Doderer
Haverland	Koenigs	Lageschulte	Lundby
Muhlbauer	Murphy	Neuhauser	Shoning
Tyrrell			

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 536** be immediately messaged to the Senate.

The House stood at ease at 12:58 a.m., until the fall of the gavel.

The House resumed session at 1:11 a.m., Speaker Arnould in the chair.

REMARKS BY THE MAJORITY LEADER

McKinney of Dallas offered the following remarks:

It is with great pleasure that I address all of you tonight.

After serving as the Majority Leader for the first half of the 74th General Assembly — I have to breathe a great sigh of relief. I say relief because this has been a difficult session for all of us.

But we have all endured. It is through the spirit of cooperation that we have been able to reach this hour. And I want to thank all of you for your efforts and participation in this legislative process.

It is through the strong leadership provided by Speaker Arnould that we have been able to accomplish the things most important to Iowans. Speaker Arnould, it has indeed been a real "experience." I think you and I together have learned a great deal this session. Bob, I would like to thank you for your advice and friendship and I have enjoyed serving with you.

Representative Van Maanen, it has been a real pleasure to serve with you. You are always open and honest, and you have made a tremendous contribution to this process.

I want to express my appreciation to the entire staff for their dedication and hard work. But most importantly I would like to thank Aimee and Rita for everything they have done.

Your opinions, thoughts and inputs have been invaluable in making the laws that effect the state of Iowa. I have enjoyed my position as Majority Leader and look forward to coming back next year.

Have a great summer — enjoy yourselves, enjoy your summer.

Thank you very much.

REMARKS BY THE MINORITY LEADER

Van Maanen of Mahaska offered the following remarks:

Thank you, Mr. Speaker.

I do not wish to editorialize at length about the problems that we dealt with in this session; I believe that many of us will do that in the next few weeks. However,

I do want to take a few minutes to editorialize about the people that we work with in this process.

First of all I want to say, Wayne, I have truly appreciated the opportunity to work with you during this session, and I look forward to continuing this fine working relationship next session. I feel that we did have a real good working relationship on a daily basis. I'm not certain that either of our caucuses realizes the great degree to which the mutual respect for one another was present.

This chamber can function without political consensus between the majority and minority parties, but it cannot function very effectively without trust between us as individuals. I do, in fact, believe that we have developed that trust and I do truly appreciate that. As you mentioned in your comments, and I cannot help but reiterate it again, how much I appreciated your administrative assistant, Aimee. She has been a tremendous person and she did all the leg work for me. I didn't have to chase you like I did Bob last year — she came to me. Now, I would like to give Aimee a hand, okay!

Finally, I would also like to thank Bob Arnould, our Speaker, and congratulate him on surviving his initiation as Speaker. I realize that it is a tough job trying to keep all ninety-nine of us happy. I know how tough it is to keep forty-four happy and I realize how it was difficult for you to keep fifty-four members of your caucus happy!

I hesitate to evaluate anyone as to their effectiveness, a hesitation I hope will be shared by others in the next few weeks. However, Mr. Speaker, I do want to commend you for starting on time nearly every day, until the last few days. We didn't have to keep a clock measuring the time that we lost. Some time back, I related to Bob my concerns about marathon, all night sessions, and he agreed with my concerns. I think you did pretty well in this area, except the night of March 14-15th, when you kept us here until four in the morning to debate House File 479, the bill that's still haunting us today. But, I will say this Mr. Speaker, that even though we are here yet at 1:15 a.m. on a Sunday morning which is Mothers Day, I'm not laying that blame at your feet, because I think we had everything lined up to get out of here by 8:00 p.m., earlier this evening, but things just didn't work out as we planned. I just want to say thank you, Mr. Arnould, for your leadership.

There are many people that deserve our special thanks around this chamber — the Caucus staffs, Chief Clerk's office, Fiscal Bureau, those in the Service Bureau, the Journal room and of course I'll really miss the seventeen and eighteen year olds who really run this place, the Pages.

I enjoyed being your Minority Leader and I thank everyone who had to put up with me and the courtesy you extended to me this past session. I want to say, may God bless each and every one of you until we meet again.

Thank you so much.

REMARKS BY THE SPEAKER

Speaker Arnould offered the following remarks:

It's a tradition for the Speaker to address a few remarks to the members at the close of a session and I'd like to do this now.

This is my fourteenth legislative session and, believe me, the sessions haven't gotten any easier. Never in my fourteen years have we faced such a struggle just to

balance the state budget, as we have this year. Never before have we been forced to make the kind of difficult choices we have been forced to make.

Yet I am pleased with the work we have done this year. We have taken the budget problems head on. We have passed a balanced state budget. We have spent less than we expect to take in. We have even spent less than the Governor asked us to spend. And we have addressed the GAAP problem and provided for a real Rainy Day Fund.

We have shown courage and flexibility in cutting budgets as revenue has fallen. Yet, we have protected important services and programs — education, human services and the environment. And this House had the foresight to adopt restrictions on future state spending.

We also did the nation's best job on redistricting. Iowa has a nonpartisan reapportionment system like none other in the nation. We were presented with a fair and unbiased plan and we passed it. In January I pledged that the reapportionment process would be something we could all be proud of, and that's been the case.

While the session has been dominated by the budget and reapportionment, we have passed other significant legislation as well in the areas of domestic violence, truancy and home schooling, equal rights, toxics pollution, infectious waste, and ethanol production and promotion. We haven't had a lot of money for programs, but we have done well with the resources that are available to us.

I am proud of the work this legislature has done this year. It's been unusually tough, but we have risen to the challenge and put the good of the state ahead of our personal concerns and for that you all deserve respect and recognition.

Over the years I have learned one thing for certain. No matter what our differences are during one session, we all must come back again the next year and work together. We know that despite our best efforts we have not solved every problem this year by any means.

Next session will present its own challenges and difficulties, particularly in the budget area. I welcome those challenges and the opportunity to join House Republicans, the Senate and the Governor in addressing the needs and problems of this state.

I'd like to thank my staff, Joe O'Hern, the people who work here in the well, Liz and others who do such an amazing job in making sure that all of us in leadership are free to make decisions while all of the other things that take place around here go so smoothly — they really do a fantastic job.

I want to thank Wayne McKinney and congratulate him on an extremely successful year as a new Majority Leader and the staff that works with him, as well. I think they have done a superb job. I've enjoyed my continuing relationship with Harold Van Maanen. We were working together last year from a slightly different role, but I think our relationship is still good and we have managed to smooth out some of those wrinkles — and I didn't want to be here at 1:30 a.m. either but that's the way it goes sometimes.

I also want to thank the Appropriations Committee Chair. In a year like this where the budget is this difficult, special thanks to Tom Jochum for the hard work that he did throughout this session in trying to pull this budget together in the end.

I look forward to seeing all of you throughout the summer at different times. I know we'll all be back in January with a big job ahead of us and I know we'll tackle it again next year as well as we did this year — and hopefully we'll have a little more money.

Thank you.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 11, 1991, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 709, 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.

Also: That the Senate has, on May 12, 1991, adopted the conference committee report and passed House File 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa.

Also: That the Senate has on May 12, 1991, amended and passed the following bill in which the concurrence of the House is asked:

House File 713, a bill for an act relating to state budget and financial control by requiring certain financial practices and establishing a temporary fund and a capitals fund, limiting the amount of federal income tax that may be deducted for individual income tax purposes, and providing a retroactive applicability provision.

Also: That the Senate has, on May 12, 1991, adopted the conference committee report and passed 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.

JOHN F. DWYER, Secretary

The House stood at ease at 1:25 a.m., until the fall of the gavel.

The House resumed session at 1:30 a.m., Speaker Arnould in the chair.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 362)

Hatch of Polk called up for consideration the report of the conference committee on Senate File 362 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 362

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 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, respectfully make the following report:

1. That the House recedes from its amendment, S—3701.

2. That Senate File 362, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 12 the following:

"Sec. _____. Section 424.2, subsections 5, 9, and 12, Code 1991, are amended to read as follows:

5. "Depositor" means the person who deposits petroleum into a an underground storage tank subject to regulation under chapter 455G or an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet.

9. "Owner or operator" means "owner or operator" of an underground storage tank as used in chapter 455G or the "owner" or "operator" of an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet.

12. "Tank" means an underground storage tank subject to regulation under chapter 455G or an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet."

2. Page 1, by striking line 17 and inserting the following: "board, after public hearing, may shall determine, or may shall adjust, the".

3. Page 1, line 18, by inserting after the words "factor to" the following: "the greater of either".

4. Page 1, line 21, by striking the words "interest, if any" and inserting the following: "interest, if any or ten dollars".

5. Page 1, by inserting after line 24 the following:

"Sec. _____. Section 455B.301, subsection 20, Code 1991, is amended to read as follows:

20. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by section 321.1, subsection 1. However, this division does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal project. Solid waste does not include hazardous waste as defined in section 455B.411 or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979, or petroleum contaminated soil which has been remediated to acceptable state or federal standards."

6. By striking page 1, line 28 through page 2, line 27 and inserting the following:

"d. Establishing criteria for classifying sites according to the release of a regulated substance in connection with an underground storage tank.

(1) The classification system shall consider the actual or potential threat to public health and safety, and to the environment posed by the contaminated site and shall take into account relevant factors, including the presence of contamination in soils, groundwaters, and surface waters, and the effect of conduits, barriers, and distances on the contamination found in those areas according to the following factors:

(a) Soils shall be evaluated based upon the depth of the existing contamination and its distance from the ground surface to the contamination zone and the contamination zone to the groundwater; the soil type and permeability, including whether the contamination exists in clay, till or sand and gravel; and the variability of the soils, whether the contamination exists in soils of natural variability or in a disturbed area.

(b) Groundwaters shall be evaluated based upon the depth of the contamination and its distance from the ground surface to the groundwater and from the contamination zone to the groundwater; the flow pattern of the groundwater, the direction of the flow in relation to the contamination zone and the interconnection of the groundwater with the surface or with surface water and with other groundwater sources; the nature of the groundwater, whether it is located in a high yield aquifer, an isolated, low yield aquifer, or in a transient saturation zone; and use of the groundwater, whether it is used as a drinking water source for public or private drinking water supplies, for livestock watering, or for commercial and industrial processing.

(c) Surface water shall be evaluated based upon its location, its distance in relation to the contamination zone, the groundwater system and flow, and its location in relation to surface drainage.

(d) The effect of conduits, barriers, and distances on the contamination found in soils, groundwaters, and surface waters. Consideration should be given to the following: the effect of contamination on conduits such as wells, utility lines, tile lines and

drainage systems; the effect of conduits on the transport of the contamination; whether a well is active or abandoned; what function the utility line serves, whether it is a sewer line, a water distribution line, telephone line, or other line; the existence of barriers such as buildings and other structures, pavement, and natural barriers, including rock formations and ravines; and the distance which separates the contamination found in the soils, groundwaters, or surface waters from the conduits and barriers.

(2) A site shall be classified as either high risk, low risk, or no action required.

(a) A site shall be considered high risk under any of the following conditions:

(i) Contamination is affecting or likely to affect groundwater which is used as a source water for public or private water supplies, to a level rendering them unsafe for human consumption.

(ii) Contamination is actually affecting or is likely to affect surface water bodies to a level where surface water quality standards, under section 455B.173, will be exceeded.

(iii) Harmful or explosive concentrations of petroleum substances or vapors affecting structures or utility installations exist or are likely to occur.

(b) A site shall be considered low risk under any of the following conditions:

(i) Contamination is present and is affecting groundwater, but high risk conditions do not exist and are not likely to occur.

(ii) Contamination is above action level standards, but high risk conditions do not exist and are not likely to occur.

(c) A site shall be considered no action required if contamination is below action level standards and high or low risk conditions do not exist and are not likely to occur.

(d) A site shall be reclassified as a site with a higher or lower classification when the site falls within a higher or lower classification as established under this subparagraph."

7. Page 2, line 29, by striking the words "sites contaminated by tank releases" and inserting the following: "the release of a regulated substance in connection with an underground storage tank".

8. Page 2, line 30, by inserting after the word "include" the following: ", but not be limited to,".

9. Page 2, by striking lines 32 and 33 and inserting the following:

"(1) A requirement that the site cleanup report do all of the following:".

10. Page 3, line 1, by striking the word "Determine" and inserting the following: "Provide supporting data and a recommendation of".

11. Page 3, line 4, by striking the word "Determine" and inserting the following: "Provide supporting data and a recommendation of".

12. Page 3, by striking lines 18 through 26 and inserting the following:

"(5) Low risk sites shall be monitored according to the following schedule:

(a) Up to three times per year from years one through three.

(b) Up to two times per year from years four through six.

(c) One time per year from years seven through nine.

(d) In the twelfth year the site shall be monitored one time. If there has been no significant increase in contamination or the contamination has not moved, the site shall be reclassified as a no action required site. If at any time the contamination has increased or moved by a significant amount, the site shall be monitored according to the previous higher monitoring schedule as established under this subparagraph.

(e) The department shall have the authority to order monitoring in addition to the requirements as specified in this subparagraph with approval by the board.

(f) If at any time monitoring indicates that contamination has fallen below action level standards, the site shall be reclassified as a no action required site.

(5A) No action required sites shall not be required to be remediated or monitored."

13. Page 3, line 29, by inserting after the word "groundwater." the following: "For purposes of this subparagraph, "bioremediation" means the use of biological organisms, including microorganisms or plants, to degrade organic pollutants to common natural products."

14. Page 4, by inserting after line 4 the following:

"(9) The director may order an owner or operator to immediately take all corrective actions deemed reasonable and necessary by the director if the corrective action is consistent with the prioritization rules adopted under this paragraph. Any order taken by the director pursuant to this subparagraph shall be reviewed at the next meeting of the environmental protection commission."

15. Page 4, by striking lines 9 and 10 and inserting the following: "monitoring certificate shall be valid until the site is reclassified as a no action required site. A site which has been issued".

16. Page 4, line 34, by striking the word "subsection" and inserting the following: "subsections".

17. Page 5, line 3, by inserting after the word "installer" the following: "or inspector".

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

"NEW SUBSECTION. 3B. "Community remediation" means a program of coordinated testing, planning, or remediation, involving two or more tank sites potentially connected with a continuous contaminated area, pursuant to rules adopted by the board. A community remediation does not expand the scope of coverage otherwise available or relieve liability otherwise imposed under state or federal law."

19. Page 5, by inserting after line 33 the following:

"Sec. _____. Section 455G.2, subsection 15, unnumbered paragraph 2, Code 1991, is amended by striking the unnumbered paragraph."

20. Page 6, by inserting after line 3, the following:

"Sec. _____. Section 455G.9, subsection 1, paragraph a, subparagraph (1), Code 1991, is amended to read as follows:

(1) Corrective action for an eligible release reported to the department of natural resources on or after July 1, 1987, but prior to May 5, 1989. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release for a small business under this subparagraph, the remedial program shall pay no more than the lesser of twenty-five thousand dollars or one-third of the total costs of corrective action for that release, in accordance with subsection 4 notwithstanding. For all other claims under this subparagraph, the remedial program shall pay the lesser of fifty thousand dollars of the total costs of corrective action for that release or total corrective action costs for that release as determined under subsection 4. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

(a) The owner or operator applying for coverage shall not be a person who is maintaining, or has maintained, proof of financial responsibility for federal regulations through self-insurance.

(b) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after July 1, 1987.

(c) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to January 31, 1990, except that cities and counties must have filed their claim with the board by September 1, 1990.

(d) The owner or operator at the time the release was reported to the department of natural resources must have been in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Total payments for claims pursuant to this subparagraph are limited to no more than eight million dollars. Claims for eligible retroactive releases shall be prorated if claims filed in a permitted application period or for a particular priority class of applicants exceed eight million dollars or the then remaining balance of eight million dollars. If claims remain partially or totally unpaid after total payments equal eight million dollars, all remaining claims are void, and no entitlement exists for further payment."

21. Page 6, by striking lines 18 through 22 and inserting the following: "26, 1990. School districts who reported a release to the department of natural resources prior to December 1, 1990, shall have until July 1, 1991, to report a claim to the board for remedial coverage under this subparagraph.

Sec. _____. Section 455G.9, subsection 1, paragraph a, subparagraph (3), unnumbered paragraph 1, Code 1991, is amended to read as follows:

Corrective action for an eligible release reported to the department of natural resources on or after January 1, 1985, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release for a small business under this subparagraph, the remedial program shall pay no more than the lesser of twenty-five thousand dollars or one-third of the total costs of corrective action for that release, in accordance with subsection 4 notwithstanding. For all other claims under this subparagraph, the remedial program shall pay the lesser of fifty thousand dollars of the total costs of corrective action for that release or total corrective action costs for that release as determined under subsection 4. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:"

22. Page 6, line 24, by striking the word "subparagraph" and inserting the following: "subparagraphs".

23. Page 6, by inserting after line 34 the following:

"NEW SUBPARAGRAPH. (5) For the purposes of calculating corrective action costs under this paragraph, corrective action shall include the cost of a tank system upgrade required by section 455B.474, subsection 1, paragraph "f", subparagraph (7). Payments under this subparagraph shall be limited to a maximum of ten thousand dollars for any one site.

NEW SUBPARAGRAPH. (6) For the purposes of calculating corrective action costs under this paragraph, corrective action shall include the costs associated with monitoring required by the rules adopted under section 455B.474, subsection 1, paragraph "f", but corrective action shall exclude monitoring used for leak detection required by rules adopted under section 455B.474, subsection 1, paragraph "a".

Sec. _____. Section 455G.9, subsection 1, paragraphs b, c, and d, Code 1991, are amended to read as follows:

b. Corrective action and third-party liability for a release discovered on or after January 24, 1989, for which a responsible owner or operator able to pay cannot be found and for which the federal underground storage tank trust fund or other federal moneys do not provide coverage. For the purposes of this section property shall not be deeded or quitclaimed to the state or board in lieu of cleanup. Additionally, the ability to pay shall be determined after a claim has been filed. The board is not liable for any cost where either the responsible owner or operator, or both, have a net worth greater than fifteen thousand dollars, or where the responsible party can be determined. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution.

c. Corrective action and third-party liability for a tank owned or operated by a financial institution eligible to participate in the remedial account under section 455G.16 if the prior owner or operator is unable to pay, if so authorized by the board as part of a condition or incentive for financial institution participation in the fund pursuant to section 455G.16. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution.

d. One hundred percent of the costs of corrective action and third party liability for a release situated on property acquired by a county for delinquent taxes pursuant to chapters 445 through 448, for which a responsible owner or operator able to pay, other than the county, cannot be found. A county is not a "responsible party" for a release in connection with property which it acquires in connection with delinquent taxes, and does not become a responsible party by sale or transfer of property so acquired. Third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution."

24. Page 7, line 1, by striking the word "paragraph" and inserting the following: "paragraphs".

25. Page 7, by inserting before line 13, the following:

"NEW PARAGRAPH. h. Corrective action for the costs of a release under all of the following conditions:

(1) The property upon which the tank causing the release was situated was transferred by inheritance, devise, or bequest.

(2) The property upon which the tank causing the release was situated has not been used to store or dispense petroleum since January 1, 1974.

(3) The person who received the property by inheritance, devise, or bequest was not the owner of the property during the period of time when the release which is the subject of the corrective action occurred.

(4) The release was reported to the board by July 1, 1991.

Corrective action costs and copayment amounts under this paragraph shall be paid in accordance with subsection 4.

A person requesting benefits under this paragraph may establish that the conditions of subparagraphs (1), (2), and (3) are met through the use of supporting documents, including a personal affidavit.

NEW PARAGRAPH. i. One hundred percent of the costs of corrective action for a governmental subdivision in connection with a tank which was in place on the date the release was discovered or reported if the governmental subdivision did not own or operate the tank which caused the release and if the governmental subdivision did not obtain the property upon which the tank giving rise to the release is located on or after May 3, 1991. Property acquired pursuant to eminent domain in connection with a United States department of housing and urban development approved urban renewal project is eligible for payment of costs under this paragraph whether or not the property was acquired on or after May 3, 1991."

26. Page 7, line 24, by striking the word "twenty" and inserting the following: "eighteen".

27. Page 8, line 13, by inserting after the word "value," the following: "adjusted for equipment and capital improvements".

28. Page 8, line 20, by inserting after the word "annually," the following: "An owner or operator under this subsection shall notify the board of the sale or transfer of the property interest in the tank site."

29. Page 9, line 19, by striking the word "subsection" and inserting the following: "subsections".

30. Page 9, by inserting after line 25 the following:

"NEW SUBSECTION. 10. For a self-insured as determined under IAC 567-136.6, to qualify for remedial benefits under this section, tanks shall be upgraded by January 1, 1995, as specified by the United States environmental protection agency in 40 C.F.R. § 280.21, as amended through January 1, 1989. A self-insured who qualifies for benefits under this section shall repay any benefits received if the upgrade date is not met."

31. Page 9, lines 26 and 27, by striking the words and figure "subsections 5 and 6, Code 1991, are" and inserting the following: "subsection 6, Code 1991, is".

32. By striking page 9, line 28 through page 10, line 8.

33. Page 10, by inserting after line 16 the following:

"Sec. _____. Section 455G.11, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. To the extent that coverage under this section includes third-party liability, third-party liability specifically excludes any claim, cause of action, or suit, for personal injury including, but not limited to, loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution."

34. Page 11, line 1, by inserting after the word "INSTALLER'S" the following: "AND INSPECTOR'S".

35. Page 11, line 3, by striking the words "an installer of a" and inserting the following: "installers and inspectors of".

36. Page 11, line 4, by striking the word "installation" and inserting the following: "installations".

37. Page 11, line 18, by striking the words "an installer" and inserting the following: "installers and inspectors".

38. Page 11, line 23, by inserting after the word "basis." the following: "The premium paid shall be fully earned and is not subject to refund or cancellation."

39. Page 11, by inserting after line 24 the following:

"(5) The board may offer coverage at rates based on sales if the qualifying installer or inspector cannot be rated on a per tank basis, or if the work the installer or inspector performs involves more than tank installation. The rates to develop premiums shall be based on the premium charged per tank under subparagraphs (1), (2), and (3)."

40. Page 11, line 25, by striking the words "An installer" and inserting the following: "Installers and inspectors".

41. Page 11, line 32, by striking the words "An installer" and inserting the following: "Installers and inspectors".

42. Page 12, line 3, by inserting after the word "installer" the following: "or inspector".

43. Page 12, line 9, by striking the words "or installer" and inserting the following: "installer or inspector".

44. Page 12, line 13, by striking the words "shall not" and inserting the following: "may".

45. Page 12, line 19, by inserting after the word "installers" the following: "and inspectors".

46. Page 12, line 26, by inserting after the word "installers" the following: "or inspectors".

47. Page 12, line 29, by inserting after the word "installer" the following: "or inspector".

48. Page 12, by striking lines 31 and 32 and inserting the following: "excess coverage of".

49. Page 15, line 25, by inserting after the word "technology." the following: "The board shall not have the authority to affect a contract which has been given written approval under section 455G.12A."

50. Page 15, by inserting after line 25 the following:

"Sec. _____. Section 455G.12A, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. PRIOR APPROVAL BY ADMINISTRATOR. Unless emergency conditions exist, a contractor performing services pursuant to this section shall have the budget for the work approved by the administrator prior to commencement of the work. No expense incurred which is above the budgeted amount shall be paid unless the administrator approves such expense prior to it being incurred. All invoices or bills shall be submitted with appropriate documentation as deemed necessary by the board, no later than thirty days after the work has been performed. Neither the board nor an owner or operator is responsible for payment for work incurred which has not been previously approved by the board."

51. Page 15, line 26, by striking the word and figure "and 6," and inserting the following: ", 6, 8, and 9".

52. Page 15, line 31, by inserting after the word "other" the following: "potentially responsible".

53. Page 15, by striking line 34 and inserting the following: "and for all other costs; or including reasonable attorney fees and costs of litigation for which moneys are expended by the fund in".

54. Page 16, line 11, by striking the word "person" and inserting the following: "person potentially responsible party".

55. Page 16, by inserting after line 12, the following:

"8. Third-party contracts not binding on board, proceedings against responsible party. An insurance, indemnification, hold harmless, conveyance, or similar risk-sharing or risk-shifting agreement shall not be effective to transfer any liability for costs recoverable under this section. The fund, board, or department of natural resources may proceed directly against the owner or operator or other allegedly responsible party. This section does not bar any agreement to insure, hold harmless, or indemnify a party to the agreement for any costs or expenditures under this chapter, and does not modify rights between the parties to an agreement, except to the extent the agreement shifts liability to an owner or operator eligible for assistance under the remedial account for any damages or other expenses in connection with a corrective action for which another potentially responsible party is or may be liable. Any such provision is null and void and of no force or effect.

9. Later proceedings permitted against other parties. The entry of judgment against a party to the action does not bar a future action by the board or the department of natural resources against another person who is later alleged to be or discovered to be liable for costs and expenditures paid by the fund. Notwithstanding section 668.5 no other potentially responsible party may seek contribution or any other recovery from an owner or operator eligible for assistance under the remedial account for damages or other expenses in connection with corrective action for a release for which the potentially responsible party is or may be liable. Subsequent successful proceedings against another party shall not modify or reduce the liability of a party against whom judgment has been previously entered."

56. Page 16, line 23, by striking the word "subsections" and inserting the following: "subsection".

57. Page 16, line 24, by inserting after the word "INSTALLERS" the following: "AND INSPECTORS".

58. Page 16, line 28, by inserting after the word "installer" the following: "or an inspector".

59. By striking page 16, line 30 through page 17, line 10.

60. Page 17, by inserting after line 10, the following:

"Sec. _____. Section 455G.13, subsection 10, Code 1991, is amended to read as follows:

10. SUBROGATION RIGHTS CLAIMS AGAINST POTENTIALLY RESPONSIBLE PARTIES. Payment Upon payment of a claim by the fund pursuant to this chapter, shall be conditioned upon the board's acquiring by subrogation the rights of the claimant to recover those costs and expenditures for corrective action for which the fund has compensated the claimant, from the person responsible or liable for the unauthorized release any potentially responsible party, are assumed by the board to the extent paid by the fund. A claimant is precluded from receiving double compensation for the same injury.

In an action brought pursuant to this chapter seeking damages for corrective action or third-party liability, the court shall permit evidence and argument as to the replacement or indemnification of actual economic losses incurred or to be incurred in the future by the claimant by reason of insurance benefits, governmental benefits or programs, or from any other source.

Sec. _____. Section 455G.13, subsection 10, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A claimant may elect to permit the board to pursue the claimant's cause of action for any injury not compensated by the fund against any potentially responsible party, provided the attorney general determines such representation would not be a conflict of interest. If a claimant so elects, the board's litigation expenses shall be shared on a pro rata basis with the claimant, but the claimant's share of litigation expenses are payable exclusively from any share of the settlement or judgment payable to the claimant.

Sec. _____. Section 455G.16, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Third-party liability expenses under this section specifically exclude any claim, cause of action, or suit, for personal injury including, but not limited to loss of use or of private enjoyment, mental anguish, false imprisonment, wrongful entry or eviction, humiliation, discrimination, or malicious prosecution."

61. By striking page 17, line 11, through page 19, line 1, and inserting the following:

"Sec. _____. Section 455G.17, subsection 3, Code 1991, is amended to read as follows:

3. The board shall adopt approved curricula for training persons to install underground storage tanks in such a manner that the resulting installation may be certified under section 455G.11, subsection 6, and provide fire safety and environmental protection guidelines for persons removing tanks.

Sec. _____. Section 455G.17, subsection 4, Code 1991, is amended by striking the subsection.

Sec. _____. **NEW SECTION.** 455G.17A GROUNDWATER PROFESSIONALS — REGISTRATION.

1. The department of natural resources shall adopt rules pursuant to chapter 17A requiring that groundwater professionals register with the department of natural resources.

2. A groundwater professional is a person who provides subsurface soil contamination and groundwater consulting services or who contracts to perform remediation or corrective action services and is one or more of the following:

a. A person certified by the American institute of hydrology, the national water well association, the American board of industrial hygiene, or the association of groundwater scientists and engineers.

b. A professional engineer registered in Iowa.

c. A professional geologist certified by a national organization.

d. Any person who has five years of direct and related experience and training as a groundwater professional or in the field of earth sciences as of the effective date of this Act.

e. Any other person with a license, certification, or registration to practice hydrogeology or groundwater hydrology issued by any state in the United States or by any national organization, provided that the license, certification, or registration process requires, at a minimum, all of the following:

(1) Possession of a bachelor's degree from an accredited college.

(2) Five years of related professional experience.

3. The department of natural resources may provide for a civil penalty of no more than fifty dollars for the failure to register. An interested person may obtain a list of registrants from the department of natural resources. The department of natural resources may impose a fee for the registration of persons under this section.

4. The registration of groundwater professionals shall not impose liability on the board, the department, or the fund for any claim or cause of action of any nature, based on the action or inaction of groundwater professionals registered pursuant to this section."

62. Page 19, by inserting after line 28, the following:

"Sec. _____. Notwithstanding any limitations on division or department full-time equivalent positions in any enacted legislation, the department of natural resources may utilize funding, other than general fund moneys, to employ up to 4.00 additional full-time equivalent positions to work on the underground storage tank program for the fiscal year beginning July 1, 1991, and ending June 30, 1992."

63. Title page, line 1, by inserting after the word "underground" the following: "and aboveground".

64. Title page, line 17, by inserting after the word "offset," the following: "making technical changes,".

65. By renumbering, relettering, or redesignating and correction internal references as necessary.

ON THE PART OF THE HOUSE:

JACK HATCH, Chair
BRADLY BANKS
STEVEN GRUBBS
DAVID HIBBARD

ON THE PART OF THE SENATE:

MICHAEL GRONSTAL, Chair
RICHARD DRAKE
EUGENE FRAISE
EMIL HUSAK
DERRYL McLAREN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 362)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	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	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud

Renken
Sherzan
Spenner
Weidman

Royer
Shoultz
Svoboda
Wise

Schrader
Siegrist
Teaford
Wissing

Shearer
Spear
Van Maanen
Mr. Speaker
Arnould

The nays were, none.

Absent or not voting, 8:

Bisignano
Harbor

Brammer
Lageschulte

Doderer
Shoning

Gruhn
Tyrrell

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that Senate File 362 be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to dispense with the printing and distribution of the conference committee report on House File 712.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 712)

Gruhn of Dickinson called up for consideration the report of the conference committee on House File 712 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 712

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 712, a bill for an act making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa, respectfully make the following report:

1. That the Senate recedes from its amendment, H—4140.

ON THE PART OF THE HOUSE:

JOSEPHINE GRUHN, Chair
DANIEL FOGARTY
CHUCK GIPP
MARY LUNDBY
JANE TEAFORD

ON THE PART OF THE SENATE:

GEORGE KINLEY, Chair
JIM RIORDAN
JOHN E. SOORHOLTZ

The motion prevailed and the conference committee report 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. 712)

The ayes were, 87:

Adams	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Black
Blanshan	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Dvorsky	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	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
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spanner	Teaford	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker	
		Arnould	

The nays were, none.

Absent or not voting, 13:

Baker	Bisignano	Brammer	Doderer
Eddie	Hansen, S. D.	Harbor	Lageschulte
Miller	Royer	Shoning	Svoboda
Tyrrell			

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 712** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 12, 1991, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 29, a concurrent resolution to provide for adjournment sine die.

JOHN F. DWYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 29

McKinney of Dallas asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 29 as follows, and moved its adoption:

- 1 Senate Concurrent Resolution 29
- 2 By Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved By The Senate, The House Concurring,*
- 6 That when adjournment is had on Sunday, May 12, 1991
- 7 it be the final adjournment of the 1991 Regular
- 8 Session of the Seventy-fourth General Assembly.

The motion prevailed and the resolution was adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday May 10, 1991. Had I been present, I would have voted "aye" on House File 712 and Senate File 533.

DAGGETT of Adams

I was necessarily absent from the House chamber on Friday, May 10, 1991. Had I been present, I would have voted "aye" on House File 712 and Senate File 533.

METCALF of Polk

I was necessarily absent from the House chamber on Friday afternoon, May 10, 1991. Had I been present, I would have voted "aye" on House Joint Resolution 10; amendment H-4116C to House File 711 and Senate Files 4, 471, 544 and 548; "nay" on House File 711.

SPENNER of Henry

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 9, 1991 he approved and transmitted to the Secretary of State the following bills:

House File 577, an act relating to required reporting on state parks and preserves.

House File 649, an act relating to hazardous waste and hazardous substance disposal sites.

House File 691, 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.

Also: That on May 10, 1991, the Governor approved and transmitted to the Secretary of State the following bills:

House File 575, an act relating to the collection and use of patient information by the health data commission, and providing penalties.

House File 612, an act relating to the publication of notice for a public hearing on a county budget.

House File 644, an act relating to communication by permanent nonprofit organizations with their dues-paying members under the campaign finance disclosure law.

House File 651, an act relating to gambling and the operation of pari-mutuel racetracks and excursion gambling boats, and providing an effective date.

House File 679, an act relating to forfeiture of excursion boats and related property and providing an effective date.

House File 689, an act relating to the establishment of joint water utilities and their tax status.

Senate File 268, an act establishing the arts and cultural enhancement and endowment program.

Senate File 343, an act relating to the medical assistance program.

Senate File 356, an act relating to the procedures, confidentiality, penalties, refunds, and nonsubstantive changes for taxes administered by the department of revenue and finance, relating to refunds of the environmental protection charge, and providing effective dates.

Senate File 441, an act relating to workers' compensation self-insurance, imposing civil and criminal penalties, and providing an appropriation.

Senate File 445, an act relating to the forfeiture of the rights of junior lienholders with respect to real estate contracts and providing an effective date.

Senate File 502, an act relating to workers' health, safety, and welfare, by providing funding for the second injury fund and providing applicability and effective dates.

Also: On May 11, 1991, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 342, an act relating to the prevention of disabling conditions by establishing a prevention of disabilities policy council and a technical assistance committee of the council and by making an appropriation and providing for a repeal.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

May 10, 1991

The Honorable Joseph Welsh
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

Senate File 131, an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Iowa Code Section 25A.13 currently provides a two-year statute of limitations for claims against the state under the Iowa Tort Claims Act. This is a departure from common law which did not permit actions against the state. Senate File 131 would amend Section 25A.13 to allow the two years to be tolled if the claimant is a minor or incompetent at the time the claim accrues.

Current Iowa law parallels the Federal Tort Claims Act which does not provide a tolling of its two-year statute of limitations for claims against the federal government brought by minors or incompetents. Congress was concerned about stale claims when it passed the federal act and has declined to alter it. Federal court decisions have upheld the constitutionality of the federal statute of limitations. Likewise, the Iowa Supreme Court has upheld the constitutionality of Section 25A.13.

At any given time, the state is charged with the care of hundreds of institutionalized minors and incompetents, many who because of the seriousness of their problems have been denied care by private facilities. Under this bill, a claim could be brought against the state by minors until their nineteenth birthday or by incompetents until one year after they attain competency which may be some 10, 20 or even 30 years after the incident giving rise to the claim. In the case of both minors and incompetents, the claim may be made many years after the evidence and people familiar with the circumstances are gone. The state should not be forced to defend against claims that are stale. Our present law permits parents or guardians of minors or incompetents to bring claims on their behalf in a timely manner.

For the above reasons, I hereby respectfully disapprove Senate File 131.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITOR

Metcalf of Polk presented to the House Matt Bullard, former member of the Valley High School and University of Iowa Basketball teams, now playing with the Houston Rockets.

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

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|----------|--|
| 1991-181 | Eric Hanson, Washington Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-182 | Melissa Wesselink, Wapello Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-183 | Kara Bailey, Mid-Prairie Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-184 | Scott Samuelson, Highland Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-185 | Ann Sievers, Columbus Community High School — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-186 | Mike Walker, Morning Sun — For attaining Eagle Scout, the highest rank in the Boy Scouts of America. |
| 1991-187 | Jonathan Wood, Estherville — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-188 | Sara Butterworth, Spirit Lake — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll. |
| 1991-189 | Jason Schneider, Akron — For being named Outstanding Ag Student and receiving the 1991 Dekalb Agricultural Accomplishment Award. |
| 1991-190 | Angela Wilken, Akron — For representing Akron-Westfield High School at KCAU's "Best of Class" event. |
| 1991-191 | Dannika Harderson, Hinton — For representing Hinton High School at KCAU's "Best of Class" event. |
| 1991-192 | Dan Gable, The University of Iowa — For being named Amateur Wrestling News' Coach of the Year. |
| 1991-193 | Susan Kruse, DeWitt — For being named Clinton County Teacher of the Year. |
| 1991-194 | Matt Heidenwirth, Greene — For participating in the 1991 Iowa Citizen Bee competition. |

- 1991-195 Darcy Burrows, Webster City — For participating in the 1991 Iowa Citizen Bee competition.
- 1991-196 The Community of Oakville — For celebrating its 100th Anniversary and the Centennial Committee deserves recognition for its efforts.
- 1991-197 McKinley Elementary School, Davenport — For winning a 1991 FINE, "First in the Nation in Education" award.
- 1991-198 Jefferson Elementary School, Davenport — For celebrating its 50th Anniversary.
- 1991-199 Washington Elementary School, Davenport — For celebrating its 50th Anniversary.
- 1991-200 Jennifer Ottesen, Davenport — For being named to the Des Moines Register's 1991 Iowa Academic All-State Honor Roll.
- 1991-201 The 134th Medical Company, Iowa National Guard, Washington — For providing medical care to the United States and Allied Armed Forces in Saudi Arabia, Kuwait, and Iraq during the Persian Gulf War.
- 1991-202 The 872nd Army Reserve Unit, Washington — For supporting the Nation's Armed Services during the Persian Gulf War.
- 1991-203 Louisa County Area Vietnam Veterans — For establishing the "All Veterans Memorial" at Grandview, Iowa, as a tribute to the Iowans in the Armed Services who served in all conflicts and paid the ultimate price for freedom.
- 1991-204 Mitch Hill, Bettendorf — For attaining Eagle Scout, the highest rank in the Boy Scouts of America.
- 1991-205 Michael E. Henry, Dubuque — For attaining Eagle Scout, the highest rank in the Boy Scouts of America.
- 1991-206 Father James P. Conroy, Davenport — For being named Knights of Columbus Chaplin of the Year in the Diocese of Davenport for his work with Council 4403.
- 1991-207 Carl R. Williams, Ryan — For attaining Eagle Scout, the highest rank in the Boy Scouts of America.

AMENDMENT FILED

H—4144

H.F. 713

Senate Amendment

The House stood at ease at 2:03 a.m., until the fall of the gavel.

The House resumed session, Speaker Arnould in the chair.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.g, the following motions to reconsider which remained on the House Calendar upon adjournment of the 1991 Regular Session of the Seventy-fourth General Assembly will be considered to have failed:

By Renken of Grundy to 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, filed on March 4, 1991.

By Dickinson of Jackson 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, filed on April 3, 1991. (Bill failed)

HOUSE AND SENATE FILES REREFERRED TO COMMITTEE

Under the provisions of House Rule 45, the following House Files and Resolution and Senate Files are rereferred to the committees listed:

House Joint Resolution 9	Education
House File 87	Judiciary and Law Enforcement
House File 108	Education
House File 490	Ways and Means
Senate File 46	Energy and Environmental Protection
Senate File 181	Natural Resources and Outdoor Recreation
Senate File 259	Ways and Means
Senate File 278	Ways and Means
Senate File 294	Ways and Means
Senate File 330	Transportation
Senate File 364	State Government
Senate File 458	Labor and Industrial Relations
Senate File 537	Ways and Means
Senate File 543	Transportation

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 1991, passed the following bill in which the concurrence of the Senate was asked:

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.

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR AND SECRETARY OF STATE

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills and resolution have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of May, 1991: House Files 20, 109, 182, 232, 233, 237, 285, 289, 302, 325, 335, 353, 380, 391, 417, 430, 455, 479, 517, 556, 571, 589, 596, 610, 614, 618, 634, 656, 662, 668, 672, 683, 687, 688, 690, 693, 694, 697, 698, 700, 703, 704, 706, 707, 709, 710, 712 and House Concurrent Resolution 30.

Also presented to the Secretary of State on this 12th day of May, 1991: House Joint Resolution 10.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

COMMITTEE TO NOTIFY THE GOVERNOR

McKinney of Dallas moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 29, duly adopted.

The motion prevailed and the Speaker appointed as such committee Connors of Polk and Branstad of Winnebago.

COMMITTEE TO NOTIFY THE SENATE

McKinney of Dallas moved that a committee of four be appointed to notify the Senate that the House was ready to adjourn in accordance with Senate Concurrent Resolution 29, duly adopted.

The motion prevailed and the Speaker appointed as such committee Shearer of Louisa, Halvorson of Webster, Lundby of Linn and Harbor of Mills.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and the Governor had sent the following message:

COMMUNICATION FROM THE GOVERNOR

OFFICE OF THE GOVERNOR
State Capitol
Des Moines, Iowa 50319

May 22, 1991

The Honorable Joseph Welsh
President of the Senate
State Capitol Building
LOCAL

The Honorable Robert Arnould
Speaker of the House
State Capitol Building
LOCAL

Dear Mr. President/Mr. Speaker:

When this session of the General Assembly convened, the members faced two especially difficult and divisive tasks: balancing the state budget and passage of a fair and nonpartisan reapportionment bill.

The General Assembly left the Capitol this year without a balanced budget, in part because revenues failed to meet expectations, in part because we are spending too much money on too many programs and services. We plan to spend the summer and fall developing a new approach to budgeting that effectively controls spending and avoids the cost overruns that have become common.

Fortunately this year you resisted efforts to pass a major tax increase. A sales or income tax increase would be counter-productive to economic growth and would only fuel higher spending. Unfortunately this year's budget deliberately does not pay some of the known, mandated costs of services.

Legislators can take pride in their work on the reapportionment bill. It was debated and passed without letting personal interests overcome good government. Legislators performed well in fulfilling their responsibility to redraw legislative and congressional districts in a nonpartisan manner.

Very truly yours,
Terry E. Branstad
Governor

The communication was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 29, duly adopted, the day of Sunday, May 12, 1991 having arrived, the Speaker of the House of Representatives declared the 1991 Regular Session of the Seventy-fourth General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-fourth General Assembly,
1991 Session, not otherwise printed in the House Journal:

H-3004

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 4, line 26, by striking the word "ten"
- 3 and inserting the following: "ten twenty".

CORBETT of Linn

H-3008

- 1 Amend Senate Concurrent Resolution 2 as amended,
- 2 passed, and reprinted by the Senate as follows:
- 3 1. Page 7, by striking lines 27 through 29, and
- 4 inserting the following: "shall be to propose
- 5 amendments to any portion of the bill provided the
- 6 amendment is germane to the bill as passed by the
- 7 house of origin or as amended by the second house."
- 8 2. Page 8, line 25, by inserting after the word
- 9 "report" the following: "or a ruling by either house
- 10 that the conference committee report is nongermane to
- 11 the bill as passed by the house of origin or as
- 12 amended by the second house".

JESSE of Jasper

H-3009

- 1 Amend the amendment, H-3008, to Senate Concurrent
- 2 Resolution 2, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, by striking lines 4 through 12, and
- 5 inserting the following: "inserting the following:
- 6 "shall be limited to resolving only the differences
- 7 between the two houses."

LAGESCHULTE of Bremer
VAN MAANEN of Mahaska
HARBOR of Mills

H-3012

- 1 Amend House File 4 as follows:
- 2 1. Page 1, by inserting after line 16 the
- 3 following:
- 4 "A person is not eligible for benefits under this
- 5 chapter if the commission or the board of supervisors
- 6 determines that the person's indigency is caused by
- 7 total or partial unemployment due to a labor dispute
- 8 at the factory, establishment, or other premises at
- 9 which the person is or was last employed, unless the

10 person is not participating in, financing, or directly
11 interested in the labor dispute which caused the work
12 stoppage."

METCALF of Polk

H-3014

1 Amend House File 142 as follows:
2 1. Page 1, line 11, by inserting after the word
3 "principles" the words "and the general assembly shall
4 base its appropriations upon such principles".
5 2. Page 5, line 1, by striking the word "and".
6 3. Page 5, line 2, by inserting after the word
7 "principles" the words ", and shall not be available
8 for appropriation".
9 4. Page 5, by striking lines 6 through 8, and
10 inserting the following: "budget by not more than
11 fifty percent of the most recent revenue estimate
12 percentage increase issued prior to January 1, 1992,
13 under section 8.22A, or not more than the consumer
14 price index, whichever is greater. This limitation
15 shall not apply to those moneys collected by a
16 department or establishment that supplement an
17 appropriation made by the general assembly."

BRAMMER of Linn

H-3016

1 Amend House File 142 as follows:
2 1. Page 1, by inserting after line 11, the
3 following:
4 "Sec. 2. Section 8.22, part I, subsection 1,
5 unnumbered paragraph 1, Code 1991, is amended by
6 striking the subsection and inserting in lieu thereof
7 the following:
8 The governor's program for meeting all the
9 expenditure needs of the government for the fiscal
10 year. The governor's program shall indicate the means
11 through which the expenditures shall be financed, and
12 shall indicate the classes of funds from which
13 appropriations are to be made, including unrestricted
14 funds, restricted funds, trust funds, and any other
15 funds which may be established in accordance with
16 generally accepted accounting principles."
17 2. By renumbering as necessary.

BRAMMER of Linn

H-3031

1 Amend House File 173 as follows:
2 1. By striking page 72, line 35 through page 73
3 line 2 and inserting the following: "subsections 3,

- 4 4, 6, and 8, may be funded in the manner provided in".
5 2. Page 73, by striking lines 9 through 23, and
6 inserting the following: "to 1989 Iowa Acts, chapter
7 322, section 3. It is the intent of".
8 3. Page 73, line 26, by striking the words
9 "section and" and inserting the following: "section."
10 4. Page 73, by striking lines 27 and 28.

CORBETT of Linn

H-3044

- 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, lines 27 and 28, by striking the words
5 "or includes".
6 3. By striking page 1, line 29 through page 2,
7 line 3, and inserting the following:
8 "Sec. 4. ANNEXATION OF EXISTING ISLANDS. If an
9 existing island is not voluntarily annexed by January
10 1, 1993, the city development board shall initiate
11 involuntary annexation procedures to annex the island
12 to one or more cities which surround it."

SPEAR of Lee

H-3046

- 1 Amend House File 170 as follows:
2 1. Page 2, line 31, by inserting after the word
3 "ordinance." the following: "This paragraph does not
4 apply to a single parking violation but does apply to
5 two or more parking violations."

KREMER of Buchanan

H-3047

- 1 Amend House File 123 as follows:
2 1. Page 1, line 3, by striking the word "A" and
3 inserting the following: "1. A".
4 2. Page 1, line 13, by striking the figure "1."
5 and inserting the following: "a".
6 3. Page 1, line 20, by striking the figure "2."
7 and inserting the following: "b".
8 4. Page 1, by inserting after line 26, the
9 following:
10 "2. A hospital or other facility at which
11 abortions are performed and which claims a property
12 tax exemption under this chapter shall file with the
13 county assessor not later than February 1, a statement
14 upon forms to be prescribed by the director of revenue
15 and finance, verifying that abortions proscribed under
16 this section have not been performed in the previous

17 calendar year. If a hospital or other facility at
18 which abortions are performed allows the performance
19 of an abortion proscribed by this section, the
20 hospital or facility shall provide written notice to
21 the county assessor of the change."

SPEAR of Lee

H-3049

1 Amend House File 73 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "days" the words "unless the absence is caused by
4 illness or injury".

TYRRELL of Iowa

H-3051

1 Amend House File 105 as follows:
2 1. Page 1, line 25, by striking the word
3 "lottery" and inserting the following: "on-line
4 lotto".
5 2. Page 1, line 26, by inserting after the word
6 "state." the following: "The words 'Printed in Iowa'
7 shall be printed on each on-line lotto ticket."
8 3. Page 1, line 32, by striking the word
9 "lottery" and inserting the following: "on-line
10 lotto".

MURPHY of Dubuque

H-3055

1 Amend House File 170, as follows:
2 1. Page 2, line 25, by inserting after the word
3 "treasurer" the following: "of a county".
4 2. Page 2, line 27, by inserting after the word
5 "court" the following: "of the county".
6 3. Page 2, line 31, by striking the word
7 "ordinance." and inserting the following: "ordinance
8 which occurred in the county. However, if the system
9 for notification of unpaid fines, unsecured appearance
10 bonds, costs, or surcharges arising out of violations
11 of this chapter, chapter 321J, or local traffic
12 ordinances is automated in such a manner as to permit
13 a county treasurer to determine each and every county
14 in which a violation of this chapter, chapter 321J, or
15 a local traffic ordinance has occurred, then each
16 county treasurer shall refuse to renew a registration
17 of a vehicle registered to a person when notified
18 through the system for notification that the person
19 has not paid a fine, unsecured appearance bond, costs,
20 or surcharges arising out of a violation of this
21 chapter, chapter 321J, or a local traffic ordinance

22 which occurred anywhere in the state."
 23 4. Page 2, line 33, by inserting after the word
 24 "registration," the following: "If as a result of the
 25 county treasurer's refusal to renew a person's vehicle
 26 registration, the person pays an outstanding fine,
 27 unsecured appearance bond, costs, or surcharges for a
 28 violation of this chapter, chapter 321J, or a local
 29 traffic ordinance, notwithstanding the amounts
 30 specified in sections 602.8105 through 602.8108, the
 31 clerk shall remit an additional ten percent of the
 32 amount collected on the fine, unsecured appearance
 33 bond, costs, or surcharges to the county treasurer of
 34 the county which refused to renew the vehicle
 35 registration."

HIBBARD of Madison
 BRAND of Benton
 MURPHY of Dubuque

H—3058

- 1 Amend House File 170 as follows:
- 2 1. Page 2, line 31, by inserting after the word
- 3 "ordinance" the following: ", or that the person has
- 4 not paid a cost collectible under chapter 602".

EDDIE of Buena Vista
 WEIDMAN of Cass
 MILLAGE of Scott
 IVERSON of Wright
 HIBBARD of Madison

H—3059

- 1 Amend the amendment, H—3044, to House File 182, as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "it." the following: "However, if fifty percent or
- 5 more of the landowners of the island protest the
- 6 annexation, the city development board shall
- 7 discontinue any further involuntary annexation
- 8 proceedings."

IVERSON of Wright
 GRUBBS of Scott

H—3060

- 1 Amend House File 117 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "abortion" the following: ", who is not a member of
- 4 the group of health care providers which includes the
- 5 physician performing the abortion,".

SPEAR of Lee

H-3061

- 1 Amend House File 233 as follows:
- 2 1. Page 2, by striking lines 21 through 31.

TYRRELL of Iowa

H-3065

- 1 Amend House Resolution 9 as follows:
- 2 1. Page 11, by striking line 5 and inserting the
- 3 following: "speaker or the majority leader of the
- 4 house legislative council as provided under section
- 5 2.14, subsection 4, paragraph "b". However,".
- 6 2. Page 11, by striking line 7 and inserting the
- 7 following: "meetings as the speaker or the majority
- 8 leader legislative council deems".

McKEAN of Jones

H-3070

- 1 Amend House File 95 as follows:
- 2 1. Page 3, by striking lines 6 through 33.
- 3 2. Title page, lines 3 and 4, by striking the
- 4 words "and to be eligible for a property tax
- 5 exemption,".
- 6 3. By renumbering as necessary.

Committee on State Government

H-3072

- 1 Amend House File 253 as follows:
- 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".
- 9 4. Page 1, lines 20 and 21, by striking the words
- 10 "disposal, or maintenance" and inserting the
- 11 following: "depositing, or maintaining".

SPEAR of Lee

H-3073

- 1 Amend House File 95 as follows:
- 2 1. Page 2, line 6, by inserting after the figures
- 3 "1991," the following: "as amended by 1991 Iowa Acts,
- 4 House File 4, section 1,".
- 5 2. Page 2, by striking line 9 and inserting the
- 6 following: "moneys for the food, clothing, shelter,
- 7 utilities, medical benefits, and funeral expenses of".

KREMER of Buchanan

H—3076

1 Amend House File 232 as follows:

2 1. Page 6, by inserting after line 13 the fol-
3 lowing:

4 "Sec. 13. COMPENSATION FOR TAKING OF PRIVATE PROP-
5 ERTY. The general assembly finds that the prohibition
6 of cigarette vending machines provided for in this Act
7 is a taking of private property. Cigarette vendors,
8 as defined in section 98.1, subsection 22, who own
9 cigarette vending machines, are entitled to just
10 compensation pursuant to this section.

11 Within one year of the effective date of this Act,
12 a cigarette vendor may file with the director of
13 revenue and finance, on forms approved by the
14 director, a claim for compensation resulting from the
15 prohibition of the use of cigarette vending machines.
16 The cigarette vendor shall list on the approved forms
17 the number of machines owned, the date purchased, the
18 amount paid, the fair market value, and such
19 information as may be required by the director.

20 The director shall acquire at fair market value the
21 cigarette vending machines owned by cigarette vendors
22 doing business in this state after making a
23 determination of the ownership and value of the
24 cigarette vending machines. If a cigarette vendor
25 disagrees with the director's determination of fair
26 market value, the question of the value shall be
27 submitted to binding arbitration conducted under the
28 auspices of the American arbitration association.

29 The director shall pay the just compensation
30 determined pursuant to this section to each cigarette
31 vendor entitled to the compensation from revenues
32 collected pursuant to chapter 98. There is
33 appropriated such amounts as necessary from revenues
34 collected pursuant to chapter 98 to carry out the
35 provisions of this section."

36 2. Title page, line 2, by inserting after the
37 word "persons" the following: ", making an
38 appropriation,".

BISIGNANO of Polk
PETERSON of Carroll
HARBOR of Mills
McNEAL of Hardin

H—3080

1 Amend House File 227 as follows:

2 1. Page 1, line 23, by striking the word
3 "Subtract" and inserting the following: "Add".

DODERER of Johnson

H-3086

- 1 Amend House File 305 as follows:
- 2 1. Page 1, line 6, by striking the words
- 3 "secondary road or primary road" and inserting the
- 4 following: "highway".

FOGARTY of Palo Alto

H-3087

- 1 Amend House File 297 as follows:
- 2 1. Page 1, by striking lines 8 and 9 and
- 3 inserting the following: "prior to residency within
- 4 the state, if the person completed a driver's
- 5 education class in the person's former state of
- 6 residence. However, the minor person must still pass
- 7 the written and driving skills tests as required by
- 8 the department.
- 9 b. If the person did not complete a driver's
- 10 education class in the person's former state of
- 11 residence, the following criteria must be met prior to
- 12 issuance of'.
- 13 2. Page 1, by striking lines 19 and 20 and
- 14 inserting the following: "tests as required by the
- 15 department."

GRUHN of Dickinson

H-3088

- 1 Amend Senate File 209, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 9, by striking the figure
- 4 "617,340" and inserting the following: "547,000".
- 5 2. Page 5, by inserting after line 10, the
- 6 following:
- 7 "None of the funds appropriated in this section
- 8 shall be used to provide any regular or special issue
- 9 of "The Goldfinch" publication to any student in the
- 10 state, for an expanded college directory for students
- 11 in the state, nor for replacing the current phone
- 12 systems."

BARTZ of Worth

H-3089

- 1 Amend House File 333 as follows:
- 2 1. Page 1, by striking lines 20 and 21.

HURLEY of Fayette

H-3092

- 1 Amend House File 295 as follows:
- 2 1. Page 1, line 6, by striking the word "

- 3 beer,"
- 4 2. Page 1, line 7, by striking the word "only"
- 5 and inserting the following: "only,"
- 6 3. Page 1, by striking line 8.
- 7 4. Page 1, line 10, by striking the word "ten"
- 8 and inserting the following: "ten eight".
- 9 5. Page 2, by striking lines 11 and 12, and
- 10 inserting the following: "Sunday for consumption on
- 11 or".
- 12 6. Page 2, line 13, by striking the word "ten"
- 13 and inserting the following: "ten eight".
- 14 7. Page 2, line 15, by striking the word "ten"
- 15 and inserting the following: "ten eight".
- 16 8. Page 2, line 30, by striking the word "ten"
- 17 and inserting the following: "ten eight".

BISIGNANO of Polk

H—3093

- 1 Amend House File 219 as follows:
- 2 1. Page 1, by striking lines 1 through 23 and
- 3 inserting the following:
- 4 "Section 1. NEW SECTION. 476.10B FUNDING FOR
- 5 IOWA ENERGY CENTER AND GLOBAL WARMING CENTER.
- 6 There is appropriated from the general fund of the
- 7 state to the state board of regents for the fiscal
- 8 year beginning July 1, 1991, and each succeeding
- 9 fiscal year thereafter, the sum of two million five
- 10 hundred thousand dollars. Eighty-five percent of the
- 11 funds appropriated pursuant to this section shall be
- 12 used to fund the Iowa energy center created in section
- 13 266.39C. Fifteen percent of the funds appropriated
- 14 pursuant to this section shall be used to fund the
- 15 center for global warming established by the state
- 16 board of regents.
- 17 Sec. 2. Section 476.10A, Code 1991, is repealed.
- 18 Sec. 3. This Act, being deemed of immediate
- 19 importance, takes effect upon enactment."
- 20 2. Title page, by striking lines 1 and 2 and
- 21 inserting the following: "An Act appropriating moneys
- 22 from the general fund of the state to the state board
- 23 of regents to fund the Iowa energy center and the
- 24 center for global warming and providing an effective
- 25 date."

GRUHN of Dickinson
FOGARTY of Palo Alto

H—3098

- 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 prior to January
16 1, 1991, an infectious medical waste treatment or
17 disposal facility which accepts waste from other
18 generators of infectious waste if the total amount of
19 infectious waste accepted from other generators is
20 less than sixty-six percent of the infectious waste
21 incinerated." "

KREMER of Buchanan
KISTLER of Jefferson

H-3108

1 Amend amendment, H-3085, to Senate File 209, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 16, the
5 following:

6 "_____. Page 5, by striking lines 11 through 18."

7 2. Page 1, by striking lines 43 through 44.

8 3. Page 4, by inserting after line 24 the
9 following:

10 "_____. Title page, line 7, by striking the words
11 "board of regents institutions,"."

12 4. Page 4, line 25, by striking the words and
13 figure "lines 11 and" and inserting the following:
14 "line".

15 5. Page 4, line 26, by striking the words "and
16 extending ethanol fuel project,".

JESSE of Jasper

H-3109

1 Amend House File 336 as follows:

2 1. Page 1, line 4, by inserting after the word
3 "bats" the following: "which are not occupying a
4 building".

SPEAR of Lee

H-3111

1 Amend House File 232 as follows:

2 1. Page 4, line 33, by striking the word
3 "PROHIBITED" and inserting the following:
4 "RESTRICTED".

5 2. Page 4, line 34, by inserting before the word
6 "A" the following: "1."

7 3. Page 5, line 1, by striking the words "or
8 tobacco products".

9 4. Page 5, by inserting after line 4 the
10 following:

11 "2. a. A manufacturer, distributor, wholesaler,
12 retailer, or distributing agent or agent thereof shall
13 not give away tobacco products to any person under
14 eighteen years of age, or within five hundred feet of
15 any playground, school, high school, or other facility
16 when such facility is being used primarily by persons
17 under age eighteen for recreational, educational, or
18 other purposes.

19 b. Proof of age shall be required if a reasonable
20 person could conclude on the basis of outward
21 appearances that a prospective recipient of a sample
22 may be under eighteen years of age.

23 c. Persons engaged in sampling shall secure stocks
24 of samples in safe locations in order to avoid
25 inadvertent distribution of samples contrary to the
26 provisions of this section.

27 d. Sampling shall cease at a particular location
28 when circumstances arise such that make it apparent
29 that sampling cannot continue in a manner consistent
30 with the provisions of this section. Sampling may
31 resume at that location when such circumstances
32 abate."

33 5. Page 5, line 34, by striking the word "As" and
34 inserting the following: "Except as".

35 6. By renumbering as necessary.

BROWN of Lucas
RENAUD of Polk
MERTZ of Kossuth
BISIGNANO of Polk
PONCY of Wapello
KNAPP of Dubuque

GRONINGA of Cerro Gordo
HANSEN of Woodbury
LUNDBY of Linn
SHERZAN of Polk
IVERSON of Wright
JOCHUM of Dubuque
KOENIGS of Mitchell

H-3113

1 Amend House File 336 as follows:

2 1. Page 1, line 5, by striking the word
3 "reptiles," and inserting the following: "reptiles".

SPEAR of Lee

H-3114

- 1 Amend House File 163 as follows:
- 2 1. Page 2, by striking lines 11 through 27.

Committee on Judiciary and Law Enforcement

H-3120

- 1 Amend House File 305 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "highway." the following: "The established policy of
- 4 a governing body shall include notice by certified
- 5 mail to the owner and the tenant, if any, of the land
- 6 adjoining the right-of-way where the removal of the
- 7 trees or other vegetation is proposed. The owner or
- 8 tenant of the adjoining land may request a public
- 9 hearing on the proposal within twenty days after
- 10 receipt of the notice."

McKEAN of Jones
OSTERBERG of Linn

H-3123

- 1 Amend House File 163 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 232.29, Code 1991, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 3. In matters involving a child's
- 7 possession of alcoholic liquor, wine, beer, or a
- 8 controlled substance, a counterfeit substance, or a
- 9 simulated controlled substance, which would constitute
- 10 a violation of chapter 123 or 204, if an informal
- 11 adjustment agreement is entered and the child admits
- 12 the possession, the intake officer shall make a
- 13 reasonable effort to identify the elementary or
- 14 secondary school the child attends, if any, and shall
- 15 notify the superintendent of the school district or
- 16 the authorities in charge of the nonpublic school of
- 17 the incident.
- 18 Sec. _____. Section 232.47, Code 1991, is amended by
- 19 adding the following new subsection:
- 20 NEW SUBSECTION. 12. If the court finds that the
- 21 child did engage in delinquent conduct involving
- 22 possession of alcoholic liquor, wine, beer, or a
- 23 controlled substance, a counterfeit substance, or a
- 24 simulated controlled substance, which would constitute
- 25 a violation of chapter 123 or 204, the court shall
- 26 include in its order adjudicating the child as having
- 27 committed a delinquent act, instructions requiring the
- 28 clerk of the juvenile court to send a notification of
- 29 the adjudicatory order to the superintendent of the

- 30 school district or the authorities in charge of the
31 nonpublic school of the elementary or secondary school
32 which the child attends, if any."
33 2. By renumbering as necessary.

IVERSON of Wright

H-3124

- 1 Amend the amendment, H-3094, to Senate File 141, as
2 passed by the Senate, as follows:
3 1. Page 2, by inserting after line 26, the
4 following:
5 "_____. Page 3, by inserting after line 21 the
6 following:
7 "For the budget year beginning July 1, 1991, and
8 each succeeding budget year the department of
9 management shall calculate for each district in the
10 area, the difference between the revenues generated by
11 property tax in the district calculated under this
12 section to pay for media and educational services and
13 the revenues generated by property tax in that
14 district for media and educational services for the
15 budget year beginning July 1, 1990, calculated under
16 chapter 442, Code 1991. If the property tax revenues
17 for a district calculated under this section exceed
18 the property tax revenues for that district calculated
19 under chapter 442, Code 1991, the department of
20 management shall reduce the revenues raised by the
21 additional property tax levy in that district under
22 this section by that difference and the department of
23 education shall pay media and educational services
24 adjustment aid to the district equal to that
25 difference from moneys appropriated for media and
26 educational services adjustment aid.
27 There is appropriated from the general fund of the
28 state to the department of education, for each fiscal
29 year, an amount necessary to pay media and educational
30 services adjustment aid to school districts under this
31 section. Media and educational services adjustment
32 aid shall be paid to school districts in the manner
33 provided in section 257.16. If insufficient funds are
34 available in the general fund of the state for a
35 budget year for full payment of media and educational
36 services adjustment aid to a school district, the
37 department of management shall reduce the moneys paid
38 to the area education agency from that district for
39 media and educational services by the difference
40 between the amount of the reduction in the additional
41 property tax made by the department of revenue and
42 finance and the amount of media and educational
43 services adjustment aid received by the district for
44 that budget year."

45 _____. Title page, line 2, by inserting after the
46 word "agencies" the following: "and making an annual
47 appropriation".

CORBETT of Linn
IVERSON of Wright

H-3125

1 Amend Senate File 141, as passed by the Senate, as
2 follows:

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

5 "For the budget year beginning July 1, 1991, and
6 each succeeding budget year the department of
7 management shall calculate for each district in the
8 area, the difference between the revenues generated by
9 property tax in the district calculated under this
10 section to pay for media and educational services and
11 the revenues generated by property tax in that
12 district for media and educational services for the
13 budget year beginning July 1, 1990, calculated under
14 chapter 442, Code 1991. If the property tax revenues
15 for a district calculated under this section exceed
16 the property tax revenues for that district calculated
17 under chapter 442, Code 1991, the department of
18 management shall reduce the revenues raised by the
19 additional property tax levy in that district under
20 this section by that difference and the department of
21 education shall pay media and educational services
22 adjustment aid to the district equal to that
23 difference from moneys appropriated for media and
24 educational services adjustment aid.

25 There is appropriated from the general fund of the
26 state to the department of education, for each fiscal
27 year, an amount necessary to pay media and educational
28 services adjustment aid to school districts under this
29 section. Media and educational services adjustment
30 aid shall be paid to school districts in the manner
31 provided in section 257.16. If insufficient funds are
32 available in the general fund of the state for a
33 budget year for full payment of media and educational
34 services adjustment aid to a school district, the
35 department of management shall reduce the moneys paid
36 to the area education agency from that district for
37 media and educational services by the difference
38 between the amount of the reduction in the additional
39 property tax made by the department of revenue and
40 finance and the amount of media and educational
41 services adjustment aid received by the district for
42 that budget year."

43 2. Title page, line 2, by inserting after the
44 word "agencies" the following: "and making an annual
45 appropriation".

CORBETT of Linn
IVERSON of Wright

H-3127

1 Amend Senate File 141, as passed by the Senate, as
2 follows:
3 1. Page 1, line 35, by striking the word "thirty-
4 seven" and inserting the following: "twenty-eight".
5 2. Page 2, line 12, by striking the word "fifty-
6 six" and inserting the following: "eighteen".

IVERSON of Wright

H-3128

1 Amend the amendment H-3094, to Senate File 141, as
2 passed by the Senate, as follows:
3 1. Page 2, by inserting after line 21, the
4 following:
5 "_____. Page 1, line 35, by striking the word
6 "thirty-seven", and inserting the following: "twenty-
7 eight".
8 2. Page 2, by inserting after line 26, the
9 following:
10 "_____. Page 2, line 12, by striking the word
11 "fifty-six", and inserting the following:
12 "eighteen".

IVERSON of Wright

H-3131

1 Amend House File 232 as follows:
2 1. By striking page 2, line 6, through page 4,
3 line 3.
4 2. Page 4, line 30, by inserting after the word
5 "machine." the following: "This subsection shall not
6 apply to a person holding a class "C" liquor license
7 or a class "B" beer permit for a commercial
8 establishment under chapter 123, provided that the
9 commercial establishment is not also licensed as a
10 food service establishment under chapter 137B."

GRUBBS of Scott

H-3132

1 Amend House File 163 as follows:
2 1. Page 2, by inserting after line 10, the
3 following:
4 "Sec. _____. Section 232.147, subsection 3, Code

- 5 1991, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. h. Primary and secondary school
8 officials of an enrolled student in a case involving a
9 violation of section 123.47."
10 2. By renumbering as necessary.

PETERSON of Carroll

H-3134

- 1 Amend House File 276 as follows:
2 1. Page 10, line 33, by striking the word "ten"
3 and inserting the following: "fifteen".
4 2. Page 11, line 11, by striking the word "ten"
5 and inserting the following: "fifteen".
6 3. Page 12, line 2, by striking the word "ten"
7 and inserting the following: "fifteen".

BISIGNANO of Polk

H-3135

- 1 Amend House File 276 as follows:
2 1. Page 10, by inserting after line 16, the
3 following:
4 "Sec. _____. NEW SECTION. 135.117A PAYMENT OF
5 COSTS RELATING TO LEGISLATIVE PROPOSALS.
6 The commission shall establish a procedure for
7 payment of the costs of research, review, and
8 evaluation regarding legislative proposals. The
9 procedures shall require that a person who promotes or
10 seeks sponsorship of a legislative proposal pay the
11 costs of the research, review, and evaluation. The
12 moneys collected shall be deposited in the health
13 review fund established pursuant to section 135.118."
14 2. By renumbering as necessary.

BISIGNANO of Polk

H-3145

- 1 Amend House File 404 as follows:
2 1. Page 1, line 13, by inserting after the word
3 "candidate." the following: "This subsection shall
4 not apply in a district where the number of candidates
5 on the ballot for a nonpartisan or special charter
6 city office is fewer than the number of vacancies to
7 be filled for that office."
8 2. Page 1, line 25, by inserting after the word
9 "candidate." the following: "This paragraph shall not
10 apply in a district where the number of candidates on
11 the ballot for the office of county agricultural
12 extension council is fewer than the number of
13 vacancies to be filled for that office."

14 3. Page 2, line 2, by inserting after the word
15 "candidate." the following: "This paragraph shall not
16 apply in a district where the number of candidates on
17 the ballot for the office of community health center
18 trustee is fewer than the number of vacancies to be
19 filled for that office."

20 4. Page 2, line 14, by inserting after the word
21 "candidate." the following: "This section shall not
22 apply in a district where the number of candidates on
23 the ballot for the office of school district board
24 member is fewer than the number of vacancies to be
25 filled for that office."

26 5. Page 2, line 26, by inserting after the word
27 "candidate." the following: "This paragraph shall not
28 apply in a district where the number of candidates on
29 the ballot for the office of regional library board
30 trustee is fewer than the number of vacancies to be
31 filled for that office."

32 6. Page 3, line 4, by inserting after the word
33 "candidate." the following: "This paragraph shall not
34 apply in a district where the number of candidates on
35 the ballot for the office of hospital trustee is fewer
36 than the number of vacancies to be filled for that
37 office."

38 7. Page 3, line 27, by inserting after the word
39 "candidate." the following: "This publication and
40 filing requirement shall not apply in a district where
41 the number of candidates on the ballot for a city
42 office is fewer than the number of vacancies to be
43 filled for that office."

44 8. Page 4, line 4, by inserting after the word
45 "candidate." the following: "This paragraph shall not
46 apply in a district where the number of candidates on
47 the ballot for a city office is fewer than the number
48 of vacancies to be filled for that office."

49 9. Page 4, line 16, by inserting after the word
50 "candidate." the following: "This paragraph shall not

Page 2

1 apply in a district where the number of candidates on
2 the ballot for the office of commissioner is fewer
3 than the number of vacancies to be filled for that
4 office."

LUNDBY of Linn
HANSON of Delaware
PAVICH of Pottawattamie
HALVORSON of Webster

H-3146

1 Amend House File 295 as follows:
2 1. Page 2, by inserting after line 4 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 as necessary.

CORBETT of Linn
BRANSTAD of Winnebago

H-3149

- 1 Amend House File 336 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "product," the following: "nest,".

SPEAR of Lee

H-3153

- 1 Amend Senate File 92 as follows:
2 1. Page 1, line 30, by inserting after the word
3 "senate" the following: ", not more than one of which
4 shall be a member of the same political party".
5 2. Page 1, line 32, by inserting after the word
6 "representatives" the following: ", not more than one
7 of which shall be a member of the same political
8 party".

SPEAR of Lee

H-3155

- 1 Amend House File 305 as follows:
2 1. Page 1, line 15, by inserting after the word
3 "highway." the following: "The board of supervisors
4 shall establish, by ordinance, its policy for the
5 removal of trees, shrubs, underbrush, or other growth
6 within the right-of-way of secondary roads."

FOGARTY of Palo Alto
ROYER of Page

H-3156

- 1 Amend House File 389, as follows:
2 1. Page 1, line 8, by inserting after the word
3 "teacher" the following: ", employed in a school
4 district or area education agency that provides
5 instruction to students for a minimum of one hundred
6 eighty-five days per school year,".

- 7 2. Page 1, line 12, by inserting after the word
8 "agency" the following: "which provides instruction
9 to students for a minimum of one hundred eighty-five
10 days per school year".
- 11 3. Page 1, line 33, by inserting after the word
12 "each" the following: "eligible".
- 13 4. Page 2, line 18, by striking the words "if a"
14 and inserting the following: "if an eligible".
- 15 5. Page 2, line 34, by inserting after the word
16 "all" the following: "eligible".
- 17 6. Page 2, line 35, by striking the words "a
18 school" and inserting the following: "a an eligible
19 school".
- 20 7. Page 3, line 7, by inserting after the word
21 "agreement" the following: "are also eligible for
22 supplemental funding under Phase I and".
- 23 8. Page 3, line 22, by inserting after the word
24 "to" the following: "eligible".

SPEAR of Lee

H-3157

- 1 Amend House File 305 as follows:
2 1. Page 1, by inserting after line 17, the
3 following:
4 "If vegetation must be removed from the right-of-
5 way as provided in this section, the agency in control
6 of the road shall offer the adjoining landowner the
7 first option to remove the vegetation. Upon request,
8 the agency shall allow the adjoining landowner
9 sufficient time so that the vegetation may be
10 replanted during a favorable time of the year for
11 replanting that type of vegetation."

SPENNER of Henry

H-3158

- 1 Amend House File 305 as follows:
2 1. Page 1, line 15, by inserting after the word
3 "highway." the following: "The agency is liable for
4 damages for the reduced value of the land to the owner
5 or the governing body administering use of public
6 land."

HIBBARD of Madison
OSTERBERG of Linn

H-3160

- 1 Amend House File 305 as follows:
2 1. Page 1, by inserting after line 17 the follow-
3 ing:
4 "Each agency shall develop written guidelines and

- 5 procedures regarding the maintenance and removal of
- 6 vegetation in highway rights-of-way under its control
- 7 by July 1, 1991. The guidelines shall be based on
- 8 approved department of transportation roadside
- 9 maintenance guidelines and procedures, and the public
- 10 shall be given notice and opportunity to comment on
- 11 the agency guidelines and procedures."

DVORSKY of Johnson

H-3161

- 1 Amend House File 305 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "highway." the following: "This section does not
- 4 apply to a right-of-way which lies in front of a city
- 5 lot or a parcel of land which is reserved for any
- 6 public use, or to those lands."

OSTERBERG of Linn

H-3162

- 1 Amend House File 167 as follows:
- 2 1. Page 2, line 5, by inserting after the word
- 3 "percentage." the following: "However, the board of
- 4 supervisors shall not reduce the amount of salary
- 5 increase below eighty percent of that recommended by
- 6 the compensation board."

TYRRELL of Iowa

H-3164

- 1 Amend House File 167 as follows:
- 2 1. Page 1, line 25, by striking the word "and".
- 3 2. Page 1, line 25, by inserting after the word
- 4 "treasurer" the following: ", the county recorder,
- 5 and the county sheriff".

MAULSBY of Calhoun

H-3165

- 1 Amend House File 167 as follows:
- 2 1. Page 1, line 25, by striking the word "and".
- 3 2. Page 1, line 25, by inserting after the word
- 4 "treasurer" the following: ", and the county
- 5 recorder".

MAULSBY of Calhoun

H-3168

- 1 Amend House File 341 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "trapping" the following: "on public lands or waters
- 4 designated for those purposes".

H-3171

1 Amend House File 108 as follows:

2 1. Page 2, by inserting after line 12, the
3 following:

4 "Sec. 2. Section 280.13, Code 1991, is amended by
5 adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. Rules adopted by the
7 state board of education shall require that
8 organizations that sponsor the state basketball and
9 wrestling tournaments develop a process for
10 competitive bidding on contracts to host those
11 tournaments."

12 2. Title page, line 1, by inserting after the
13 word "conferences" the following: "and tournaments".

CORBETT of Linn

H-3172

1 Amend House File 420 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 43.20, subsection 4,
5 unnumbered paragraphs 3 and 4, Code 1991, are amended
6 to read as follows:

7 No candidate for public office shall cause
8 nomination papers to remain filed in the office of the
9 state commissioner or the commissioner on the last day
10 for filing nomination papers, for more than one office
11 to be filled at the primary election. However, this
12 restriction does not apply to any of the following
13 public offices: county agricultural extension
14 council; soil and water conservation district
15 commission; or regional library board of trustees.

16 Any candidate for public office, to be voted for at
17 a primary election, who has filed nomination papers
18 for more than one office shall, not later than the
19 final date for filing, notify the state commissioner
20 or the commissioner by affidavit, for which office the
21 person elects to be a candidate, which in no case
22 shall be more than one. However, this restriction
23 does not apply to any of the following public offices:
24 county agricultural extension council; soil and water
25 conservation district commission; or regional library
26 board of trustees. In the event no such election is
27 made by such date by the candidate, the state
28 commissioner shall not certify the person's name to be
29 placed on the ballot for any office nor shall the
30 commissioner place the person's name on the ballot in
31 any county."

32 2. Page 3, by inserting after line 34 the
33 following:

- 34 "This section does not apply to any of the
35 following public offices: county agricultural
36 extension council, soil and water conservation
37 district commission, or regional library board of
38 trustees."
39 3. By renumbering as necessary.

SPEAR of Lee

H-3174

- 1 Amend House Concurrent Resolution 9 as follows:
2 1. Page 2, by inserting after line 4 the
3 following:
4 "*Be It Further Resolved*, That the State of Iowa
5 also petitions the U.S. Navy for the return of the
6 ship's bell from the battleship USS Iowa, to the State
7 of Iowa where it will be kept in a place of honor."

BARTZ of Worth

H-3176

- 1 Amend House File 53 as follows:
2 1. Page 1, by striking lines 3 and 4 and
3 inserting the following:
4 "Any establishment which dispenses motor vehicle
5 fuel through motor".

MAULSBY of Calhoun

H-3178

- 1 Amend House File 341 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "not" the following: "participate in an activity
4 designed to".

SCHRADER of Marion

H-3182

- 1 Amend House File 263 as follows:
2 1. Page 1, line 11, by striking the words "fees, or charges" and inserting the following: "or
3 mandatory fees charged to all students at an
4 institution".
5 2. Page 1, line 14, by striking the words
6 "aggregate actual" and inserting the following:
7 "estimated total".
8 3. Title page, line 2, by striking the words "fees, or charges" and inserting the following: "and
9 mandatory fees".
10
11

Committee on Education

H—3183

1 Amend the amendment, H—3169, to House File 420 as
2 follows:

3 1. Page 1, by inserting before line 4 the follow-
4 ing:

5 "Section 1. Section 43.18, unnumbered paragraph 2,
6 Code 1991, is amended to read as follows:

7 I,, being duly sworn, say that I reside
8 at street, city of, county of
9 in the state of Iowa; that I am eligible to
10 the office for which I am a candidate, and that the
11 political party with which I affiliate is I am
12 registered with the party; that I am a
13 candidate for nomination to the office of
14 to be made at the primary election to be held on
15, and hereby request that my name be printed
16 upon the official primary ballot as provided by law,
17 as a candidate of that party. I furthermore declare
18 that if I am nominated and elected I will qualify as
19 such officer."

20 2. By renumbering as necessary.

SPENNER of Henry

H—3186

1 Amend House File 455 as follows:

2 1. Page 2, line 20, by inserting after the word
3 "school" the following: "or competent private in-
4 struction under chapter 299B.".

SPEAR of Lee

H—3189

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 thousand or more".

SHEARER of Louisa
BROWN of Lucas
JESSE of Jasper
BERNAU of Story

H—3192

1 Amend House File 427 as follows:

2 1. Page 3, by inserting after line 30 the
3 following:

4 "Sec. _____. Section 455A.19, subsection 1,
5 paragraph f, Code 1991, is amended to read as follows:
6 f. Five percent shall be allocated to the
7 historical resource grant and loan fund established

- 8 pursuant to section 303.16. The department of
9 cultural affairs shall use the moneys allocated to
10 this fund to implement historical resource development
11 programs as provided under section 303.16.
12 Notwithstanding section 303.16, grants from the
13 historical resource grant and loan fund are limited to
14 nonprofit organizations and for the restoration of
15 historic residential structures."
16 2. By renumbering as necessary.

RAFFERTY of Scott

H-3199

- 1 Amend House File 455 as follows:
2 1. Page 13, by striking lines 8 through 13.

CORBETT of Linn

H-3202

- 1 Amend House File 335 as follows:
2 1. Page 1, by striking lines 18 through 23.

MILLAGE of Scott

H-3204

- 1 Amend House File 431 as follows:
2 1. Page 1, line 32, by striking the word
3 "between" and inserting the following: "between".
4 2. Page 1, by striking lines 33 through 35 and
5 inserting the following: "July 1 and December 31 and,
6 obtains a tax clearance statement is responsible only
7 for the September tax payment and is not required to
8 pay taxes for subsequent tax periods, and acquires a
9 replacement mobile home shall not pay taxes under this
10 chapter for the newly acquired mobile home for the
11 same tax period that the owner has paid taxes on the
12 mobile home sold. Interest".
13 3. Page 2, lines 29 and 30, by striking the words
14 "for prior tax payment years".
15 4. Page 3, by inserting after line 11 the
16 following:
17 "Sec. _____. Section 135D.26, subsection 1,
18 paragraph c, Code 1991, is amended to read as follows:
19 c. If a security interest is noted on the
20 certificate of title, tendering to the secured party a
21 mortgage on the real estate upon which the mobile home
22 is to be located in the unpaid amount of the secured
23 debt, and with the same priority as or a higher
24 priority than the secured party's security interest,
25 or obtaining written consent of the secured party to
26 the conversion, in which latter case the lien notation
27 on the certificate of title shall suffice to preserve

28 the lienholder's security in the mobile home separate
29 from any interest in the land.

30 Sec. _____. Section 135D.26, subsection 2, paragraph
31 b, Code 1991, is amended to read as follows:

32 b. If compliance with subsection 1, paragraph "c",
33 has been accomplished by the secured party consenting
34 to the conversion without accepting a mortgage, the
35 secured party shall retain the mobile home vehicle
36 title and the assessor shall note the conversion on
37 the assessor's records and enter the property upon the
38 tax rolls. So long as a security interest is noted on
39 the certificate of title, the title to the mobile home
40 will not be merged with title to the land, and the
41 sale or foreclosure of an interest in the land shall
42 not affect title to the mobile home or any security
43 interest in the mobile home."

44 5. Page 5, line 3, by inserting after the word
45 "for" the following: "delinquent".

46 6. Page 6, line 33, by striking the word "fiscal"
47 and inserting the following: "tax".

48 7. Page 7, lines 21 and 22, by striking the words
49 "contractually prospective equitable" and inserting
50 the following: "contractually prospective".

Page 2

1 8. Page 7, line 22, by striking the word "parcel"
2 and inserting the following: "parcels".

3 9. Page 8, line 12, by striking the words
4 "property, or any part thereof," and inserting the
5 following: "property parcel, or any part thereof of
6 the parcel,".

7 10. Page 9, line 7, by striking the words "or
8 equitable owner".

9 11. Page 9, line 22, by inserting after the word
10 "charge" the following: "in the county system".

11 12. Page 10, by striking lines 1 through 32 and
12 inserting the following:

13 "445.1 DEFINITION OF TERMS.

14 For the purpose of chapters 445, 446, 447, and 448,
15 section 331.553, subsection 3, and sections 427.8
16 through 427.12 and 569.8:

17 1. "Abate" means to cancel in their entirety all
18 applicable amounts.

19 2. "Compromise" means to enter into a contractual
20 agreement for the payment of taxes, interests, fees,
21 and costs in amounts different from those specified by
22 law.

23 3. "County system" means a method of data storage
24 and retrieval as approved by the auditor of state
25 including, but not limited to, tax lists, books,
26 records, indexes, registers, or schedules.

27 4. "Parcel" means each separate item shown on the
28 tax list, mobile home tax list, schedule of
29 assessment, or schedule of rate or charge.

30 5. "Rate or charge" means an item legally
31 certified to the county treasurer for collection as
32 provided in sections 331.489, 364.11, and 364.12 and
33 section 384.84, subsection 1.

34 6. "Taxes" means an annual ad valorem tax, a
35 special assessment, a rate or charge, and taxes on
36 mobile homes pursuant to chapter 135D which are
37 collectible by the county treasurer.

38 7. "Total amount due" means the aggregate total of
39 all taxes, penalties, interests, costs, and fees due
40 on a parcel."

41 13. Page 11, by inserting after line 21 the
42 following:

43 "The commencement of actions for ad valorem taxes
44 authorized under this section shall not begin until
45 the issuance of a tax sale certificate under the
46 requirements of section 446.19. The commencement of
47 actions for all other taxes authorized under this
48 section shall not begin until ten days after the
49 publication of tax sale under the requirements of
50 section 446.9, subsection 2."

Page 3

1 14. Page 12, by striking lines 17 and 18, and
2 inserting the following: "in separate columns
3 opposite into the county system a notation of
4 delinquency for each parcel of real estate on which
5 the".

6 15. Page 12, line 25, by striking the words "the
7 notation opposite" and inserting the following:
8 "opposite the notation for".

9 16. Page 13, line 6, by striking the words "tax
10 list or the".

11 17. Page 15, line 18, by striking the words "per
12 fiscal year" and inserting the following: "for each
13 year that there are unpaid taxes".

14 18. Page 18, lines 6 and 7, by striking the words
15 "for prior fiscal tax payment years".

16 19. Page 19, line 27, by inserting after the word
17 "list" the following: "referred to in chapter 443".

18 20. Page 20, line 2, by inserting after the word
19 "for" the following: "the first installment of
20 delinquent".

21 21. Page 20, line 17, by striking the word
22 "county".

23 22. Page 20, line 22, by striking the word
24 "county".

25 23. Page 21, line 7, by inserting after the word

- 26 "interest" the following: "fees".
- 27 24. Page 25, line 2, by striking the word
- 28 "agencies" and inserting the following: "agencies".
- 29 25. Page 25, line 23, by striking the word
- 30 "costs".
- 31 26. Page 28, by striking line 35, and inserting
- 32 the following: "cases its provisions shall be
- 33 sufficient".
- 34 27. Page 30, line 29, by striking the words
- 35 "price. This" and inserting the following: "price.
- 36 PARAGRAPH DIVIDED. This".
- 37 28. Page 31, line 3, by inserting before the word
- 38 "Without" the following: "1."
- 39 29. Page 31, by inserting after line 14 the
- 40 following:
- 41 "2. If the board or council determines that any
- 42 property located on a parcel purchased by the county
- 43 or city pursuant to section 446.19 requires removal,
- 44 dismantling, or demolition, the board or council
- 45 shall, at the same time and in the same manner that
- 46 the notice of expiration of right of redemption is
- 47 served, cause to be served on the person in possession
- 48 of the parcel and also upon the person in whose name
- 49 the parcel is taxed a separate notice stating that if
- 50 the parcel is not redeemed within the time period

Page 4

- 1 specified in the notice of expiration of right of
- 2 redemption, the property described in the notice shall
- 3 be removed, dismantled, or demolished. The notice
- 4 shall further state that the costs of removal,
- 5 dismantling, or demolition shall be assessed against
- 6 the person in whose name the parcel is taxed and a
- 7 lien for the costs shall be placed against any other
- 8 parcel taxed in that person's name within the
- 9 respective county.
- 10 Service of the notice shall also be made by mail on
- 11 any mortgagee having a lien upon the parcel, a vendor
- 12 of the parcel under a recorded contract of sale, a
- 13 lessor who has a recorded lease or memorandum of a
- 14 recorded lease, and any other person who has an
- 15 interest of record, at the person's last known
- 16 address, if the mortgagee, vendor, lessor, or other
- 17 person has filed a request for notice, as prescribed
- 18 in section 446.9, subsection 3, and on the state of
- 19 Iowa in case of an old-age assistance lien by service
- 20 upon the department of human services. The notice
- 21 shall also be served on any city where the parcel is
- 22 situated."
- 23 30. Page 31, line 17, by striking the word
- 24 "CERTIFICATE —" and inserting the following:

25 "CERTIFICATE TO".

26 31. Page 32, line 31, by striking the word
 27 "adjournment" and inserting the following:
 28 "adjournment adjournments".

29 32. Page 32, line 32, by inserting after the word
 30 "exceeding" the following: "intervals of".

31 33. Page 32, line 32, by striking the word
 32 "sales" and inserting the following: "sales".

33 34. Page 32, line 33, by striking the words "sale
 34 continued" and inserting the following: "continued
 35 continue".

36 35. Page 33, line 9, by inserting before the word
 37 "If" the following: "1."

38 36. Page 33, line 19, by inserting before the
 39 word "If" the following: "2."

40 37. Page 33, by striking lines 23 through 27 and
 41 inserting the following: "damages sustained by the
 42 owner of the property parcel. In addition, the
 43 treasurer, deputy treasurer, or designated person, as
 44 the case may be, is guilty of a fraudulent practice."

45 3. Sales made in violation of this section are
 46 void. In addition, the treasurer is guilty of a
 47 fraudulent practice."

48 38. Page 34, line 8, by inserting after the word
 49 "parcel" the following: "or part of the parcel".

50 39. Page 34, line 10, by inserting after the word

Page 5

1 "parcel" the following: "or part of the parcel".

2 40. Page 38, line 8, by inserting after the word
 3 "penalty" the following: ", counting each fraction of
 4 a month as an entire month,".

5 41. Page 40, line 2, by striking the word
 6 "county's" and inserting the following: "county".

7 42. Page 40, line 3, by striking the word "made".

8 43. Page 42, line 29, by striking the word
 9 "system," and inserting the following: "system".

10 44. Page 44, line 13, by striking the words "if
 11 desired by the purchaser" and inserting the following:
 12 "if desired authorized by the purchaser treasurer".

13 45. Title page, by striking lines 1 and 2 and
 14 inserting the following: "An Act relating to the
 15 collection and administration of ad valorem property
 16 taxes, special assessments, mobile home taxes, and
 17 various rates and charges, and".

Committee on Local Government

H-3208

1 Amend House File 407 as follows:

2 1. Page 1, by striking line 5 and inserting the

- 3 following: "center, to provide care to one more child
4 than the amount of children".
5 2. Page 1, line 7, by inserting after the word
6 "exception" the following: "is effective for the
7 period beginning on the effective date of this Act and
8 ending December 31, 1991, and".

Committee on Human Resources

H-3210

- 1 Amend House File 455 as follows:
2 1. Page 11, line 23, by striking the words "and
3 not affiliated with".
4 2. Page 11, line 32, by inserting after the word
5 "taught," the following: "The competent private
6 instruction provided pursuant to this section may be
7 performed by, but is not limited to performance by, a
8 teacher who is employed by a school district, who
9 assists and supervises a parent, guardian, or
10 custodian who is providing instruction to a child in a
11 setting other than in a public or nonpublic school,
12 and who administers standardized tests to the student
13 to determine whether the student is making adequate
14 progress."

SPEAR of Lee

H-3244

- 1 Amend Senate File 205, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 3 through 8 and
4 inserting the following:
5 "5. "Commercial mussel fisher" means a person who
6 is a resident of this state and who is licensed to
7 take and sell freshwater mussels from waters of the
8 state. A commercial mussel license holder must have
9 resided in this state for one year preceding the
10 person's application for a commercial mussel fishing
11 license and does not claim residency for a commercial
12 mussel fishing license in another state or country."

SPEAR of Lee

H-3246

- 1 Amend House File 479 as follows:
2 1. Page 195, by inserting after line 11 the
3 following:
4 "DIVISION _____
5 APPROPRIATION ADDITIONS
6 Sec. _____. Notwithstanding section 18.137, the
7 \$5,000,000 appropriated in that section for the fiscal
8 year beginning July 1, 1991, shall not be deposited in

9 the state communications network fund but shall be
10 provided to the following entities, in the amount
11 specified, and used for the designated purposes during
12 the fiscal year beginning July 1, 1991, and ending
13 June 30, 1992:

14 1. To the judicial department, in addition to the
15 appropriation provided in section 707 of this Act,
16 \$2,500,000.

17 2. To the department of cultural affairs, in
18 addition to the appropriation provided in section 415
19 of this Act, in subsection 4 for the library division,
20 \$50,000, and in subsection 5 for the regional library
21 system, \$75,000.

22 3. To the department of human services, in
23 addition to the appropriation provided in section 613
24 of this Act, for foster care, \$2,375,000 to be used to
25 increase reimbursement rates paid to family and group
26 foster care providers."

27 2. By renumbering as necessary.

SVOBODA of Tama

H-3256

1 Amend House File 443 as follows:

2 1. Page 2, line 15, by inserting after the word
3 "person" the following: "who would have been entitled
4 to compensation under this Act if living, and who died
5 or dies of causes unrelated to service in the Persian
6 Gulf area".

7 2. Page 2, line 18, by striking the words ", or
8 is disabled,".

9 3. Page 3, by inserting after line 10, the
10 following:

11 "Sec. _____. TUITION IN LIEU OF MONETARY
12 COMPENSATION. A person entitled to receive
13 compensation pursuant to section 2 of this Act may
14 choose, in lieu of receiving monetary compensation, to
15 attend a regents' institution or a community college,
16 free of tuition, for up to five years, prior to
17 January 1, 2000, or until such time as a surviving
18 spouse or child or children of a deceased person who
19 died or dies from service-connected causes entitled to
20 compensation attains the age of twenty-four years."

21 4. By renumbering as necessary.

HIBBARD of Madison
JESSE of Jasper
BAKER of Polk
BISIGNANO of Polk
WISSING of Scott
BROWN of Lucas

H-3265

- 1 Amend House File 305 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "If the adjoining land owner planted the vegetation
- 5 which is subject to removal under this section
- 6 specifically for habitat to attract wildlife, the
- 7 agency shall reimburse the land owner the fair market
- 8 value of the removed vegetation. The fair market
- 9 value of the vegetation shall be determined by the
- 10 county resource enhancement committee established
- 11 pursuant to section 455A.20. In determining its fair
- 12 market value, the committee shall consider the cost of
- 13 establishing the habitat, its growth, development, and
- 14 quality, and its attraction as a wildlife habitat."

LUNDBY of Linn

H-3267

- 1 Amend House File 455 as follows:
- 2 1. Page 3, by striking lines 3 and 4 and in-
- 3 serting the following:
- 4 "2 1. Whose educational qualifications are equal
- 5 to those of pupils who have completed the eighth
- 6 grade."
- 7 2. By renumbering as necessary.

SPEAR of Lee

H-3271

- 1 Amend House File 17 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "shall" the following: ", at the request of the
- 4 petitioner,".

Committee on Judiciary and Law Enforcement

H-3273

- 1 Amend House File 427 as follows:
- 2 1. By striking page 1, line 12, through page 2,
- 3 line 10.

GARMAN of Story

H-3275

- 1 Amend House File 142 as follows:
- 2 1. Page 4, by striking line 10 and inserting the
- 3 following: "registered on or after May 1, 1991, and
- 4 before October 1, 1992."
- 5 2. Page 4, by striking line 13 and inserting the
- 6 following: "May 1, 1991, and before October 1, 1992.
- 7 The five percent rate".

- 8 3. Page 4, by striking line 17 and inserting the
9 following: "May 1, 1991, and before October 1, 1992.
10 In the case of a".
11 4. Page 4, line 18, by striking the word "April"
12 and inserting the following: "May".
13 5. Page 4, line 20, by striking the word "April"
14 and inserting the following: "May".
15 6. Page 4, line 21, by striking the word "July"
16 and inserting the following: "October".
17 7. Page 5, line 11, by striking the word "June"
18 and inserting the following: "September".
19 8. Page 5, line 21, by striking the word "April"
20 and inserting the following: "May".

BRAMMER of Linn

H-3279

- 1 Amend House File 341 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "hunting," the following: "bird-watching."
4 2. Page 1, line 5, by inserting after the word
5 "fishing," the following: "jogging."
6 3. Title page, line 2, by inserting after the
7 word "hunting," the following: "bird-watching,
8 jogging".

OSTERBERG of Linn

H-3283

- 1 Amend House File 393 as follows:
2 1. Page 1, line 20, by striking the word
3 "fifteen" and inserting the following: "six".

Committee on Agriculture

H-3285

- 1 Amend House File 517 as follows:
2 1. Page 4, by inserting after line 10, the
3 following:
4 "Sec. _____. Section 85B.5, Code 1991, is amended by
5 adding the following new unnumbered paragraph:
6 **NEW UNNUMBERED PARAGRAPH.** In determining the
7 magnitude of hearing loss the industrial commissioner
8 shall consider evidence of excessive noise levels
9 present in nonwork-related activities which may have
10 contributed to any claimed hearing loss."
11 2. By renumbering as necessary.

TYRRELL of Iowa

H-3289

- 1 Amend House File 517 as follows:
2 1. Page 1, by inserting after line 17 the

3 following:

- 4 "Sec. _____. Section 85.29, Code 1991, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. When the death of the
7 employee is the result of a murder, an additional
8 fifteen thousand dollars shall be payable to the
9 estate of the deceased employee."
10 2. Title page, line 2, by inserting after the
11 word "expenses," the following: "death benefits."
12 3. By renumbering as necessary.

BRAMMER of Linn

H-3290

- 1 Amend Senate File 284 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "consumption" the words "of a beverage".

LUNDBY of Linn

H-3300

- 1 Amend House File 232 as follows:
2 1. Page 4, line 10, by striking the word "of" and
3 inserting the following: "in".
4 2. Page 4, by striking lines 27 through 30, and
5 inserting the following: "to read as follows:
6 6. Any sales of cigarettes or tobacco products
7 made through a cigarette vending machine are subject
8 to rules and penalties relative to retail sales of
9 cigarettes and tobacco products provided for in this
10 division chapter. No cigarettes shall be sold through
11 any cigarette vending machine unless the cigarettes
12 have been properly stamped or metered as provided by
13 this division, and in case of violation of this
14 provision, the permit of the dealer authorizing retail
15 sales of cigarettes shall be canceled. Payment of the
16 license fee as provided in section 98.13 authorizes a
17 cigarette vendor to sell cigarettes or tobacco
18 products through vending machines, provided that the
19 following conditions are met: the machines are
20 located in places where the machines are under the
21 supervision of a person of legal age who is
22 responsible for prevention of purchase by minors from
23 the machines; the machines are equipped with a lock-
24 out device under the control of a person of legal age
25 who shall directly regulate the sale of items through
26 the machines, and which shall include a mechanism to
27 prevent the machines from functioning if the power
28 source for the lock-out device fails or if the lock-
29 out device is disabled, and a mechanism to ensure that
30 only one pack of cigarettes or one tobacco product is
31 dispensed at a time; and the location where the

32 machines are placed is covered by a local retail
 33 permit. However, a lock-out device is not required
 34 for machines operated in the following locations, if
 35 the machines are not to be placed in a doorway or
 36 other area readily accessible to minors: a commercial
 37 establishment holding a class "C" liquor license or a
 38 class "B" beer permit under chapter 123, if the
 39 establishment is not also licensed as a food service
 40 establishment under chapter 137B; a private facility
 41 not open to the public; or a workplace not open to the
 42 public. This section does not require a retail
 43 licensee to buy a cigarette vendor's permit if the
 44 retail licensee is in fact the owner of the cigarette
 45 vending machines and the machines are operated in the
 46 location described in the retail permit."

47 3. Page 6, by inserting after line 13, the
 48 following:

49 "Sec. _____. EFFECTIVE DATES AND TRANSITION
 50 PROVISION. Section 5 of this Act takes effect July 1,

Page 2

1 1994. Section 7 of this Act takes effect upon
 2 enactment. However, section 7 of this Act shall not
 3 be enforced against persons in relationship to
 4 cigarette vending machines in operation on or before
 5 the enactment of this Act until July 1, 1994."

6 4. Title page, line 2, by inserting after the
 7 word "penalties" the following: "and effective
 8 dates".

9 5. By renumbering as necessary.

TEAFORD of Black Hawk
 PLASIER of Sioux
 CARPENTER of Polk

H-3304

1 Amend House File 174 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 380.2, Code 1991, is amended
 5 to read as follows:

6 380.2 AMENDMENT.

7 An amendment to an ordinance or to a code of
 8 ordinances must specifically repeal the ordinance or
 9 code, or the section, or subsection, paragraph, or
 10 subpart to be amended, and must set forth in full the
 11 ordinance, code, section, or subsection, paragraph, or
 12 subpart as amended.

13 Sec. 2. Section 380.10, Code 1991, is amended by
 14 adding the following new unnumbered paragraphs:

15 NEW UNNUMBERED PARAGRAPH. A city 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 matter
22 and identify the portion of the Code of Iowa adopted
23 by chapter, section, and subsection or other subpart,
24 as applicable.

25 2. A portion of the Code of Iowa may be adopted by
26 reference only if the criminal penalty provided by the
27 law adopted does not exceed thirty days' imprisonment
28 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 NEW UNNUMBERED PARAGRAPH. An ordinance which
34 adopts by reference any portion of the Code of Iowa
35 may provide that violations of the ordinance are
36 municipal infractions and subject to the limitations
37 of section 364.22."

38 2. Title page, line 1, by inserting after the
39 words "relating to" the following: "amending or
40 repealing city ordinances and".

41 3. By renumbering as necessary.

Committee on Local Government

H-3306

1 Amend House File 395 as follows:

2 1. Page 1, line 28, by inserting after the word
3 "including" the following: "but not limited to".

Committee on Human Resources

H-3308

1 Amend House File 85 as follows:

2 1. Page 1, by striking lines 9 through 11 and
3 inserting the following: "improvement in a literacy
4 program provided pursuant to subsection 2. The
5 determination of whether an employee is making
6 sufficient improvement in a literacy program shall be
7 made by the director of the educational program in
8 which the employee is enrolled. The community
9 colleges division of the department of education shall
10 develop, and the state board of education shall adopt
11 rules which establish guidelines to assist in the
12 determination of whether an employee enrolled in a
13 literacy program is making sufficient progress."

14 2. Page 1, by striking lines 15 through 19 and
15 inserting the following: "provided through a community

16 college. If an employee, who is enrolled in a
17 literacy program under this section, received a high
18 school diploma from an accredited public school in
19 this state after June 30, 1986, the local school
20 district from which the employee received the diploma
21 shall pay the cost of the employee's attendance in the
22 literacy program."

23 3. Title page, lines 1 and 2, by striking the
24 words "and providing a criminal penalty".

Committee on Education

H-3309

1 Amend House File 572 as follows:

2 1. Page 1, by striking lines 9 and 10 and
3 inserting the following: "governing body, in an
4 amount not exceeding twenty-one cents per mile which
5 reflects current economic conditions and which may be
6 the maximum".

BARTZ of Worth

H-3310

1 Amend House File 85 as follows:

2 1. Page 1, by striking lines 4 through 13 and
3 inserting the following: "by the employer, shall have
4 the opportunity to".

IVERSON of Wright

H-3311

1 Amend House File 395 as follows:

2 1. Page 1, line 7, by inserting after the figure
3 "135.61," the following: "subsection 16, paragraphs
4 "a" and "c" through "f".

BARTZ of Worth

H-3315

1 Amend House File 435 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 601K.80, subsection 7, Code
5 1991, is amended to read as follows:

6 7. The council is assigned to the division for
7 administrative purposes. The administrator shall be
8 responsible for budgeting, program coordination, and
9 related management functions. The operating expenses
10 of the central registry for brain injuries under
11 section 135.22 and of the council shall be paid from
12 moneys in the head and spinal injury trust fund."

13 2. Page 1, line 1, by striking the word and

14 figure "Section 1." and inserting the following:

15 "Sec. 2."

16 3. Page 1, line 5, by striking the word

17 "evaluation" and inserting the following:

18 "evacuation".

19 4. Page 1, line 21, by inserting after the word

20 "a" the following: "treatment,".

21 5. Page 1, by inserting after line 25 the

22 following: "Expenses for administrative, case

23 management, and medical consultation services paid

24 from the trust fund shall not exceed ten percent of

25 the funds deposited in the trust fund each year."

26 6. Page 2, line 1, by striking the word

27 "evaluation" and inserting the following:

28 "evacuation".

29 7. Page 2, line 2, by inserting after the word

30 "rehabilitation" the following: "center, or post

31 acute brain injury treatment".

32 8. Page 2, by striking lines 4 through 6 and

33 inserting the following:

34 "b. Prosthetic or orthotic devices, wheelchairs,

35 or other assistive devices determined necessary and

36 appropriate by care providers."

37 9. Page 2, by striking lines 18 through 20 and

38 inserting the following: "for the care listed in

39 subsection 2. The".

40 10. Title page, line 3, by inserting after the

41 word "injuries" the following: "and changing funding

42 from the general fund to the trust fund for the

43 advisory council on head injuries and the central

44 registry for brain injuries".

45 11. By renumbering as necessary.

Committee on Human Resources

H-3318

1 Amend House File 587 as follows:

2 1. Page 2, line 19, by striking the word

3 "parties," and inserting the following: "parties,".

SPEAR of Lee

H-3320

1 Amend the amendment, H-3296, to House File 534 as
2 follows:

3 1. Page 1, by inserting after line 25 the

4 following:

5 "_____. Page 2, by inserting after line 12 the

6 following:

7 "Sec. _____. Section 602.1301, subsection 2,

8 paragraph b, Code 1991, is amended to read as follows:

9 b. Before December 1, the supreme court shall

- 10 submit to the director of management an estimate of
11 the total expenditure requirements of the judicial
12 department. The director of management shall submit
13 this estimate received from the supreme court to the
14 governor for inclusion without change in the
15 governor's proposed budget for the succeeding fiscal
16 year. The estimate shall also be submitted to the
17 chairpersons of the committees on appropriations." "
18 2. By renumbering as necessary.

VAN MAANEN of Mahaska

H-3322

- 1 Amend House File 170 as follows:
2 1. Page 2, by inserting after line 33 the
3 following:
4 "A person whose vehicle registration renewal has
5 been refused under this paragraph shall be allowed to
6 present satisfactory evidence to the county treasurer,
7 through the use of personal records, to prove that the
8 person did, in fact, pay the fines, unsecured
9 appearance bond, costs, or surcharges."

DE GROOT of Lyon

H-3324

- 1 Amend House File 608 as follows:
2 1. Page 2, line 12, by inserting after the word
3 "profit" the following: ", including theft,".
4 2. Page 8, by inserting after line 17, the
5 following:
6 "4A. An oral report of suspected dependent adult
7 abuse initially made to the central registry regarding
8 a health care facility shall be transmitted by the
9 department to the department of inspections and
10 appeals on the first working day following the
11 submitting of the report."
12 3. Page 11, by inserting after line 8 the
13 following:
14 "(6) A health care facility administrator or the
15 administrator's designee following the appeals process
16 for the purpose of hiring staff or continued
17 employment of staff."

MERTZ of Kossuth

H-3328

- 1 Amend House File 321 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Sec. _____. Section 7E.7, subsection 1, Code 1991,
5 is amended to read as follows:

- 6 1. The Iowa finance authority, and the Iowa
7 economic protective and investment authority, and the
8 Wallace technology transfer foundation shall be
9 considered parts of the Iowa department of economic
10 development. The Iowa department of economic
11 development may provide staff assistance and
12 administrative support to the authorities and
13 foundation."
14 2. Title page, by striking lines 2 and 3 and
15 inserting the following: "technology transfer
16 foundation."

BENNETT of Ida

H—3330

- 1 Amend House File 395 as follows:
2 1. Page 1, by striking lines 27 through 29, and
3 inserting the following:
4 "3. This section does not prohibit lawful
5 assembly."

TYRRELL of Iowa

H—3331

- 1 Amend House File 590, as follows:
2 1. Page 1, by inserting after line 10, the
3 following:
4 "A district may charge each employee a reasonable
5 fee, not to exceed ten dollars per month, to defray
6 the actual cost of making any payroll deduction for
7 political committees requested pursuant to this
8 section."

IVERSON of Wright

H—3333

- 1 Amend House File 435 as follows:
2 1. Page 3, by striking lines 20 through 23.
3 2. By relettering as necessary.

BARTZ of Worth

H—3334

- 1 Amend House File 435 as follows:
2 1. Page 3, by striking lines 18 and 19.
3 2. By relettering as necessary.

BARTZ of Worth

H—3335

- 1 Amend House File 520 as follows:
2 1. Page 1, by striking line 14 and inserting the

- 3 following: "RESIDENCE."
- 4 2. Page 1, lines 18 and 19, by striking the
- 5 following: ", at the time of sale of the residences".
- 6 3. By striking page 1, line 33, through page 2,
- 7 line 2, and inserting the following:
- 8 "_____. A person owning a single family residence is
- 9 not required by this section to test the residence for
- 10 radon gas or radon progeny prior to the transfer of
- 11 title of such residence."
- 12 4. By renumbering as necessary.

BARTZ of Worth

H-3336

- 1 Amend the amendment, H-3300, to House File 232 as
- 2 follows:
- 3 1. Page 2, line 1, by striking the figure "1994"
- 4 and inserting the following: "1996".
- 5 2. Page 2, line 5, by striking the figure "1994"
- 6 and inserting the following: "1996".

GRUBBS of Scott

H-3337

- 1 Amend House File 395 as follows:
- 2 1. Page 1, line 2, by striking the word "HEALTH"
- 3 and inserting the following: "PUBLIC".
- 4 2. Page 1, by striking line 6 through 13 and
- 5 inserting the following:
- 6 "b. "Public facility" means the same as used for
- 7 public facilities and accommodations in sections
- 8 601D.3 and 601D.4."
- 9 3. Page 1, line 15, by striking the word "health"
- 10 and inserting the following: "public".
- 11 4. Page 1, line 16, by striking the word "health"
- 12 and inserting the following: "public".
- 13 5. Page 1, line 20, by striking the word "health"
- 14 and inserting the following: "public".
- 15 6. Page 1, line 26, by striking the word "health"
- 16 and inserting the following: "public".
- 17 7. Title page, line 1, by striking the word
- 18 "health" and inserting the following: "public".

GRUBBS of Scott
JOCHUM of Dubuque
BISIGNANO of Polk
HATCH of Polk
SVOBODA of Tama
BARTZ of Worth

H-3343

- 1 Amend House File 395 as follows:
- 2 1. Page 1, line 16, by inserting after the word

- 3 "facility," the following: "a parent or guardian who
4 is authorized to provide consent for health care
5 provided to an individual referred to in subsection
6 2,".

GARMAN of Story
SVOBODA of Tama
BANKS of Plymouth

H-3344

- 1 Amend amendment H-3298, to House File 520, as
2 follows:
3 1. Page 1, by striking lines 11 through 15.

BERNAU of Story

H-3351

- 1 Amend House File 613 as follows:
2 1. Page 1, line 15, by inserting after the word
3 "native" the following: "American".

SPEAR of Lee

H-3354

- 1 Amend House File 632 as follows:
2 1. Page 1, by striking lines 1 through 6.
3 2. By striking page 1, line 34, through page 2,
4 line 7.
5 3. Page 8, by striking lines 16 through 21.
6 4. Title page, lines 1 through 3, by striking the
7 words "imposing liability for governmental entities
8 for failure to make domestic abuse arrests,".
9 5. By renumbering as necessary.

KREMER of Buchanan

H-3357

- 1 Amend the amendment, H-3185, to House File 455 as
2 follows:
3 1. Page 1, line 2, by striking the word
4 "striking" and inserting the following: "inserting
5 after".
6 2. Page 1, by striking lines 3 and 4, and
7 inserting the following: "person other than a child
8 who is the subject of a mediation agreement".

SPEAR of Lee

H-3364

- 1 Amend House File 619 as follows:
2 1. Title page, line 1, by inserting after the
3 word "bank" the following: "and credit union".

RENKEN of Grundy

H-3366

- 1 Amend House File 517 as follows:
- 2 1. Page 5, line 3, by inserting after the word
- 3 "payment" the following: "provided that the third
- 4 party is not a nonoccupational group plan or insurance
- 5 provider".

GILL of Woodbury

H-3368

- 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 inserting after line 12 the
- 6 following:
- 7 "The department shall make radon testing
- 8 information available to real estate brokers and
- 9 salespersons, who shall make the information available
- 10 to potential home buyers." "
- 11 2. By renumbering as necessary.

METCALF of Polk

H-3370

- 1 Amend House File 632 as follows:
- 2 1. By striking page 7, line 30 through page 8,
- 3 line 7, and inserting the following:
- 4 "Sec. _____. Section 602.8105, subsection 1,
- 5 paragraph n, Code 1991, is amended to read as
- 6 follows:"
- 7 2. Page 11, by inserting after line 18, the
- 8 following:
- 9 "Sec. _____. Section 911.2, Code 1991, as amended by
- 10 1991 Iowa Acts, House File 173, section 816, is
- 11 amended by adding the following new unnumbered
- 12 paragraph after unnumbered paragraph 1:
- 13 NEW UNNUMBERED PARAGRAPH. Prior to assessing and
- 14 in addition to assessing any other surcharge
- 15 authorized under this section, when a court imposes a
- 16 fine or forfeiture for a violation of a state law, or
- 17 of a city or county ordinance except an ordinance
- 18 regulating the parking of motor vehicles, the court
- 19 shall assess an additional penalty in the form of a
- 20 domestic abuse surcharge equal to five percent of the
- 21 fine or forfeiture imposed. In the event of multiple
- 22 offenses or suspension of a fine or forfeiture in
- 23 whole or in part, the surcharge shall be based or
- 24 reduced as otherwise provided in this section for any
- 25 other surcharge. The domestic abuse surcharge is
- 26 subject to the provisions of chapter 909 governing the

27, payment and collection of fines, as provided in
28 section 909.8. Notwithstanding section 911.3, the
29 clerk of the district court shall transmit the
30 domestic abuse surcharge to the treasurer of state for
31 deposit in the victim assistance grant fund
32 established in section 912.2B."

33 3. Page 11, line 34, by striking the word and
34 figure "and 708.2A" and inserting the following:
35 "708.2A, and 911.2".

36 4. Title page, lines 6 and 7, by striking the
37 words "marriage license and".

38 5. Title page, line 8, by inserting after the
39 word "penalties," the following: "assessing an
40 additional domestic abuse surcharge,".

41 6. By renumbering and correcting internal
42 references as necessary.

McKEAN of Jones
HURLEY of Fayette

H-3371

1 Amend the amendment, H-3343, to House File 395 as
2 follows:

3 1. Page 1, by inserting before line 2 the
4 following:

5 "_____. Page 1, by inserting before line 1, the
6 following:

7 "Sec. _____. **NEW SECTION. 146A.1 NOTIFICATION OF**
8 **PARENT PRIOR TO PERFORMANCE OF ABORTION ON MINOR -**
9 **REQUIREMENTS - EXCEPTIONS.**

10 1. A person shall not perform an abortion on a
11 pregnant minor until at least forty-eight hour prior
12 notification is provided to a parent of the minor.

13 2. The notification shall be provided in person or
14 by restricted certified mail to the parent of the
15 minor at the usual place of abode of the parent. For
16 the purposes of delivery by restricted certified mail,
17 the time of delivery is deemed to occur at twelve
18 o'clock noon on the next day on which regular mail
19 delivery takes place, subsequent to the mailing.

20 3. For the purposes of this section, unless the
21 context otherwise requires:

22 a. "Abortion" means as abortion is defined in
23 chapter 146.

24 b. "Court" means the juvenile court.

25 c. "Minor" means minor as defined in chapter 599.

26 d. "Parent" means one parent of the pregnant minor
27 or the pregnant minor's guardian or custodian.

28 4. Notification shall not be required under this
29 section if any of the following conditions apply:

30 a. The attending physician certifies in the
31 pregnant minor's medical record that the abortion is

32 necessary to prevent the minor's death and there is
33 insufficient time to provide the required
34 notification. In such cases the attending physician
35 shall provide the notification to the parent of the
36 minor of the performance of the abortion as soon as is
37 reasonably possible after the abortion, unless
38 notification is not otherwise required.

39 b. The abortion is authorized in writing by a
40 parent entitled to notification.

41 c. The pregnant minor declares that the pregnant
42 minor is a victim of child abuse pursuant to section
43 232.68, the person responsible for the care of the
44 child is a parent of the child, and the abuse has been
45 reported pursuant to the procedures prescribed in
46 chapter 232, division III, part two. The department
47 of human services shall make every reasonable effort
48 to maintain confidentiality under chapter 232
49 regarding the minor's pregnancy and abortion, if an
50 abortion is obtained.

Page 2

1 d. The pregnant minor elects not to allow
2 notification of the pregnant minor's parent and a
3 court authorizes the attending physician to perform an
4 abortion on the pregnant minor following completion of
5 the proceedings prescribed under subsection 4.

6 5. a. If a pregnant minor elects not to allow the
7 notification of a parent prior to the performance of
8 an abortion on the pregnant minor, the pregnant minor
9 shall petition the court to authorize the performance
10 of the abortion. The court shall authorize the
11 attending physician to perform the abortion on the
12 pregnant minor if either of the following conditions
13 is met:

14 (1) The court determines that the pregnant minor
15 is mature and capable of giving informed consent to
16 the proposed abortion.

17 (2) The court determines that the pregnant minor
18 is not mature, or the pregnant minor does not claim
19 that the pregnant minor is mature, but the court
20 determines that the performance of an abortion upon
21 the pregnant minor without the notification of a
22 parent of the minor is in the best interest of the
23 pregnant minor.

24 b. The pregnant minor may participate in the
25 proceeding in the court on the pregnant minor's own
26 behalf and the court may appoint a guardian ad litem
27 for the pregnant minor. The court shall advise the
28 pregnant minor of the right to court-appointed counsel
29 and shall appoint counsel if the pregnant minor so
30 requests.

31 c. Proceedings under this section shall be
 32 confidential and shall be given precedence over other
 33 pending matters of the court so that a decision may be
 34 expeditious and serve the best interest of the
 35 pregnant minor. The court shall enter in the record
 36 specific finding of fact and legal conclusions to
 37 support the decision rendered.

38 d. An expedited, confidential appeal shall be
 39 available to a pregnant minor for whom the court
 40 denies an order authorizing an abortion without
 41 notification. An order authorizing an abortion
 42 without notification is not subject to appeal. A
 43 filing fee is not required of the pregnant minor at
 44 any level of the proceedings. Access to the court
 45 shall be afforded the pregnant minor twenty-four hours
 46 per day, seven days a week.

47 6. A person who performs an abortion in violation
 48 of this section is guilty of a serious misdemeanor. A
 49 person is not liable under this section if the person
 50 establishes through written evidence that the

Page 3

1 provisions of this section have been met or that the
 2 person has used reasonable diligence in attempting to
 3 provide notification to the parent of the pregnant
 4 minor.

5 7. The supreme court shall prescribe rules to
 6 ensure the proceedings under this section are
 7 performed in an expeditious and confidential manner.

8 Sec. _____. NEW SECTION. 232.4 ABORTION PERFORMED 9 ON A MINOR — PROCEEDINGS.

10 The court shall have exclusive jurisdiction over
 11 the authorization of an abortion on a minor pursuant
 12 to section 146A.1.”

13 2. Page 1, by inserting after line 6, the
 14 following:

15 “_____. Title page, line 1, by inserting after the
 16 words “relating to” the following: “medical
 17 procedures and health facilities concerning”.

18 _____. Title page, line 1, by inserting after the
 19 word “facility” the following: “and notification of a
 20 parent prior to the performance of an abortion on a
 21 minor”.”

22 3. By renumbering as necessary.

GARMAN of Story
 MUHLBAUER of Crawford
 SHONING of Woodbury
 KREBSBACH of Mitchell
 RENKEN of Grundy
 JOHNSON of Clinton
 McNEAL of Hardin
 VAN MAANEN of Mahaska
 HURLEY of Fayette
 BANKS of Plymouth

MERTZ of Kossuth
 McKEAN of Jones
 CORBETT of Linn
 KREMER of Buchanan
 HANSON of Delaware
 BRANSTAD of Winnebago
 PLASIER of Sioux
 DAGGETT of Adams
 DE GROOT of Lyon
 SVOBODA of Tama

H-3388

- 1 Amend House File 601 as follows:
- 2 1. Page 1, by striking lines 28 and 29, and
- 3 inserting the following: "effective date of the
- 4 change only as provided in subsection 2."

DODERER of Johnson

H-3390

- 1 Amend House File 674 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.39, unnumbered paragraph
- 5 4, Code 1991, is amended by striking the paragraph."
- 6 2. Page 1, line 1, by striking the word and
- 7 figure "Section 1", and inserting the following:
- 8 "Sec. 2".
- 9 3. Page 2, by inserting after line 30 the
- 10 following:
- 11 "Sec. _____. Section 123.50, subsection 3, paragraph
- 12 a, Code 1991, is amended to read as follows:
- 13 a. Upon a first conviction, the violator's liquor
- 14 control license, wine permit, or beer permit shall be
- 15 suspended for a period of fourteen days. However, if
- 16 the conviction is for a violation of section 123.49,
- 17 subsection 2, paragraph "h", which occurred on or
- 18 after January 1, 1988, the violator's liquor control
- 19 license or wine or beer permit shall not be suspended,
- 20 but the violator shall be assessed a civil penalty in
- 21 the amount of three hundred dollars. Failure to pay
- 22 the civil penalty as ordered under section 123.39 or
- 23 this subsection will result in automatic suspension of
- 24 the license or permit for a period of fourteen days."
- 25 4. Title page, line 2, by inserting after the
- 26 word "years" the following: "and to applicable
- 27 penalties".
- 28 5. By renumbering as necessary.

BANKS of Plymouth
GARMAN of Story

H-3398

- 1 Amend House File 655 as follows:
- 2 1. Page 6, line 31, by striking the word "or" and
- 3 inserting the following: "and".

KREMER of Buchanan
JESSE of Jasper

H-3400

- 1 Amend House File 650 as follows:
- 2 1. Page 1, line 11, by striking the word "twenty-

- 3 six" and inserting the following: "twenty-seven".
 4 2. Page 1, by striking lines 20 through 22 and
 5 inserting the following:
 6 "c. Five members of the general public, who are to
 7 be appointed by the legislative council."
 8 3. Page 1, line 23, by striking the word "Four"
 9 and inserting the following: "Two".
 10 4. Page 2, line 15, by inserting after the word
 11 "appointment." the following: "The legislative
 12 council shall monitor the appointments of the members
 13 of the task force to ensure that the task force
 14 membership is gender balanced and reflects the ethnic,
 15 demographic, and geographic characteristics of Iowa's
 16 population. The legislative council may reject any
 17 appointments which would cause the task force not to
 18 meet the gender, ethnicity, demographic, and
 19 geographic requirements imposed in this subsection.
 20 The legislative council shall appoint, from the task
 21 force membership, two persons who shall serve as the
 22 temporary co-chairpersons of the task force until the
 23 first task force meeting, when permanent co-
 24 chairpersons shall be selected. The legislative
 25 council shall also be responsible for setting, and
 26 notifying the task force members of, the time, date,
 27 and location of the first meeting of the task force."
 28 5. Page 2, by striking line 26 and inserting the
 29 following: "of the five public members who are
 30 appointed by the legislative council."

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

HAMMOND of Story
 HANSON of Black Hawk
 ADAMS of Hamilton
 IVERSON of Wright
 KISTLER of Jefferson
 BAKER of Polk
 HURLEY of Fayette
 NEUHAUSER of Johnson
 SHOULTZ of Black Hawk

H-3402

- 1 Amend House File 271 as follows:
 2 1. Page 2, by inserting after line 25 the
 3 following:
 4 "Sec. _____. NEW SECTION. 28G.10 APPLICABILITY.
 5 For the purposes of forming a public service
 6 monopoly, this chapter applies to resource recovery
 7 facilities for the recycling of solid waste for use as
 8 an energy source in continuous operation for a period
 9 of at least ten years prior to July 1, 1991."

BERNAU of Story

H-3404

1 Amend House File 341 as follows:

2 1. Page 1, line 3, by striking the word
3 "intentionally" and inserting the following:
4 "willfully".

5 2. Title page, line 1, by striking the word
6 "intentional" and inserting the following: "willful".

SIEGRIST of Pottawattamie

H-3407

1 Amend House File 650, as follows:

2 1. Page 1, line 11, by striking the word "twenty-
3 six" and inserting the following: "twenty-eight".

4 2. By striking page 1, line 12, through page 2,
5 line 12, and inserting the following:

6 "a. Four ex officio members who are members of the
7 senate, two of whom are to consist of one female and
8 one male who are to be appointed by the majority
9 leader of the senate, and two of whom are to consist
10 of one female and one male who are to be appointed by
11 the minority leader of the senate.

12 b. Four ex officio members who are members of the
13 house of representatives, two of whom are to consist
14 of one female and one male who are to be appointed by
15 the speaker of the house, and two of whom are to
16 consist of one female and one male who are to be
17 appointed by the minority leader of the house.

18 c. Four members of the general public, to consist
19 of one female and one male, one of whom shall also be
20 a member of a minority race or ethnic group, who are
21 to be appointed by the majority leader of the senate,
22 and one female and one male, one of whom shall also be
23 a member of a minority race or ethnic group, who are
24 to be appointed by the minority leader of the senate.

25 d. Four members of the general public, to consist
26 of one female and one male, one of whom shall also be
27 a member of a minority race or ethnic group, who are
28 to be appointed by the speaker of the house and one
29 female and one male, one of whom shall also be a
30 member of a minority race or ethnic group, who are to
31 be appointed by the minority leader of the house.

32 e. Two members of the general public who are to be
33 appointed by the governor, to consist of one female
34 and one male, one of whom shall also be a member of a
35 minority race or ethnic group.

36 f. The director of the department of education.

37 g. Nine members to be appointed by the governor,
38 which appointments shall be made in a manner which
39 reflects gender balance, to be selected from
40 nominations of one female and one male made by each of

41 the following organizations:

42 (1) An organization which represents licensed
43 practitioners in this state.

44 (2) A statewide parent-teacher organization.

45 (3) An organization which represents the boards of
46 Iowa public school districts.

47 (4) An organization which represents most or all
48 of the public school administrators in Iowa.

49 (5) An organization which represents area
50 education agency administrators in Iowa.

Page 2

1 (6) An organization which represents community
2 college presidents.

3 (7) The state board of regents.

4 (8) An association which represents some or all
5 private colleges and universities located in this
6 state.

7 (9) The business and education roundtable
8 established by the director of the department of
9 education."

10 3. Page 2, line 25, by inserting after the word
11 "force," the following: "at least".

12 4. Page 2, by striking line 26 and inserting the
13 following: "of the public members of the task force."

SPEAR of Lee

H-3410

1 Amend House File 650 as follows:

2 1. Page 2, line 15, by inserting after the word
3 "appointment." the following: "The director of the
4 department of education shall be responsible for
5 setting and notifying members of the task force of the
6 time, date, and location of the first meeting of the
7 task force."

SPEAR of Lee

H-3419

1 Amend House File 677 as follows:

2 1. Page 1, line 35, by striking the words "the
3 same".
4 2. Page 2, line 1, by striking the words "house
5 of".

SPEAR of Lee

H-3420

1 Amend House File 666 as follows:

2 1. Page 3, line 25, by striking the word "seven"
3 and inserting the following: "six".

SPEAR of Lee

H-3421

- 1 Amend House File 666 as follows:
- 2 1. Page 3, line 27, by inserting after the word
- 3 "appointment." the following: "The membership of the
- 4 commission appointed under paragraph "b" shall be
- 5 gender balanced in accordance with section 69.16A."

SPEAR of Lee

H-3423

- 1 Amend House File 600 as follows:
- 2 1. Page 1, line 1, by striking the word and
- 3 figure "through 467A.84" and inserting the following:
- 4 "and 467A.81".
- 5 2. By striking page 1, line 26, through page 3,
- 6 line 6, and inserting the following:
- 7 "Sec. _____. NEW SECTION. 467A.81 SOIL
- 8 CONSERVATION TECHNICAL ASSISTANCE.
- 9 Soil and water conservation districts under the
- 10 supervision of the division shall, by July 1, 1992,
- 11 initiate programs to provide technical assistance to
- 12 local authorities. The programs shall do all of the
- 13 following:
- 14 1. Assist local authorities in developing soil
- 15 conservation ordinances which may provide standards
- 16 and procedures designed specifically for each local
- 17 authority, in order to reduce soil erosion resulting
- 18 from construction.
- 19 2. Direct local education programs which shall
- 20 include seminars and workshops designed to inform
- 21 persons regarding sound conservation practices. The
- 22 programs shall feature construction techniques
- 23 designed to minimize disturbances to land or water
- 24 areas, and which promote sound soil conservation
- 25 practices."
- 26 3. Title page, lines 1 and 2, by striking the
- 27 words "sedimentation, and providing fees" and
- 28 inserting the following: "sedimentation".
- 29 4. By renumbering as necessary.

BANKS of Plymouth
PETERSEN of Muscatine

H-3424

- 1 Amend House File 663 as follows:
- 2 1. Page 1, by inserting after line 6, 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 8, by inserting after line 7, 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 8, by striking line 8 and inserting the
22 following:
23 "Sec. _____. Section 331.254, unnumbered paragraph 1
24 and subsection 5, Code 1991, are".
25 4. Page 8, by inserting after line 9, 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 8, line 17, by striking the word
31 "subsection" and inserting the following:
32 "subsections".
33 6. Page 8, by inserting after line 20, 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.

CONNORS of Polk

H-3426

- 1 Amend House File 652 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 79.17, Code 1991, is amended
5 to read as follows:
6 79.17 ADDITIONAL PAYROLL DEDUCTIONS.
7 1. For the purposes of purchasing insurance and at
8 the request of two hundred fifty or more state
9 officers or employees, the state officer in charge of
10 the payroll system shall deduct from the wages or
11 salaries of the state officers or employees an amount
12 specified by each of the officers or employees for

13 payment to any insurance company authorized to do
14 business in this state if the following conditions are
15 met:

16 a. The request for the payroll deduction is made
17 in writing to the officer in charge of the payroll
18 system.

19 b. The pay period during which the deduction is
20 made, the frequency, and the amount of the deduction
21 are compatible with the payroll system.

22 c. The insurance coverage is not provided by the
23 state.

24 2. The moneys deducted under this section shall be
25 paid promptly to the insurance company designated by
26 the state officers or employees. The deduction may be
27 made even though the compensation paid to an officer
28 or employee is reduced to an amount below the minimum
29 prescribed by law. Payment to an officer or employee
30 of compensation less the deduction shall constitute a
31 full discharge of claims and demands for services
32 rendered by the officer or employee during the period
33 covered by the payment. The request for the deduction
34 may be withdrawn at any time by filing a written
35 notification of withdrawal with the state officer in
36 charge of the payroll system.

37 Sec. _____. Section 262.21, Code 1991, is amended to
38 read as follows:

39 262.21 ANNUITY CONTRACTS.

40 At the request of an employee through contractual
41 agreement the board may arrange for the purchase of
42 group or individual annuity contracts for any of its
43 employees from any company the employee chooses that
44 is authorized to do business in this state, or the
45 board may arrange for the purchase of an individual
46 mutual fund contract from any company the employee
47 chooses from a broker-dealer, salesperson, or mutual
48 fund registered in this state, for retirement or other
49 purposes, and may make payroll deductions in
50 accordance with the arrangements for the purpose of

Page 2

1 paying the entire premium due and to become due under
2 the contract. The deductions shall be made in the
3 manner which will qualify the annuity premiums for the
4 benefits under section 403b of the Internal Revenue
5 Code, as defined in section 422.3. The employee's
6 rights under the annuity contract are nonforfeitable
7 except for the failure to pay premiums.

8 Whenever an existing tax-sheltered annuity contract
9 is to be replaced by a new contract the agent or
10 representative of the company shall submit a letter of
11 intent to the company being replaced, to the insurance

12 commissioner of the state of Iowa insurance, and to
13 the agent's or representative's own company at least
14 thirty days prior to any action. Each required letter
15 of intent shall be sent by registered mail. This
16 letter of intent shall contain the policy number and
17 description of the contract being replaced and a
18 description of the replacement contract."

19 2. By renumbering as necessary.

CHAPMAN of Linn

H-3428

1 Amend House File 664 as follows:

2 1. Page 8, line 16, by inserting after the word
3 "ballots." the following: "The commissioner shall
4 notify the voter that the ballot has been received."

CARPENTER of Polk

H-3431

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. By renumbering as necessary.

BROWN of Lucas

H-3433

1 Amend Senate File 511, as passed by the Senate, as
2 follows:

3 1. Page 3, line 20, by striking the figure "1990"
4 and inserting the following: "1991".

MAULSBY of Calhoun

H-3434

1 Amend House File 341 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "rights." the following: "As used in this subsection,

- 4 obstruction does not include speech, or a person's
- 5 right to lawful assembling including picketing."

HAMMOND of Story
DODERER of Johnson
CARPENTER of Polk
OSTERBERG of Linn
TEAFORD of Black Hawk

H-3435

- 1 Amend House File 341 as follows:
- 2 1. Page 1, line 5, by striking the words
- 3 "hunting, fishing, or trapping" and inserting the
- 4 following: "hunting, fishing, trapping, or seeking
- 5 access to a health facility".
- 6 2. Title page, line 2, by striking the words "or
- 7 trapping" and inserting the following: "trapping, or
- 8 seeking access to a health facility".

HAMMOND of Story
METCALF of Polk

H-3436

- 1 Amend House File 651 as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "licensee." the following: "The commission shall
- 4 allow interstate simulcast races from states which
- 5 have the same restrictions on the use of drugs on
- 6 horses and dogs as required by this state."

OSTERBERG of Linn

H-3437

- 1 Amend House File 643-as follows:
- 2 1. Page 1, line 31, by inserting after the word
- 3 "call" the following: "is completed, and".
- 4 2. Page 2, line 1, by striking the word "and".

SHEARER of Louisa

H-3439

- 1 Amend House File 615 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "of" the following: "chapter 708 or".
- 4 2. Page 1, line 16, by inserting after the words
- 5 "perpetrator of the" the following: "assault or".
- 6 3. Page 1, line 18, by inserting after the word
- 7 "involving" the following: "chapter 708 or".
- 8 4. Page 1, line 25, by inserting after the word
- 9 "the" the following: "assault or".
- 10 5. Page 2, line 16, by inserting after the word
- 11 "of" the following: "chapter 708 or".

- 12 6. Page 2, line 21, by inserting after the words
13 "of the" the following: "assault or".
14 7. Page 2, line 23, by inserting after the word
15 "involving" the following: "chapter 708 or".
16 8. Page 2, line 29, by inserting after the words
17 "of the" the following: "assault or".
18 9. Page 3, line 6, by inserting after the word
19 "of" the following: "assault or".
20 10. Title page, line 2, by inserting after the
21 word "of" the following: "assault or".

BLANSHAN of Greene

H-3440

- 1 Amend House File 615 as follows:
2 1. Page 1, line 11, by inserting after the word
3 "involves" the following: "a victim who is a minority
4 person, or".
5 2. Page 1, line 16, by striking the words "sexual
6 abuse" and inserting the following: "crime or
7 incident".
8 3. Page 1, line 18, by inserting after the word
9 "involving" the following: "a minority person or".
10 4. Page 1, line 25, by striking the words "sexual
11 abuse" and inserting the following: "crime or
12 incident".
13 5. Page 1, by striking lines 31 through 34 and
14 inserting the following:
15 "c. For the purposes of this subsection:
16 (1) "Minority person" means an individual who is a
17 Black, Hispanic, Asian or Pacific Islander, or
18 American Indian or Alaskan native.
19 (2) "Victim-identifying information" means the
20 victim's name and address, minority status, and the
21 location of the crime or incident."
22 6. Page 2, line 16, by inserting after the word
23 "involves" the following: "a victim who is a minority
24 person, or".
25 7. Page 2, line 21, by striking the words "sexual
26 abuse" and inserting the following: "crime or
27 incident".
28 8. Page 2, line 23, by inserting after the word
29 "involving" the following: "a minority person or".
30 9. Page 2, line 30, by striking the words "sexual
31 abuse" and inserting the following: "crime or
32 incident".
33 10. By striking page 2, line 35, through page 3,
34 line 3, and inserting the following:
35 "(3) For the purposes of this subsection:
36 (a) "Minority person" means an individual who is a
37 Black, Hispanic, Asian or Pacific Islander, or
38 American Indian or Alaskan native."

39 (b) "Victim-identifying information" means the
40 victim's name and address, minority status, and the
41 location of the crime or incident."

42 11. Page 3, line 6, by striking the words "sexual
43 abuse" and inserting the following: "a crime or
44 incident".

45 12. Title page, line 2, by inserting after the
46 word "cases" the following: "in which the victim is a
47 member of a racial minority or cases".

BLANSHAN of Greene

H-3441

1 Amend House File 666 as follows:

2 1. Page 4, by striking lines 34 and 35 and
3 inserting the following:

4 "Sec. _____. Section 256A.2, subsection 1, Code
5 1991, is amended to read as follows:

6 1. The administrator of the division of children,
7 youth, and families child and family services of the
8 department of human rights services or the
9 administrator's designee."

10 2. Page 5, by striking lines 3 through 6, and
11 inserting the following:

12 "Staff assistance for the council shall be provided
13 jointly by the department of education and the
14 division of children, youth, and families of the
15 department of human rights. Members of the council".

CARPENTER of Polk

H-3443

1 Amend House File 666 as follows:

2 1. Page 3, line 15, by inserting after the word
3 "house" the following: "after consultation with the
4 majority leader and the minority leader of the house".

SPEAR of Lee

H-3444

1 Amend House File 666 as follows:

2 1. Page 3, line 27, by inserting after the word
3 "appointment." the following: "Of the members
4 appointed under paragraph "b", at least two members
5 shall be members of a minority race. For purposes of
6 this section, Hispanics shall be considered a racial
7 group."

SPEAR of Lee

H-3450

1 Amend House File 632 as follows:

2 1. Page 1, line 33, by inserting after the word

- 3 "modified" the following: ", and shall modify the
4 custody award or visitation rights, if appropriate".

MILLAGE of Scott

H-3451

- 1 Amend House File 632 as follows:
2 1. By striking page 7, line 30 through page 8,
3 line 15.
4 2. Page 11, lines 33 and 34 by striking the words
5 and figure "sections 602.8105 and" and inserting the
6 following: "section".
7 3. Title page, lines 6 and 7, by striking the
8 words "increasing marriage license and dissolution of
9 marriage court costs,".
10 4. By renumbering as necessary.

MILLAGE of Scott

H-3452

- 1 Amend House File 632 as follows:
2 1. Page 3, by striking lines 15 through 17.
3 2. Page 3, line 23, by striking the words "
4 TRAINING REQUIRED".
5 3. By striking page 3, line 34 through page 4,
6 line 11.
7 4. Page 7, by striking lines 14 through 24.
8 5. Title page, by striking lines 5 and 6 and
9 inserting the following: "domestic abuse, increasing
10 marriage license".
11 6. By renumbering as necessary.

MILLAGE of Scott

H-3455

- 1 Amend House File 674 as follows:
2 1. Page 1, lines 7 and 8, by striking the words
3 "under legal age, and a person or persons under legal
4 age" and inserting the following: "a minor, and a
5 minor or minors".
6 2. Page 1, line 11, by striking the words "person
7 under legal age" and inserting the following:
8 "minor".
9 3. Page 1, line 15, by striking the word
10 "person's" and inserting the following: "minor's".
11 4. Page 1, line 18, by striking the word "person"
12 and inserting the following: "minor".
13 5. Page 1, line 20, by striking the word
14 "person's" and inserting the following: "minor's".

BARTZ of Worth

H-3456

1 Amend House File 674 as follows:

2 1. Page 1, line 25, by striking the words

3 "NINETEEN OR" and inserting the following: "EIGHTEEN
4 THROUGH".

5 2. Page 1, lines 28 and 29, by striking the words

6 "nineteen or twenty, and a person or persons age

7 nineteen or" and inserting the following: "eighteen

8 through twenty, and a person or persons age eighteen
9 through".

10 3. Page 1, line 32, by striking the words

11 "nineteen or" and inserting the following: "eighteen

12 through".

BARTZ of Worth

H-3457

1 Amend House File 674 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 123.3, subsection 33, Code

5 1991, is amended to read as follows:

6 33. "Legal age" means ~~nineteen~~ eighteen years of
7 age or more.*"

8 2. By renumbering as necessary.

BARTZ of Worth

H-3459

1 Amend Senate File 422, as passed by the Senate, as
2 follows:

3 1. Page 2, line 24, by inserting after the figure

4 "49A.6." the following: "However, if an entity other

5 than a political subdivision is responsible for the

6 payment of election costs, the proposal must be

7 approved by the entity."

BLANSHAN of Greene

H-3460

1 Amend House File 630 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 321.375, subsection 2,

5 paragraph d, Code 1991, is amended to read as follows:

6 d. The commission of or conviction for a public

7 offense as defined by the Iowa criminal code, if the

8 offense is relevant to and affects driving ability, or

9 if the offense includes sexual involvement with a

10 minor student with the intent to commit acts and

11 practices proscribed under sections 709.2 through

12 709.4, section 709.8, and sections 725.1 through
13 725.3, or if the offense includes child abuse as
14 defined under section 280.17."

15 2. Page 1, line 13, by inserting after the word
16 "bus." the following: "The department shall revoke or
17 refuse to issue a permit to any person who, after
18 notice and opportunity for hearing, is determined to
19 have committed any of the acts proscribed under
20 section 321.375, subsection 2."

21 3. Title page, by striking line 1 and inserting
22 the following: "An Act relating to school bus driver
23 education and qualifications, establishing a fund for
24 school".

25 4. By renumbering as necessary.

COHOON of Des Moines

H-3466

1 Amend House File 600 as follows:

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

4 "A local authority may participate in a program to
5 support the administration of this division. The
6 local authority shall notify the division of its
7 participation in a manner and according to procedures
8 established by the department. Not later than".

9 2. Page 3, line 3, by inserting after the word
10 "each" the following: "participating".

11 3. Page 3, line 5, by inserting before the word
12 "local" the following: "participating".

BARTZ of Worth

H-3468

1 Amend House File 641 as follows:

2 1. Page 2, by inserting after line 25 the
3 following:

4 "Sec. _____. NEW SECTION. 28G.10 APPLICABILITY.

5 For the purposes of forming a public service
6 monopoly, this chapter applies to resource recovery
7 facilities for the recycling of solid waste for use as
8 an energy source in continuous operation for a period
9 of at least ten years prior to July 1, 1991."

BERNAU of Story

H-3471

1 Amend House File 631 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 123.30, subsection 3,
5 paragraphs a, b, and c, Code 1991, are amended to read

6 as follows:

7 a. CLASS "A". A class "A" liquor control license
8 may be issued to a club and shall authorize the holder
9 to purchase alcoholic liquors from class "E" liquor
10 control licensees only, wine from class "A" wine
11 permittees or class "B" wine permittees who also hold
12 class "E" liquor control licenses only, and native
13 wines from native wine manufacturers, and to sell
14 liquors, wine, and beer, to bona fide members and
15 their guests by the individual drink for consumption
16 on the premises only.

17 b. CLASS "B". A class "B" liquor control license
18 may be issued to a hotel or motel and shall authorize
19 the holder to purchase alcoholic liquors from class
20 "E" liquor control licensees only, wine from class "A"
21 wine permittees or class "B" wine permittees who also
22 hold class "E" liquor control licenses only, and
23 native wines from native wine manufacturers, and to
24 sell liquors, wine, and beer, to patrons by the
25 individual drink for consumption on the premises only.
26 However, beer may also be sold for consumption off the
27 premises. Each license shall be effective throughout
28 the premises described in the application.

29 c. CLASS "C". A class "C" liquor control license
30 may be issued to a commercial establishment but must
31 be issued in the name of the individuals who actually
32 own the entire business and shall authorize the holder
33 to purchase alcoholic liquors from class "E" liquor
34 control licensees only, wine from class "A" wine
35 permittees or class "B" wine permittees who also hold
36 class "E" liquor control licenses only, and native
37 wines from native wine manufacturers, and to sell
38 liquors, wine, and beer, to patrons by the individual
39 drink for consumption on the premises only. However,
40 beer may also be sold for consumption off the
41 premises.

42 A special class "C" liquor control license may be
43 issued and shall authorize the holder to purchase wine
44 from class "A" wine permittees or class "B" wine
45 permittees who also hold class "E" liquor control
46 licenses only, and to sell wine and beer to patrons by
47 the individual drink for consumption on the premises
48 only. However, beer may also be sold for consumption
49 off the premises. The license issued to holders of a
50 special class "C" license shall clearly state on its

Page 2

1 face that the license is limited."

2 2. Page 1, by inserting after line 11 the
3 following:

4 "Sec. _____. Section 123.36, subsection 10, Code

5 1991, is amended to read as follows:

6 10. There is imposed a surcharge on the fee for
7 each class "A", "B", or "C" liquor control license
8 equal to thirty percent of the scheduled license fee.
9 The surcharges collected under this subsection shall
10 be deposited in the beer and liquor control fund, and
11 notwithstanding subsection 8, no portion of the
12 surcharges collected under this subsection shall be
13 remitted to the local authority. The receipts from
14 surcharges imposed pursuant to subsection 11 shall be
15 used to fund the division's obligation for the
16 disposal of liquor containers as provided in section
17 455C.3, subsection 5."

18 3. Page 1, by inserting after line 19 the
19 following:

20 "Sec. _____. Section 123.173, unnumbered paragraphs
21 2 and 3, Code 1991, are amended to read as follows:

22 A class "A" wine permit allows the holder to
23 manufacture and sell, or sell at wholesale, in this
24 state, wine as defined in section 123.3, subsection 7.
25 The holder of a class "A" wine permit may manufacture
26 in this state wine having an alcoholic content greater
27 than seventeen percent by weight for shipment outside
28 this state. All class "A" premises shall be located
29 within the state. A class "B" wine permit allows the
30 holder to sell wine at retail for consumption off the
31 premises. A class "B" wine permittee who also holds a
32 class "E" liquor control license may sell wine to
33 class "A", class "B", and class "C" liquor control
34 licensees for resale for consumption on the premises.
35 A class "B" wine permittee who also holds a class "E"
36 liquor control license may sell wine to class "A",
37 class "B", and class "C" liquor control licensees in
38 quantities of less than one case of any wine brand but
39 not more than one such sale shall be made to the same
40 liquor control licensee in a twenty-four hour period.
41 A class "B" wine permittee shall not sell wine to
42 other class "B" wine permittees.

43 A class "A" wine permittee shall be required to
44 deliver wine to a class "B" wine permittee, and a
45 class "B" wine permittee shall be required to accept
46 delivery of wine from a class "A" wine permittee, only
47 at the licensed premise premises of the class "B" wine
48 permittee. Except as specifically permitted by the
49 division upon good cause shown, delivery or transfer
50 of wine from an unlicensed premise premises to a

Page 3

1 licensed "B" wine permittee's premise premises, or
2 from one licensed "B" wine permittee's premise
3 premises to another licensed "B" wine permittee's

4 premise premises, even where if there is common
5 ownership of all of the premises by one class "B" wine
6 permittee, is prohibited. A class "B" wine permittee
7 who also holds a class "E" liquor control license
8 shall keep and maintain records for each sale of wine
9 to liquor control licensees showing the name of the
10 establishment to which wine was sold, the date of
11 sale, and the brands and number of bottles sold to the
12 liquor control licensee.

13 Sec. _____. Section 123.173, Code 1991, is amended
14 by adding the following new unnumbered paragraph:
15 **NEW UNNUMBERED PARAGRAPH.** When a class "B" wine
16 permittee who also holds a class "E" liquor control
17 license sells wine to a class "A", class "B", or class
18 "C" liquor control licensee, the liquor control
19 licensee shall sign a report attesting to the
20 purchase. The class "B" wine permittee who also holds
21 a class "E" liquor control license shall submit to the
22 division, on forms supplied by the division, not later
23 than the tenth of each month a report stating each
24 sale of wine to class "A", class "B", and class "C"
25 liquor control licensees during the preceding month,
26 the date of each sale, and the brands and numbers of
27 bottles with each sale. A class "B" permittee who
28 holds a class "E" liquor control license may sell to
29 class "A", class "B", or class "C" liquor control
30 licensees only if the licensed premises of the liquor
31 control licensee is located within the geographic
32 territory of the class "A" wine permittee from which
33 the wine was originally purchased by the class "B"
34 wine permittee."

35 4. Title page, line 1, by inserting after the
36 word "to" the following: "the sale of wine to liquor
37 control licensees,".

SHOULTZ of Black Hawk

H-3475

1 Amend House File 512 as follows:
2 1. Page 3, by inserting after line 4 the
3 following:
4 "Sec. _____. **MANDATE REVIEW.** The department of
5 education shall review all functions that school
6 districts are required to perform in order to receive
7 state or local funds or to remain accredited. The
8 department shall evaluate the utility of and the need
9 for each of the functions and assign a priority to
10 each function that reflects whether the function must
11 be retained, could be modified or combined with other
12 functions, or is no longer necessary and can be
13 abolished. The department shall submit its review,
14 along with the evaluation of functions and assignment

- 15 of priorities, in a report to the general assembly by
16 January 1, 1993."
17 2. By renumbering as necessary.

OLLIE of Clinton

H-3479

- 1 Amend House File 632 as follows:
2 1. Page 4, by striking lines 27 through 30.
3 2. Page 4, line 31, by striking the letter "d."
4 and inserting the following: "b."
5 3. By renumbering or relettering as necessary.

MILLAGE of Scott

H-3481

- 1 Amend House File 652 as follows:
2 1. Page 1, line 1, by striking the words
3 "paragraph c" and inserting the following:
4 "paragraphs c and d".
5 2. Page 1, line 2, by striking the word "is" and
6 inserting the following: "are".
7 3. Page 1, line 2, by striking the word
8 "paragraph" and inserting the following:
9 "paragraphs".
10 4. Page 1, by striking lines 9 and 10, and
11 inserting the following:
12 "d. An insurance company which effects
13 transactions in its own accounts;".
14 5. Page 3, by inserting after line 7 the
15 following:
16 "Sec. _____. Section 502.203, subsection 2,
17 paragraph c, Code 1991, is amended to read as follows:
18 c. The security was issued by an issuer which has
19 had or currently has a class of securities registered
20 under this chapter, or under chapter 502 of the Code
21 as it existed prior to January 1, 1976; or".
22 6. Page 13, line 33, by striking the words "acts
23 or practices" and inserting the following: "acts or
24 practices act or practice".
25 7. By renumbering as necessary.

CHAPMAN of Linn

H-3486

- 1 Amend Senate File 505, as passed by the Senate as
2 follows:
3 1. Page 3, by inserting after line 4 the
4 following:
5 "_____. Mileage expenses at a rate of twenty-one
6 cents per mile are not subject to the expenditure

7 limitations of subsection 2."

8 2. By renumbering as necessary.

TYRRELL of Iowa

H-3490

1 Amend House File 683 as follows:

2 1. Page 2, by striking lines 5 and 6.

3 2. Page 5, lines 1 and 2, by striking the words
4 "toxic pollution prevention council" and inserting the
5 following: "authority".

6 3. By striking page 5, line 29 through page 11,
7 line 8 and inserting the following:

8 "Sec. _____. NEW SECTION. 455B.507 DUTIES OF THE
9 AUTHORITY.

10 The waste management authority shall do all of the
11 following:

12 1. Develop and implement, in accordance with the
13 recommendations of the toxics pollution prevention
14 council, a toxics pollution prevention program.

15 2. Establish the criteria for the development of
16 the toxics pollution prevention program.

17 3. Assist toxics users in the completion of toxics
18 pollution prevention plans and inventories, and
19 provide technical assistance as requested by the
20 toxics user.

21 4. Seek, receive, and accept funds in the form of
22 appropriations, grants, awards, wills, bequests,
23 endowments, and gifts for the uses designated pursuant
24 to section 455B.509.

25 5. Award grants, from the moneys collected
26 pursuant to section 455B.509, to support and sustain
27 toxics pollution prevention efforts including efforts
28 which provide for prevention through reduction in the
29 use of toxics in production and commerce, and which
30 may include any of the following:

31 a. Grants to toxics users who submit a letter of
32 intent to the division to develop toxics pollution
33 prevention plans.

34 b. Grants to nonprofit organizations to establish
35 technical assistance programs to supplement the
36 activities of the department and the division.

37 c. Grants to assist trade associations, industry
38 organizations, labor organizations, and educational
39 institutions in developing and making available to
40 toxics users and employees of toxics users, training
41 materials which promote toxics pollution prevention
42 within a toxics user's facility.

43 d. Grants to assist industry organizations,
44 educational institutions, and labor organizations in
45 establishing programs or materials to train and assist
46 industry personnel in developing methods to measure

47 the effects of and plan for toxics pollution
48 prevention.
49 e. Grants to assist industry organizations and
50 educational institutions in creating programs to train

Page 2

1 and certify environmental auditors, engineers, and
2 industrial hygienists to identify, evaluate, and
3 implement toxics pollution prevention measures and
4 alternatives to performance of audits, plans, and
5 programs.

6 f. Grants to organizations for research and
7 development, pilot tests, and demonstration projects
8 that involve commonly used industrial or commercial
9 processes or materials and which will produce results
10 useful to businesses other than those involved in the
11 research and development, pilot tests, or
12 demonstration projects.

13 The division may require the provision of matching
14 funds for a grant awarded under this subsection.
15 Grant moneys awarded under this subsection shall not
16 be used for capital improvements or equipment.
17 Preference in the awarding of grants under this
18 subsection shall be given to toxics users who submit
19 letters of intent to develop toxics pollution
20 prevention plans.

21 6. Make loans from the moneys collected pursuant
22 to section 455B.509 to toxics users for the purchase
23 of capital improvements or equipment which facilitates
24 the implementation of toxics pollution prevention
25 techniques.

26 7. Make recommendations to the commission
27 regarding the adoption of rules which establish a list
28 of toxic substances to be used as a basis for the
29 reporting requirements for toxics users under this
30 part. The rules shall provide that the list consists
31 of the following and is developed in the following
32 manner:

33 a. Beginning July 1, 1991, the list shall consist
34 of the chemicals identified on the toxic chemical list
35 pursuant to section 313 of EPCRA. The authority
36 shall, annually, recommend to the commission
37 amendments to the list consistent with the changes in
38 the toxic chemical list pursuant to section 313 of
39 EPCRA.

40 b. By July 1, 1992, the commission shall develop a
41 priority list of chemicals derived from the federal
42 Resource Conservation and Recovery Act biennial
43 reports required pursuant to 42 U.S.C. § 6901 et seq.
44 Priority shall be given to the chemicals which present
45 the most significant health, safety, and environmental

46 concerns to Iowans and to the state.
47 8. Submit an annual report to the governor and the
48 general assembly which includes policy
49 recommendations, developed in consultation with the
50 council, regarding toxics pollution prevention and a

Page 3

1 review of state environmental programs and projects
2 regarding the achievement and promotion of toxics
3 pollution prevention techniques.

4 9. Identify obstacles to the promotion, within the
5 toxics user community, of toxics pollution prevention
6 techniques and practices by doing all of the
7 following:

8 a. Assessing toxics pollution prevention plans
9 developed by toxics users.

10 b. Encouraging regulatory flexibility to afford
11 toxics users the opportunity to develop or employ
12 toxics pollution prevention techniques or practices.

13 c. Performing toxics pollution prevention impact
14 analyses of proposed rules prior to adoption and
15 assisting agencies involved in the regulation of
16 toxics users to formulate standards, rules, and
17 programs based upon the toxics pollution prevention
18 goal of the state.

19 10. Provide a forum for public discussion and
20 deliberation regarding toxic substances and toxics
21 pollution prevention.

22 11. Collect and analyze data relative to toxic
23 substances and pollution prevention and develop
24 methods to measure the progress of toxics pollution
25 prevention techniques.

26 12. Coordinate existing resources and oversee the
27 applications for and disbursement of federal grant
28 moneys to provide consistency in achieving the toxics
29 pollution prevention goal of the state.

30 13. Employ qualified personnel to implement the
31 provisions of the toxics pollution prevention program.

32 Sec. _____. NEW SECTION. 455B.508 TOXICS POLLUTION
33 PREVENTION COUNCIL ESTABLISHED.

34 1. A toxics pollution prevention council is
35 established consisting of the following members:

36 a. One representative of the center for health
37 effects of environmental contamination at the
38 university of Iowa, appointed by its director.

39 b. One representative of the Iowa waste reduction
40 center at the university of northern Iowa, appointed
41 by its director.

42 c. One representative of the college of
43 engineering at Iowa state university of science and
44 technology, appointed by its president.

- 45 d. One representative of the environmental
46 protection division of the department of natural
47 resources, appointed by the director.
48 e. One representative of the division of labor of
49 the department of employment services, appointed by
50 the director of the department of employment services.

Page 4

- 1 f. One representative of a labor organization,
2 appointed by the director.
3 g. One representative of a small business
4 stationary source as defined pursuant to the federal
5 Clean Air Act of 1990, section 507, Pub. L. No. 101-
6 549, appointed by the governor.
7 h. One representative of a major stationary source
8 as defined pursuant to the federal Clean Air Act of
9 1990, section 501, Pub. L. No. 101-549, appointed by
10 the governor.
11 i. Two at-large representatives with expertise in
12 environmental issues related to toxics pollution
13 prevention, appointed by the director of the
14 department.

15 A public member shall not have a conflict of
16 interest. For the purposes of this section, "conflict
17 of interest" means an affiliation, within the twelve
18 months before the member's appointment, with the
19 affected toxics user community.

20 The members shall serve four-year staggered terms
21 which shall begin and end as provided in section
22 69.19, and any vacancy shall be filled by the original
23 appointing authority.

24 Public members of the council shall receive per
25 diem as provided pursuant to section 7E.6 and shall be
26 reimbursed for actual and necessary expenses incurred
27 in the performance of their official duties.

28 The members appointed as representatives of the
29 small business stationary source and the major
30 stationary source shall serve until such time as the
31 compliance advisory panel, as required pursuant to the
32 federal Clean Air Act of 1990, section 507, Pub. L.
33 No. 101-549, is appointed at which time these members
34 shall be replaced by the members of the general public
35 appointed by the governor in accordance with the Act
36 and together with the remainder of the members of the
37 existing council shall continue to serve as both the
38 compliance advisory panel and the toxics pollution
39 prevention council.

40 The council shall meet at least quarterly and on
41 call of the chairperson. A majority of the council
42 members constitutes a quorum for conducting official
43 business. A majority vote of the quorum is required

44 for passage of any matter of business. The council
45 shall establish procedures and requirements with
46 respect to the conducting of council meetings and the
47 election of a chairperson and other officers.
48 2. The council shall do all of the following:
49 a. Coordinate the toxics pollution prevention
50 activities throughout the state and assist the

Page 5

1 division in implementing the toxics pollution
2 prevention program.
3 b. For the fiscal year beginning July 1, 1992, and
4 thereafter, recommend to the commission, and the
5 commission shall adopt rules which reflect the
6 recommendations, amendments to the toxic substances
7 list, required to be submitted pursuant to section
8 455B.507 by adding or deleting not more than ten
9 chemicals during any one calendar year.
10 c. Make recommendations to the commission
11 regarding the adoption of rules to implement a toxics
12 pollution prevention program.
13 d. Establish an annual toxics pollution prevention
14 award program to recognize outstanding achievement in
15 toxics pollution prevention.
16 e. Promote increased coordination between the
17 divisions of the department and between the department
18 and other departments, agencies, and institutions with
19 responsibilities relating to toxic substances to
20 facilitate joint planning processes, research, public
21 hearings, hazard assessments, environmental workplace
22 impact statements, and impact analyses for proposed
23 rules.
24 f. Develop criteria for the awarding of grants by
25 the division, subject to approval by the commission,
26 through allocation of the moneys collected pursuant to
27 section 455B.509, to ensure consistency with the goal
28 of the state regarding toxics pollution prevention,
29 for any of the following:
30 (1) To assist toxics users who file a letter of
31 intent with the division to develop toxics pollution
32 prevention plans in the development of such plans.
33 (2) To assist in developing and making available
34 to workers, training materials for use within a toxics
35 user facility, which encourage toxics pollution
36 prevention.
37 (3) To assist in establishing programs or
38 materials to train and assist toxics user personnel in
39 developing methods and measures of toxics pollution
40 prevention.
41 (4) To create technical assistance programs to
42 supplement the assistance provided by the division.

- 43 (5) To develop and implement demonstration
44 projects and research studies in the area of toxics
45 pollution prevention."
46 4. Page 11, lines 14 and 15 by striking the words
47 "complete and submit to the department" and inserting
48 the following: "be encouraged to develop".
49 5. Page 11, by striking lines 17 and 18 and
50 inserting the following: "section."

Page 6

- 1 6. Page 11, by striking lines 29 through 34 and
2 inserting the following:
3 "b. The identification and quantities of toxic
4 substances used and released. The estimates shall be
5 provided for the total toxics used and released for
6 each production process, line, method, activity, or
7 technique, or combination of these, used to produce a
8 product."
9 7. Page 12, lines 11 and 12, by striking the
10 words "or hazardous waste generated".
11 8. Page 12, line 20 by inserting after the word
12 "force." the following: "The analysis shall also
13 include an assessment of the technical and economic
14 feasibility of implementing each pollution prevention
15 technique."
16 9. Page 12, line 29, by striking the word
17 "required" and inserting the following: "developed".
18 10. Page 12, line 33, by striking the word
19 "bureau" and inserting the following: "authority".
20 11. Page 13, by striking lines 3 through 5 and
21 inserting the following: "section shall be reviewed
22 by the authority. The authority shall review the
23 plans for".
24 12. By striking page 13, line 10 through page 14,
25 line 13.
26 13. Page 15, lines 14 and 15, by striking the
27 words "approved by the toxics pollution prevention
28 council" and inserting the following: "and loans
29 approved by the authority".
30 14. Page 17, by inserting after line 23, the
31 following:
32 "Sec. _____. **NEW SECTION. 455B.133C SMALL BUSINESS**
33 **STATIONARY SOURCE TECHNICAL AND ENVIRONMENTAL**
34 **COMPLIANCE ASSISTANCE PROGRAM ESTABLISHED.**
35 A small business stationary source technical and
36 environmental compliance assistance program is
37 established at the university of northern Iowa at such
38 time as required pursuant to the federal Clean Air Act
39 of 1990, section 507, Pub. L. No. 101-549. The
40 program shall include all elements required by the Act
41 and the toxics pollution prevention panel created

- 42 pursuant to section 455B.508 shall act as the advisory
43 panel to the program."
44 15. By renumbering, relettering, and correcting
45 internal references as necessary.

HATCH of Polk

H-3496

- 1 Amend House File 600 as follows:
2 1. Page 2, by striking lines 29 through 33 and
3 inserting the following:
4 "_____. The department shall annually disburse any
5 remaining moneys in the fund in equal shares to
6 districts around the state to the extent that the
7 moneys are not encumbered to support activities of the
8 department pursuant to provisions of this division."
9 2. By renumbering as necessary.

GIPP of Winneshiek
GRUBBS of Scott
LUNDBY of Linn

H-3497

- 1 Amend House File 600 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "means" the following: "an activity which occurs on
4 land other than land used for farming, as defined in
5 section 172C.1, which involves".
6 2. Page 1, line 9, by striking the words "which
7 disrupts" and inserting the following: "and which
8 disturbs the".
9 3. Page 1, line 11, by striking the word
10 "tilling,".
11 4. Page 2, line 21, by striking the words "of
12 establishing" and inserting the following: "provided
13 in".
14 5. Page 3, by striking lines 1 and 2, and
15 inserting the following:
16 "A fee is imposed upon each general permit required
17 to be obtained from a local authority for construction
18 of a structure which disturbs more than one thousand
19 square feet of land. The amount of the fee shall
20 equal one-tenth of one percent of the amount charged
21 for the permit by the local authority. A fee shall
22 not be imposed on a person for the issuance of
23 ancillary permits related to the general permit
24 required for construction. A fee also shall not be
25 imposed upon a permit issued by a county which is
26 required for construction on land used for farming, as
27 defined in section 172C.1. Not later than".
28 6. Page 3, by inserting after line 6 the
29 following:

30 "Sec. _____. NEW SECTION. 467A.85 REPORT.

31 The division shall by January 15 of each odd-
32 numbered year submit to the secretary of the senate
33 and to the chief clerk of the house of representatives
34 a report detailing the activities by the division and
35 by local authorities, to reduce soil erosion and
36 sedimentation as provided in this division of this
37 chapter. The report shall include financial
38 information regarding the sound soil conservation
39 practices fund, including the unencumbered balance of
40 the fund."

41 7. By renumbering as necessary.

BERNAU of Story

H-3499

1 Amend House File 684 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 48.21, Code 1991, is amended
5 to read as follows:

6 48.21 VOTER REGISTRATION FORMS IN INCOME TAX
7 RETURNS AND BOOKLETS.

8 The director of the department of revenue and
9 finance shall insert securely in each individual
10 income tax return form or instruction booklet for odd-
11 numbered tax years two voter registration forms,
12 designed according to rules adopted by the state voter
13 registration commission."

14 2. Title page, line 2, by inserting after the
15 word "by" the following: "amending the requirement
16 that each tax return include two voter registration
17 forms;"

18 3. By renumbering and correcting internal
19 references.

HOLVECK of Polk

H-3501

1 Amend House File 608 as follows:

2 1. Page 8, by inserting after line 27, the
3 following:

4 "_____. Upon receipt of a report of suspected
5 dependent adult abuse, and prior to the initiation of
6 an investigation, the department shall notify the
7 person named in the report as having abused the
8 dependent adult of the accusation."

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

11 "(5) An administrator of a health care facility
12 licensed under chapter 135C, or other facility which
13 provides services to dependent adults if the

14 information concerns a person employed or being
15 considered for employment by or living in the
16 facility."

17 3. Page 13, line 7, by inserting after the word
18 "unfounded" the following: ", with the exception of
19 the identity of the alleged victim and the adult abuse
20 information related to the particular case, exclusive
21 of the identity of the alleged abuser, which shall be
22 retained".

BURKE of Marshall

H-3503

1 Amend House File 503 as follows:

2 1. Page 1, by striking line 7 and inserting the
3 following: "city. The".

4 2. Title page, line 2, by striking the word
5 "certain".

HANSEN of Woodbury

H-3508

1 Amend the amendment, H-3497, to House File 600 as
2 follows:

3 1. Page 1, by inserting before line 2 the follow-
4 ing:

5 "_____. Page 1, line 1, by striking the figure
6 "467A.84" and inserting the following: "467A.86"."

7 2. Page 1, by striking lines 16 through 21 and
8 inserting the following:

9 " "A fee of ten dollars is imposed upon each general
10 permit required to be obtained from a local authority
11 for construction of a structure which disturbs more
12 than one thousand square feet of land. A fee shall"."

13 3. Page 1, by inserting after line 40 the fol-
14 lowing:

15 "_____. Page 3, by inserting after line 6 the fol-
16 lowing:

17 "Sec. _____. NEW SECTION. 467A.86 REPEAL.

18 This division is repealed on July 1, 1996.

19 _____. Title page, by striking line 2, and
20 inserting the following: "providing for fees, and
21 providing for the repeal of certain provisions." "

BERNAU of Story

H-3509

1 Amend House File 683 as follows:

2 1. Page 12, line 20, by inserting after the word
3 "force." the following: "If the projected impact will
4 result in a reduction of the labor force by two
5 percent or more, the employees of the toxics user

6 shall vote to approve or reject the toxics pollution
7 prevention plan. If a majority of the employees vote
8 to reject the plan, the toxics user shall reformulate
9 the plan to reduce the impact on the labor force to a
10 reduction level of less than two percent."

GRUBBS of Scott

H-3510

1 Amend amendment, H-3490, to House File 683 as
2 follows:
3 1. Page 6, line 15, by inserting after the word
4 "technique." the following: "If the projected impact
5 will result in a reduction of the labor force by two
6 percent or more, the employees of the toxics user
7 shall vote to approve or reject the toxics pollution
8 prevention plan. If a majority of the employees vote
9 to reject the plan, the toxics user shall reformulate
10 the plan to reduce the impact on the labor force to a
11 reduction level of less than two percent."

GRUBBS of Scott

H-3515

1 Amend House File 393 as follows:
2 1. Page 2, by inserting after line 30 the
3 following:
4 "Sec. _____. Section 206.5, Code 1991, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 6A. An employee of a commercial
7 applicator applying pesticides for the purpose of
8 preserving a wooden utility pole shall not be required
9 to satisfy any continuing education requirement, if
10 the commercial applicator passes an examination each
11 year as provided by the secretary under this section."
12 2. By renumbering as necessary.

BANKS of Plymouth

H-3516

1 Amend the amendment, H-3315, to House File 435 as
2 follows:
3 1. Page 1, line 36, by inserting after the word
4 "by" the following: "appropriate licensed or
5 certified".

GRUHN of Dickinson

H-3520

1 Amend House File 341 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "not" the following: ", for the purpose of preventing
4 the taking of wildlife,".

SCHRADER of Marion

H-3525

1 Amend House File 587 as follows:

2 1. Page 3, by striking line 35 and inserting the
3 following:

4 "4. Between Marriages between persons either of
5 whom has a husband or wife".

6 2. Page 4, by striking line 1 and inserting the
7 following: "living are also void, but, if the parties
8 live and cohabit together after".

HURLEY of Fayette

H-3527

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. The leave of absence granted by this section".

RAFFERTY of Scott
HANSON of Delaware

H-3528

1 Amend House File 671 as follows:

2 1. Page 1, by striking line 10 and inserting the
3 following: "in order to".

4 2. Page 2, line 2, by inserting after the word
5 "plants," the following: "receiving stations,".

6 3. Page 2, line 30, by inserting after the word
7 "plants," the following: "receiving stations,".

8 4. Page 4, line 25, by inserting after the word
9 "department" the following: ". As used in this
10 section, the terms "public health hazard" and
11 "imminent hazard" shall be defined by rules adopted by
12 the department. The rules shall include examples of
13 public health hazards and imminent hazards"."

14 5. Title page, line 1, by inserting after the
15 word "products," the following: "providing for the
16 repeal of certain sections,".

DE GROOT of Lyon

H-3529

1 Amend House File 87 as follows:

2 1. Page 1, by inserting after line 27, the
3 following:

4 "Sec. _____. Section 237A.3, subsections 1 and 2,
5 Code 1991, are amended to read as follows:

6 1. A person who operates or establishes a family
7 day care home may apply to the department for

8 registration under this chapter. The department shall
9 issue a certificate of registration upon receipt of a
10 statement from the family day care home that the home
11 complies with rules adopted by the department. The
12 registration certificate shall be posted in a
13 conspicuous place in the family day care home, shall
14 state the name of the registrant, the number of
15 individuals who may be received for care at any one
16 time, and the address of the home, and shall include a
17 check list of registration compliances. No greater
18 number of children than is authorized by the
19 certificate shall be kept in the family day care home
20 at any one time. However, a registered or
21 unregistered family day care home may provide care for
22 more than six but less than twelve children at any one
23 time for a period of less than two hours, but shall
24 not do so unless the home does not provide care at any
25 one time for more than six children who are not
26 attending school full-time on a regular basis. In
27 determining the number of children cared for at any
28 one time in a registered or unregistered family day
29 care home, if the person who operates or establishes
30 the home is a child's parent, guardian, relative, or
31 custodian and the child is not attending school full-
32 time on a regular basis, the child shall be considered
33 to be receiving child day care from the person and
34 shall be counted as one of the children cared for in
35 the home. Notwithstanding the limitations established
36 regarding the number of children for which care may be
37 provided under this subsection, a registered or
38 unregistered family day care home may provide care to
39 a greater number of children during inclement weather
40 following the cancellation of classes at a school
41 which the child attends. Notwithstanding the
42 limitations established regarding the number of
43 children for which care may be provided under this
44 subsection, a family day care home for which a
45 registration certificate has been issued and effective
46 during at least a period of two consecutive years and
47 during which time no adverse action has been initiated
48 and during which time no unresolved complaint has been
49 filed may provide care for eight children at any one
50 time. The registration process may be repeated on an

Page 2

1 annual basis. A child day care provider or program
2 which is not a family day care home by reason of the
3 definition of child day care in section 237A.1,
4 subsection 7, but which provides care, supervision, or
5 guidance to a child may be issued a certificate of
6 registration under this chapter.

7 2. A person shall not operate or establish a group
8 day care home unless the person obtains a certificate
9 of registration under this chapter. In order to be
10 registered, the group day care home shall have at
11 least one responsible individual, age ~~fourteen~~ twelve
12 or older, on duty to assist the group day care home
13 provider when there are more than six children present
14 for more than a two-hour period. All other
15 requirements of this chapter for registered family day
16 care homes and the rules adopted under this chapter
17 for registered family day care homes apply to group
18 day care homes. In addition, the department shall
19 adopt rules relating to the provision in group day
20 care homes for a separate area for sick children. In
21 consultation with the state fire marshal, the
22 department shall adopt rules relating to the provision
23 of fire extinguishers, smoke detectors, and two exits
24 accessible to children."

25 2. Title page, line 1, by inserting after the
26 word "to" the following: "child day care facilities,
27 including personnel age criteria, and to".

28 3. By renumbering as necessary.

BARTZ of Worth

H-3531

1 Amend House File 685 as follows:

2 1. Page 1, line 14, by inserting after the word
3 "necessary." the following: "To assure a fair
4 allocation of the location of parking spaces, the
5 department shall establish a lottery among all
6 applicants."

GRONINGA of Cerro Gordo

H-3532

1 Amend House File 683 as follows:

2 1. Page 14, line 25, by inserting after the
3 figure "1992." the following: "The initial fees paid
4 shall be based upon the federal reports submitted in
5 the year 1988 and subsequent fee payments shall be
6 based upon the federal reports submitted in the
7 previous reporting year."

8 2. Page 16, line 31, by striking the word "and"
9 and inserting the following: "or".

HATCH of Polk

H-3534

1 Amend the amendment, H-3525, to House File 587 as
2 follows:

3 1. Page 1, line 8, by striking the words "live
4 and".

SPEAR of Lee

H-3537

- 1 Amend House File 404 as follows:
- 2 1. Page 1, line 8, by striking the word "fifteen"
- 3 and inserting the following: "seven".
- 4 2. Page 1, line 11, by striking the word "ten"
- 5 and inserting the following: "four".
- 6 3. Page 1, line 20, by striking the word
- 7 "fifteen" and inserting the following: "seven".
- 8 4. Page 1, line 23, by striking the word "ten"
- 9 and inserting the following: "four".
- 10 5. Page 1, line 33, by striking the word
- 11 "fifteen" and inserting the following: "seven".
- 12 6. Page 1, line 35, by striking the word "ten"
- 13 and inserting the following: "four".
- 14 7. Page 2, line 9, by striking the word "fifteen"
- 15 and inserting the following: "seven".
- 16 8. Page 2, line 11, by striking the word "ten"
- 17 and inserting the following: "four".
- 18 9. Page 2, line 22, by striking the word
- 19 "fifteen" and inserting the following: "seven".
- 20 10. Page 2, line 24, by striking the word "ten"
- 21 and inserting the following: "four".
- 22 11. Page 2, line 34, by striking the word
- 23 "fifteen" and inserting the following: "seven".
- 24 12. Page 3, line 1, by striking the word "ten"
- 25 and inserting the following: "four".
- 26 13. Page 3, line 22, by striking the word
- 27 "fifteen" and inserting the following: "seven".
- 28 14. Page 3, line 25, by striking the word "ten"
- 29 and inserting the following: "four".
- 30 15. Page 3, line 34, by striking the word
- 31 "fifteen" and inserting the following: "seven".
- 32 16. Page 4, line 1, by striking the word "ten"
- 33 and inserting the following: "four".
- 34 17. Page 4, line 11, by striking the word
- 35 "fifteen" and inserting the following: "seven".
- 36 18. Page 4, line 13, by striking the word "ten"
- 37 and inserting the following: "four".

HANSON of Delaware

H-3538

- 1 Amend Senate File 356, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 4, line 16, through page 5,
- 4 line 8, and inserting the following: "Code 1991, is
- 5 amended by striking the paragraph."
- 6 2. Page 6, line 35, by striking the word "unnum-
- 7 bered".
- 8 3. Page 7, by striking lines 1 through 31 and in-
- 9 serting the following: "Code 1991, is amended by

- 10 striking the subsection."
11 4. Title page, by striking lines 7 through 10 and
12 inserting the following: "for total exemption from
13 tax; providing for revision".

CONNORS of Polk
HAMMOND of Story
CARPENTER of Polk

H-3539

- 1 Amend House File 389 as follows:
2 1. By striking page 1, line 1 through page 3,
3 line 22.
4 2. Title page, line 2, by striking the words "for
5 minimum salary increases,".

CONNORS of Polk
BAKER of Polk
NEUHAUSER of Johnson
CORBETT of Linn
IVERSON of Wright

BISIGNANO of Polk
RENAUD of Polk
PAVICH of Pottawattamie
HAMMOND of Story
BRAMMER of Linn
HURLEY of Fayette

H-3540

- 1 Amend House File 653 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Sec. _____. Section 351.27, Code 1991, is amended
5 to read as follows:
6 351.27 RIGHT TO KILL LICENSED DOG.
7 It shall be lawful for any A person to may kill a
8 dog, licensed and wearing a collar with license tag
9 attached, when such dog is caught in the act of
10 worrying, chasing, maiming, or killing any domestic
11 animal or fowl, or when such dog is attacking or
12 attempting to bite a person. However, the person
13 shall, before killing the dog, make a reasonable
14 effort to either notify the owner of the dog or
15 prevent the dog from continuing its actions."
16 2. By renumbering as necessary.

SVOBODA of Tama

H-3541

- 1 Amend House File 653 as follows:
2 1. Page 1, by striking line 3, and inserting the
3 following:
4 "1. A person peace officer as defined in section
5 801.4, subsection 7, paragraphs "a" and "b", or an
6 animal warden employed by a county or city may take
7 charge".
8 2. Page 1, line 5, by inserting after the word

9 "animal" the following: "Upon request by the peace
10 officer or animal warden, a licensed veterinarian may
11 accompany and provide advice or assistance to the
12 peace officer or animal warden."

13 3. Page 1, line 5, by striking the word "officer"
14 and inserting the following: "county or city".

15 4. Page 1, lines 6 and 7, by striking the words
16 "county or city premises" and inserting the following:
17 "premises provided by the county or city".

SVOBODA of Tama

H-3542

1 Amend House File 653 as follows:

2 1. Page 1, by inserting after line 35, the
3 following:

4 "Sec. _____. Section 351.42, Code 1991, is amended
5 to read as follows:

6 351.42 EXEMPT DOGS.

7 Dogs that are under the control of the owner or
8 handlers and which are in transit, ~~or are to be~~
9 exhibited shall be exempt from the vaccination
10 provisions of these sections if they are within the
11 state for less than thirty days. Dogs assigned to a
12 research institution or a like facility shall be
13 exempt from the provisions of sections 351.33 to
14 351.43."

15 2. By renumbering as necessary.

SVOBODA of Tama

H-3543

1 Amend House File 608 as follows:

2 1. Page 13, line 7, by inserting after the word
3 "unfounded." the following: "If dependent abuse
4 information which cannot be determined by a
5 preponderance of the evidence to be founded or
6 unfounded is maintained on the registry, the
7 department shall notify the alleged perpetrator of the
8 abuse by registered, certified mail, at the time that
9 the information is entered in the registry and shall
10 also notify the alleged perpetrator of the certified
11 abuse by registered, certified mail, at the time that
12 the information is expunged from the registry."

BURKE of Marshall

H-3544

1 Amend the amendment, H-3501, to House File 608 as
2 follows:

3 1. Page 1, by striking lines 17 through 22 and
4 inserting the following:

5 "_____. Page 13, line 4, by inserting after the
6 words "of abuse" the following: ", with the exception
7 of the name of the alleged abuser which shall be
8 expunged immediately when the information cannot be
9 determined,".

BURKE of Marshall

H-3545

1 Amend House File 608 as follows:

2 1. Page 12, line 35, by inserting after the word
3 "access." the following: "In the case of founded
4 dependent adult abuse information, the department
5 shall notify the perpetrator of the dependent adult
6 abuse, by registered, certified mail, at the time that
7 the information is entered in the registry and shall
8 also notify the person, by registered, certified mail,
9 at the time that the information is expunged from the
10 registry."

BURKE of Marshall

H-3546

1 Amend Senate File 384, as passed by the Senate, as
2 follows:

3 1. By inserting before page 1, line 1 the
4 following:

5 "Section 1. Section 246.105, Code 1991, is amended
6 by adding the following new subsection:

7 **NEW SUBSECTION. 9A. Adopt rules pursuant to**
8 **chapter 17A pertaining to executions of persons**
9 **convicted of capital murder."**

10 2. Page 1, by inserting after line 12 the
11 following:

12 "Sec. _____. Section 701.7, Code 1991, is amended to
13 read as follows:

14 **701.7 FELONY DEFINED AND CLASSIFIED.**

15 A public offense is a felony of a particular class
16 when the statute defining the crime declares it to be
17 a felony. Felonies are capital felonies, class "A"
18 felonies, class "B" felonies, class "C" felonies, and
19 class "D" felonies. Where If the statute defining the
20 offense declares it to be a felony but does not state
21 what class of felony it is or provide for a specific
22 penalty, that felony shall be is a class "D" felony.

23 **Sec. _____. NEW SECTION. 707.1A CAPITAL MURDER.**

24 1. a. A person commits capital murder if the
25 person commits murder in the first degree pursuant to
26 section 707.2, and the person previously has been
27 convicted of capital murder or a class "A" felony
28 pursuant to section 707.2, 709.2, or 710.2.

29 b. A person commits capital murder if the person

30 commits murder in the first degree pursuant to section
31 707.2, and the person, in the course of that murder,
32 commits another capital murder or another class "A"
33 felony pursuant to section 707.2, 709.2, or 710.2.

34 2. Capital murder is a felony punishable either by
35 death or by life imprisonment, as determined pursuant
36 to sections 115 through 118 of this Act. However, if
37 a person is convicted of capital murder who was under
38 the age of sixteen years at the time the offense was
39 committed, the person shall be sentenced to life
40 imprisonment.

41 3. If a defendant is sentenced to death pursuant
42 to sections 115 through 118 of this Act, the sentence
43 shall be executed by the administration of a lethal
44 injection pursuant to rules adopted by the board of
45 corrections. For the purposes of this section,
46 "lethal injection" means a continuous intravenous
47 injection of a lethal quantity of sodium thiopental or
48 other equally or more effective substance sufficient
49 to cause death.

50 Sec. _____. Section 707.2, unnumbered paragraph 1,

Page 2

1 Code 1991, is amended to read as follows:

2 A person commits murder in the first degree when
3 the person commits murder which is not capital murder
4 and which is committed under any of the following
5 circumstances:

6 Sec. _____. Section 707.3, unnumbered paragraph 1,
7 Code 1991, is amended to read as follows:

8 A person commits murder in the second degree when
9 the person commits murder which is not capital murder
10 or murder in the first degree.

11 Sec. _____. Section 707.4, unnumbered paragraph 2,
12 Code 1991, is amended to read as follows:

13 Voluntary manslaughter is an included offense under
14 an indictment for capital murder or murder in the
15 first or second degree.

16 Sec. _____. Section 707.5, unnumbered paragraph 1,
17 Code 1991, is amended to read as follows:

18 Involuntary manslaughter as defined in this section
19 is an included offense under an indictment for capital
20 murder or murder in the first or second degree or
21 voluntary manslaughter.

22 Sec. _____. Section 802.1, Code 1991, is amended to
23 read as follows:

24 802.1 MURDER.

25 A prosecution for capital murder or murder in the
26 first or second degree may be commenced at any time
27 after the death of the victim.

28 Sec. _____. Section 811.1, subsections 1 and 2, Code

29 1991, are amended to read as follows:

30 1. A defendant awaiting judgment of conviction and
31 sentencing following either a plea or verdict of
32 guilty of a class "A" felony, capital murder, murder,
33 felonious assault, sexual abuse in the second degree,
34 sexual abuse in the third degree, kidnapping, robbery
35 in the first degree, arson in the first degree, or
36 burglary in the first degree, or any felony included
37 in section 204.401, subsection 1, paragraph "a".

38 2. A defendant appealing a conviction of a class
39 "A" felony, capital murder, murder, felonious assault,
40 sexual abuse in the second degree, sexual abuse in the
41 third degree, kidnapping, robbery in the first degree,
42 arson in the first degree, or burglary in the first
43 degree, or any felony included in section 204.401,
44 subsection 1, paragraph "a".

45 Sec. _____. Section 811.1, Code 1991, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 4. A defendant charged with
48 capital murder, if upon hearing held under the
49 conditions required by section 812.2, the prosecuting
50 attorney establishes by clear and convincing evidence

Page 3

1 that the release of the defendant from custody is
2 likely to pose a danger of physical harm to another
3 person. The court shall consider all lawfully
4 obtained evidence relevant to the required
5 determination, whether or not the evidence would be
6 admissible at trial, but testimony of the person
7 charged is not admissible at a subsequent trial on the
8 issue of guilt of the offense charged or of any other
9 offense.

10 Sec. _____. NEW SECTION. 814.28 REVIEW OF DEATH
11 SENTENCE.

12 1. In a case in which a sentence of death is
13 imposed, the supreme court shall automatically review
14 the judgment and sentence. The case shall not be
15 transferred to the court of appeals.

16 2. A review by the supreme court of a judgment and
17 sentence imposing the punishment of death has priority
18 over all other criminal and other actions pending
19 before the supreme court.

20 3. The supreme court shall review the trial and
21 judgment, and separately shall review the sentencing
22 proceeding. Upon determining that errors did not
23 occur at the trial requiring reversal or modification
24 of the judgment, the supreme court shall proceed to
25 determine if the sentence of death is lawfully
26 imposed. In its review of the sentencing proceeding
27 the supreme court shall determine all of the

28 following:

29 a. Whether the sentence of death was imposed
30 capriciously or under the influence of prejudice or
31 other arbitrary factor.

32 b. Whether the special verdicts returned under
33 section 115, subsection 2 of this Act, are supported
34 by the evidence.

35 c. Whether the sentence of death is excessive or
36 disproportionate to the penalty imposed in similar
37 cases, considering both the crime and the defendant.

38 4. If the supreme court determines that the
39 sentence of death was not lawfully imposed the court
40 shall set aside the sentence and shall remand the case
41 to the trial court for imposition of a sentence of
42 life imprisonment.

43 5. If the supreme court affirms the judgment and
44 sentence of death, the clerk of the supreme court
45 shall certify the judgment of the supreme court under
46 the seal of the court to the clerk of the trial court.

47 Sec. _____. NEW SECTION. 901.11 CAPITAL MURDER
48 PROCEEDINGS.

49 1. If a charge of capital murder is submitted to
50 the jury or court, but the prosecuting attorney waives

Page 4

1 the death penalty, upon a verdict of guilty, the court
2 shall sentence the defendant to life imprisonment. If
3 the prosecuting attorney waives the death penalty, the
4 court shall follow the sentencing procedures set forth
5 in rule of criminal procedure 22, Iowa court rules,
6 third edition, and need not follow the special
7 sentencing procedures provided for capital murder
8 cases.

9 2. If capital murder is charged, but the charge is
10 not submitted to the court or jury, or the court or
11 jury finds the defendant guilty of another offense,
12 upon conviction of the other charge, the court shall
13 follow the sentencing procedures set forth in rule of
14 criminal procedure 22, Iowa court rules, third
15 edition, concerning sentencing for the offense, rather
16 than the sentencing procedures provided for capital
17 murder cases.

18 3. Capital murder proceedings shall be conducted
19 in bifurcated proceedings before the same trier of
20 fact. During the initial proceeding, the jury, or the
21 court, if the defendant waives the right to a jury
22 trial, shall decide only whether the defendant is
23 guilty or not guilty of any submitted offense. The
24 issue of punishment shall not be submitted during the
25 initial proceeding.

26 Upon a verdict of guilty to a capital murder

27 charge, a separate sentencing proceeding shall be
28 conducted as provided in sections 115 through 118 of
29 this Act. If a defendant enters a plea of guilty to a
30 capital murder charge, the court shall conduct a
31 separate sentencing proceeding as provided in sections
32 115 through 118 of this Act.

33 Sec. _____. NEW SECTION. 902.12 CAPITAL MURDER.

34 If a person is to be sentenced to life imprisonment
35 under section 115, subsection 5 of this Act, nothing
36 in chapters 901 through 909, pertaining to deferred
37 judgment, deferred sentence, suspended sentence, or
38 reconsideration of sentence, applies, and the person
39 shall not be released on parole unless the governor
40 commutes the person's sentence to a term of years and
41 shall not otherwise be released from confinement
42 unless the governor pardons the person."

43 3. Page 1, by inserting after line 21 the
44 following:

45 "Sec. _____. Rules of criminal procedure, Iowa court
46 rules, third edition, are amended by adding sections
47 115 through 118 of this Act.

48 Sec. 115. NEW RULE. CAPITAL MURDER — PROCEDURE.

49 1. Upon a finding or plea that a defendant is
50 guilty of capital murder, the court shall conduct a

Page 5

1 separate sentencing proceeding to determine whether
2 the defendant shall be sentenced to death or to life
3 imprisonment. The proceeding shall be conducted in
4 the trial court before the trial jury, or the court if
5 there is no jury, as soon as practicable. In the
6 proceeding, additional evidence may be presented as to
7 any matter which is relevant to the sentence. The
8 court shall receive when offered any evidence that is
9 required by the rules of criminal procedure. This
10 subsection does not authorize the introduction of any
11 evidence secured in violation of the Constitution of
12 the United States or of the Constitution of the State
13 of Iowa. The state and the defendant or the
14 defendant's counsel shall be permitted to cross-
15 examine witnesses and to present argument for or
16 against a sentence of death.

17 2. On conclusion of the presentation of the
18 evidence, the court shall submit each of the following
19 issues to the jury:

20 a. Whether the conduct of the defendant that
21 caused the death of the deceased was committed
22 willfully, deliberately, and with the reasonable
23 expectation that the death of the deceased or another
24 would result.

25 b. Whether a probability exists that in the future

26 the defendant would commit criminal acts of violence
27 that would constitute a continuing threat to society.

28 c. Whether aggravating circumstances exist that
29 are sufficient to outweigh any mitigating
30 circumstances that may exist.

31 If the case is not tried to a jury, the court shall
32 determine the issues.

33 3. The state must prove each issue in subsection 2
34 beyond a reasonable doubt, and the jury, or the court
35 if there is no jury, shall return a special verdict of
36 "yes" or "no" on each issue.

37 4. If the case is tried to a jury, the court shall
38 charge the jury that:

39 a. It shall answer any issue "yes" if it agrees
40 unanimously.

41 b. It shall answer any issue "no" if the jurors
42 unanimously agree that the answer is "no" or if the
43 jurors do not unanimously agree that the answer is
44 "yes".

45 5. If the jury, or the court if there is no jury,
46 returns an affirmative finding on all applicable
47 issues, the court shall sentence the defendant to
48 death. If the jury or the court returns a negative
49 finding on any applicable issue, the court shall
50 sentence the defendant to the custody of the director

Page 6

1 of the department of corrections for confinement for
2 the rest of the defendant's life.

3 6. Iowa Code chapters 901 through 909 do not apply
4 to a conviction of capital murder if the defendant is
5 sentenced to death.

6 Sec. 116. NEW RULE. AUTOMATIC REVIEW — STAY OF 7 JUDGMENT.

8 1. A judgment of conviction and sentence of death
9 shall be reviewed automatically in the manner provided
10 in Iowa Code section 814.28, and the Iowa supreme
11 court has exclusive jurisdiction of the review.

12 2. Upon entry of judgment and sentence of death,
13 the trial court shall prepare a complete record and
14 transcript of the action in the manner provided in the
15 rules of criminal procedure and shall docket the
16 record and transcript with the clerk of the supreme
17 court.

18 3. The judgment and sentence of the trial court is
19 stayed as a matter of law from the time of its entry
20 until the judgment of the supreme court is certified
21 to and entered by the trial court. Upon entry of a
22 judgment of the supreme court which affirms the
23 conviction and sentence, the stay of the judgment and
24 sentence terminates as a matter of law.

25 4. All court costs required due to the automatic
26 preparation of the record and transcript, docketing
27 with the supreme court, and stay of judgment and
28 sentence shall be assessed to the state.

29 **Sec. 117. NEW RULE. ISSUANCE OF WARRANT.**

30 1. Upon entry by the trial court of the judgment
31 of the supreme court affirming a judgment and sentence
32 of death, a district judge shall within five days of
33 the entry issue a warrant under the seal of the court
34 for the execution of the sentence of death. The
35 warrant shall specifically set forth the offense and
36 the fact of conviction, shall state the judgment and
37 sentence of the court, shall state that the judgment
38 and sentence were affirmed by the supreme court and
39 the date of entry of judgment of the supreme court in
40 the trial court, and shall specify the date fixed for
41 execution of the defendant which shall be not less
42 than fifty nor more than sixty days after the date of
43 entry in the trial court of the judgment of the
44 supreme court affirming the judgment and sentence of
45 death. The warrant shall be directed to the director
46 of the department of corrections commanding the
47 director to cause the warrant to be executed on the
48 date specified. The trial court shall deliver the
49 warrant to the sheriff of the county in which judgment
50 of conviction was entered and the sheriff shall

Page 7

1 deliver the warrant and the defendant to the custody
2 of the department of corrections for confinement in
3 the state penitentiary. The director of the
4 department of corrections shall acknowledge receipt of
5 the warrant and the defendant, and the sheriff shall
6 return the acknowledgment to the office of the clerk
7 of the trial court from which the warrant was issued.

8 2. Immediately after issuance of a warrant
9 ordering a sentence of death, the clerk of the trial
10 court issuing the warrant shall transmit by mail to
11 the governor a copy of the indictment, the plea, the
12 verdict and special findings, the affirmation of
13 judgment and sentence by the supreme court, and the
14 complete transcript of the trial court.

15 **Sec. 118. NEW RULE. EVIDENCE AT SENTENCING IN**
16 **CAPITAL MURDER CASES -- REQUIRED INFORMATION.**

17 1. At a reasonable time before the commencement of
18 sentencing proceedings in a capital murder case, each
19 party shall file and serve upon the other party the
20 following:

21 a. A list of all aggravating or mitigating
22 circumstances which the party intends to prove during
23 the sentencing proceedings.

24 b. The names of all persons whom the party intends
 25 to call as witnesses during the sentencing
 26 proceedings.

27 c. Notwithstanding rule 13, copies, or for
 28 inspection purposes, the location, of all documents,
 29 including books, papers, writings, drawings, graphs,
 30 charts, photographs, phonorecords, and other data
 31 compilations from which information can be obtained,
 32 or other objects which the party intends to offer into
 33 evidence during the sentencing proceedings. If copies
 34 are not supplied to opposing counsel, the party shall
 35 make the items available for inspection and copying
 36 without order of the court.

37 2. In proceedings to determine whether the
 38 sentence shall be death or life imprisonment, evidence
 39 may be presented as to any matter which the trial
 40 court deems relevant to sentence, including but not
 41 limited to the nature, circumstances, and manner of
 42 completion of the murder, and the defendant's
 43 character, background, history, and mental and
 44 physical condition. The trial court shall admit any
 45 relevant evidence respecting any aggravating or
 46 mitigating circumstances, if the party has included
 47 the circumstance on a list provided pursuant to this
 48 rule, or good cause is shown for the failure to do so.

49 Sec. _____. APPLICABILITY. This Act applies to
 50 offenses committed on or after the effective date of

Page 8

1 this Act."

2 4. Title page, line 2, by inserting after the
 3 word "corrections" the following: ", applying the
 4 death penalty or life imprisonment, by establishing
 5 the offense of capital murder, by providing a minimum
 6 age for imposition of a death sentence, by providing
 7 for review of death sentences, by providing for
 8 execution by lethal injection, by amending the rules
 9 of criminal procedure, and by providing for the Act's
 10 applicability".

11 5. By renumbering as necessary.

KREBSBACH of Mitchell
 GRUBBS of Scott
 McKEAN of Jones
 HAHN of Muscatine
 CORBETT of Linn
 BRANSTAD of Winnebago

BANKS of Plymouth
 JOHNSON of Clinton
 RENKEN of Grundy
 IVERSON of Wright
 MILLAGE of Scott
 BARTZ of Worth

H-3547

1 Amend House File 665 as follows:

2 1. Page 1, line 19, by inserting after the word

3 "persons." the following: "However, this section
4 shall not apply if during the leave of absence the
5 number of full-time employees falls below twenty
6 persons."

7 2. Page 1, line 25, by inserting after the word
8 "election." the following: "This section shall not
9 apply if during the leave of absence there is a change
10 in employer ownership."

11 3. Page 2, by inserting after line 25, the
12 following: "This section shall not apply if during
13 the leave of absence the status of the public
14 employee's position changes or the status of the
15 public employer changes as a result of merger,
16 consolidation, or dissolution."

HALVORSON of Clayton

H-3549

1 Amend House File 586 as follows:

2 1. Page 1, lines 34 and 35, by striking the words
3 "describing such area" and inserting the following:
4 "describing such area".

5 2. Page 2, line 1, by striking the words "as
6 indicated" and inserting the following: "or
7 specifying the area".

8 3. Page 2, line 24, by striking the words "and
9 any representative of an interested city" and
10 inserting the following: "a city, or an interested
11 person".

12 4. Page 2, line 34, by inserting after the word
13 "residents," the following: "or may be of benefit in
14 providing fire protection".

15 5. Page 3, by inserting after line 15 the
16 following:

17 "Sec. _____. Section 357A.11, subsection 8, Code
18 1991, is amended to read as follows:

19 8. Have power to finance all or part of the cost
20 of the construction or purchase of any project
21 necessary to carry out the purposes for which the
22 district is incorporated, or to refinance all or part
23 of the original cost of any such project, and to
24 evidence that financing by issuance of revenue bonds
25 or notes which shall mature in a period not to exceed
26 forty years from date of issuance, shall bear
27 interest, or combined interest and insurance charges,
28 at a rate not to exceed that permitted by chapter 74A,
29 shall be payable only from revenue derived from sale
30 of water by the district, and shall never become or be
31 construed to be a debt against the state of Iowa or
32 any of its political subdivisions other than the
33 district issuing the bonds. A statutory mortgage lien
34 shall exist upon the water system and appurtenances

35 and extensions so acquired in favor of the holders of
36 the bonds and notes."

37 6. Page 3, line 17, by striking the word
38 "subsection" and inserting the following:
39 "subsections".

40 7. Page 3, by inserting after line 23, the
41 following:

42 "NEW SUBSECTION. 11. This chapter and chapter
43 384, as it applies to rural water districts, shall not
44 be construed to mean that the real property of any
45 rural water subscriber shall be used as security for
46 any debts of a rural water district. However, the
47 failure to pay water rates or charges by a subscriber
48 may result in a lien being attached against the
49 premises served upon certification to the county
50 treasurer that the rate or charges are due."

Page 2

1 8. Page 4, line 6, by striking the words and
2 figure "through 384.103" and inserting the following:
3 "through 384.102 and as specified in section 384.103,
4 subsection 2".

5 9. By renumbering as necessary.

DVORSKY of Johnson

H-3550

1 Amend House File 407 as follows:

2 1. Page 1, by inserting after line 15, the
3 following:

4 "Sec. _____. Section 237A.3, subsection 1, Code
5 1991, is amended to read as follows:

6 1. A person who operates or establishes a family
7 day care home may apply to the department for
8 registration under this chapter. The department shall
9 issue a certificate of registration upon receipt of a
10 statement from the family day care home that the home
11 complies with rules adopted by the department. The
12 registration certificate shall be posted in a
13 conspicuous place in the family day care home, shall
14 state the name of the registrant, the number of
15 individuals who may be received for care at any one
16 time, and the address of the home, and shall include a
17 check list of registration compliances. No greater
18 number of children than is authorized by the
19 certificate shall be kept in the family day care home
20 at any one time. However, a registered or
21 unregistered family day care home may provide care for
22 more than six but less than twelve children at any one
23 time for a period of less than two hours, but shall
24 not do so unless the home does not provide care at any

25 one time for more than provided that each child in
26 excess of six children who are not attending is
27 attending school full-time on a regular basis. In
28 determining the number of children cared for at any
29 one time in a registered or unregistered family day
30 care home, if the person who operates or establishes
31 the home is a child's parent, guardian, relative, or
32 custodian and the child is not attending school full-
33 time on a regular basis, the child shall be considered
34 to be receiving child day care from the person and
35 shall be counted as one of the children cared for in
36 the home. The registration process may be repeated on
37 an annual basis. A child day care provider or program
38 which is not a family day care home by reason of the
39 definition of child day care in section 237A.1,
40 subsection 7, but which provides care, supervision or
41 guidance to a child may be issued a certificate of
42 registration under this chapter."

43 2. Title page, line 4, by inserting after the
44 word "Conflict" the following: "and properly related
45 matters concerning family day care homes".

BARTZ of Worth
NEUHAUSER of Johnson

H-3553

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 35 through page 2,
4 line 11, and inserting the following:

5 "a. Governor, one million eight hundred thousand
6 dollars.

7 b. Attorney general, secretary of agriculture,
8 secretary of state, treasurer of state, and auditor of
9 state, one hundred fifty thousand dollars.

10 c. State senator, thirty-six thousand dollars.

11 d. State representative, eighteen thousand
12 dollars."

BROWN of Lucas
BISIGNANO of Polk
JESSE of Jasper
SHEARER of Louisa
PAVICH of Pottawattamie

H-3556

1 Amend House File 643 as follows:

2 1. Page 1, by striking lines 1 through 28, and
3 inserting the following:

4 "Section 1. NEW SECTION. 714A.1 DEFINITIONS.

5 As used in this chapter:

6 1. "Advertisement" means advertisement as defined

7 in section 714.16, subsection 1, paragraph "a".
8 However, for purposes of this chapter, advertisement
9 does not include a residential listing or a listing in
10 any section of the directory in which businesses or
11 professions are listed alphabetically rather than
12 grouped by subject category, or a standard listing in
13 the subject category section of a telephone directory.
14 Advertisement also does not include a display
15 advertisement or a listing which is made to appear
16 more conspicuous than other listings in the subject
17 category section of a telephone directory, provided
18 that such display advertisement or listing includes a
19 conspicuous disclosure that the call is a pay-per-call
20 service and refers a reader in a clear and conspicuous
21 manner to a page number of the directory where the
22 reader may find an explanation of pay-per-call
23 services. Such explanation of pay-per-call services
24 shall include all of the following:

25 a. The disclosure and preamble requirements under
26 the law.

27 b. The availability and costs of blocking options,
28 if any.

29 c. Whether a consumer's phone service may be
30 terminated for failure to pay for pay-per-call
31 services.

32 d. The procedures for handling consumer inquiries
33 and complaints.

34 2. "Amount of time necessary to complete a call"
35 means for purposes of a fixed length call, the total
36 length of the call in minutes, and for purposes of a
37 variable length call, a reasonable, good faith
38 estimate in minutes of the likely length of the call.

39 3. "Merchandise" means merchandise as defined in
40 section 714.16, subsection 1, paragraph "b".

41 4. a. "Pay-per-call service" means electronic
42 communications products and services which are
43 provided to end users by information or service
44 providers, and which meet all of the following
45 requirements:

46 (1) The end users send or receive information,
47 services, or communications whose general subject
48 matter is determined or influenced by the service
49 provider.

50 (2) The end users send or receive the information,

Page 2

1 services, or communications via a telephone connection
2 using audio input which is not modulated or
3 demodulated by the end user.

4 (3) The charge to the end user for the
5 information, services, or communications is determined

6 by the information or service provider and is made on
7 a per-call or per-minute basis.

8 b. (1) Where the requirements under paragraph "a"
9 are met, pay-per-call service includes, but is not
10 limited to, the following:

11 (a) Information retrieval from a remote database.

12 (b) Information collection for polling and data
13 entry.

14 (c) Services offered for public entertainment in
15 which users participate in or listen to a
16 conversation.

17 (2) Pay-per-call service does not include
18 electronic communication for the purpose of conducting
19 financial transactions, or any service the price of
20 which is established pursuant to a tariff approved by
21 a regulatory agency.

22 5. "Person" means person as defined in section
23 714.16, subsection 1, paragraph "c", and includes a
24 long distance company and local exchange company as
25 defined in section 477.10."

26 2. Page 1, by striking lines 30 and 31, and
27 inserting the following:

28 "With respect to each pay-per-call service, the
29 call shall contain an introductory disclosure
30 message".

31 3. Page 2, line 1, by striking the words "average
32 number of minutes" and inserting the following:
33 "amount of time".

34 4. Page 2, by striking line 3, and inserting the
35 following: "informs the caller of the option to
36 disconnect the call at the end of the introductory
37 message without".

38 5. Page 2, line 4, by inserting after the word
39 "charge." the following: "However, an introductory
40 message is not required if the total charge for the
41 call is one dollar or less."

42 6. Page 2, line 10, by striking the words
43 "average number of minutes" and inserting the
44 following: "amount of time".

45 7. Page 2, by striking lines 11 through 14 and
46 inserting the following: "to complete the call.
47 Additionally, if in order to obtain the full
48 advertised services or other merchandise, a caller
49 will be required to make any payments in addition to
50 the cost of the initial call, that fact shall be

Page 3

1 disclosed, along with the amounts of such additional
2 payments. If the advertisement is oral, all cost".

3 8. Page 2, by striking lines 18 through 21, and
4 inserting the following:

5 "Sec. _____. NEW SECTION. 714A.4 BILLING AND
6 COLLECTION.

7 A person shall not bill or collect for a pay-per-
8 call service if such person has knowledge of the
9 failure of the pay-per-call service to comply with the
10 requirements of this chapter. A person is deemed to
11 have such knowledge if the person has actual knowledge
12 of such noncompliance. Billing and collection
13 contracts shall contain a provision which refers the
14 pay-per-call service to chapter 714A, which provides
15 for an introductory disclosure message and the
16 requirements for such message.

17 Sec. _____. NEW SECTION. 714A.5 ENFORCEMENT.
18 9. Renumber as necessary.

HANSEN of Woodbury

H-3557

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 33, through page 2,
4 line 11, and inserting the following:

5 "2. Total expenditures by a candidate who
6 voluntarily agrees to limit campaign expenditures
7 shall be as follows:

8 a. In a primary election, one dollar and fifty
9 cents for each person registered as a member of the
10 candidate's national political party in the
11 candidate's election district.

12 b. In a general election, one dollar and fifty
13 cents for each person registered to vote in the
14 general election in the candidate's election
15 district."

16 2. Page 3, line 10, by inserting after the word
17 "section." the following: "The campaign finance
18 disclosure commission shall adopt rules, by July 1 of
19 each odd-numbered year, adjusting the limitations on
20 campaign expenditures contained in subsection 2 to
21 reflect any increase in the consumer price index as
22 released by the federal government."

GRUBBS of Scott

H-3560

1 Amend House File 680 as follows:

2 1. Page 1, by striking lines 7 through 9, and
3 inserting the following:

4 "1. "Administrator" means the superintendent of
5 banking or the superintendent of credit".

- 6 2. By striking page 2, line 34, through page 3,
7 line 3.
8 3. Page 5, by striking lines 19 through 23.

HALVORSON of Webster
KREMER of Buchanan

H-3567

- 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: "The membership of the
5 commission appointed under paragraph "b" shall be
6 gender balanced in accordance with section 69.16A."

SPEAR of Lee

H-3573

- 1 Amend Senate File 505, as passed by the Senate, as
2 follows:
3 1. Page 4, by inserting after line 5, the
4 following:
5 "Sec. _____. NEW SECTION. 79.19A PAYROLL
6 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.
7 A state officer, including the state board of
8 regents, in charge of a payroll system shall also make
9 payroll deductions authorized by an employee for
10 political committees under chapter 56 if the
11 employee's payroll system is currently making
12 deductions for employee organization membership dues,
13 and if the following conditions are met:
14 1. The request for the payroll deduction is made
15 in writing to the officer in charge of the payroll
16 system.
17 2. The pay period during which the deduction is
18 made and the frequency and amount of the deduction are
19 compatible with the payroll system.
20 3. The political committee for which the deduction
21 is requested is related to the employee organization
22 for which the employee's payroll system is currently
23 making membership dues deductions.
24 Sec. _____. NEW SECTION. 294.17 PAYROLL
25 DEDUCTIONS.
26 In addition to payroll deductions for the purpose
27 of paying annuity premiums, a school district shall
28 also make payroll deductions authorized by the
29 employee for political committees under chapter 56 if
30 the school district's payroll system is currently
31 making deductions for employee organization membership
32 dues, and if the following conditions are met:
33 1. The request for the payroll deduction is made
34 in writing to the officer in charge of the payroll

35 system.

36 2. The pay period during which the deduction is
37 made and the frequency and amount of the deduction are
38 compatible with the payroll system.

39 3. The political committee for which the deduction
40 is requested is related to the employee organization
41 for which the school district's payroll system is
42 currently making membership dues deductions."

43 2. Title page, line 2, by inserting after the
44 word "officers" the following: ", permitting certain
45 payroll deductions for political committees for public
46 employees and employees of school districts,".

47 3. By renumbering as necessary.

CONNORS of Polk
PAVICH of Pottawattamie
RENAUD of Polk

WISSING of Scott
MURPHY of Dubuque
SHONING of Woodbury
BISIGNANO of Polk

H-3575

1 Amend Senate File 476, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 28, the
4 following:

5 "Sec. _____. NEW SECTION. 79.19A PAYROLL
6 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.

7 A state officer, including the state board of
8 regents, in charge of a payroll system shall also make
9 payroll deductions authorized by an employee for
10 political committees under chapter 56 if the
11 employee's payroll system is currently making
12 deductions for employee organization membership dues,
13 and if the following conditions are met:

14 1. The request for the payroll deduction is made
15 in writing to the officer in charge of the payroll
16 system.

17 2. The pay period during which the deduction is
18 made and the frequency and amount of the deduction are
19 compatible with the payroll system.

20 3. The political committee for which the deduction
21 is requested is related to the employee organization
22 for which the employee's payroll system is currently
23 making membership dues deductions.

24 Sec. _____. NEW SECTION. 294.17 PAYROLL
25 DEDUCTIONS.

26 In addition to payroll deductions for the purpose
27 of paying annuity premiums, a school district shall
28 also make payroll deductions authorized by the
29 employee for political committees under chapter 56 if
30 the school district's payroll system is currently
31 making deductions for employee organization membership
32 dues, and if the following conditions are met:

- 33 1. The request for the payroll deduction is made
34 in writing to the officer in charge of the payroll
35 system.
36 2. The pay period during which the deduction is
37 made, and the frequency and amount of the deduction
38 are compatible with the payroll system.
39 3. The political committee for which the deduction
40 is requested is related to the employee organization
41 for which the school district's payroll system is
42 currently making membership dues deductions."
43 2. Title page, line 9, by inserting after the
44 word "funds," the following: "permitting certain
45 payroll deductions for political committees for public
46 employees and employees of school districts,".
47 3. By renumbering as necessary.

CONNORS of Polk
WISSING of Scott
RENAUD of Polk

PAVICH of Pottawattamie
MURPHY of Dubuque
SHONING of Woodbury
BISIGNANO of Polk

H-3576

- 1 Amend Senate File 505, as passed by the Senate as
2 follows:
3 1. Page 1, line 27, by striking the following:
4 "The ballots".
5 2. Page 1, by striking lines 28 through 32.
6 3. By striking page 3, line 11 through page 4,
7 line 5.

McNEAL of Hardin

H-3577

- 1 Amend House File 607 as follows:
2 1. Page 1, line 24, by striking the words "any
3 and all".
4 2. Page 1, line 25, by striking the word "any"
5 and inserting the following: "all, or any portion
6 of".
7 3. Page 5, line 5, by striking the word
8 "written".
9 4. Page 5, by striking lines 17 through 35.
10 5. By renumbering and relettering as necessary.

HALVORSON of Webster

H-3579

- 1 Amend House File 512 as follows:
2 1. Page 2, by inserting after line 5, the
3 following:
4 "e. At the direction of the director of the
5 department of education."

NIELSEN of Linn

H—3580

- 1 Amend Senate File 46 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, line 7, by inserting after the figure
4 "30A" the following: "located in cities with
5 populations of three thousand or less and in
6 unincorporated areas".
7 2. Page 1, by inserting after line 9 the
8 following: "Aboveground storage of petroleum allowed
9 under this section shall be limited to six thousand
10 gallons of capacity per retail motor vehicle fuel
11 outlet. In addition to storage of petroleum,
12 aboveground tanks allowed under this section shall be
13 permitted to store fuels of eighty-five percent or
14 greater ethanol content in an aggregate quantity of
15 not more than two thousand gallons."
16 3. Page 1, by striking lines 13 through 18.

Committee on Energy and Environmental Protection

H—3584

- 1 Amend amendment, H—3541, to House File 653 as
2 follows:
3 1. Page 1, by inserting before line 2 the
4 following:
5 "_____. Page 1, by inserting before line 1 the
6 following:
7 "Section 1. Section 188.1, subsection 1, Code
8 1991, is amended by striking the subsection and
9 inserting in lieu thereof the following:
10 1. "Animal" means a domesticated animal belonging
11 to the bovine, equine, ovine, or porcine species, or
12 poultry.""
13 2. Page 1, line 6, by striking the words "animal
14 warden employed" and inserting the following:
15 "individual employed as an animal warden".
16 3. Page 1, line 6, by striking the word "city"
17 and inserting the following: "city".
18 4. Page 1, line 10, by inserting after the word
19 "veterinarian" the following: ", or an individual
20 employed by the department of agriculture and land
21 stewardship who is an animal health authority."
22 5. By renumbering as necessary.

SVOBODA of Tama

H—3586

- 1 Amend Senate File 479, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 33, by inserting after the word
4 "appointment." the following: "Notwithstanding

5 section 69.16A, the requirement of gender balance is
6 not applicable to the appointment of the nonvoting
7 members of the commission."

SPEAR of Lee

H-3587

1 Amend the amendment, H-3550, to House File 407 as
2 follows:

3 1. Page 1, line 4, by striking the word and
4 figure "subsection 1" and inserting the following:
5 "subsections 1 and 2".

6 2. Page 1, line 5, by striking the word "is" and
7 inserting the following: "are".

8 3. Page 1, line 27, by inserting after the word
9 "basis." the following: "If no other facility or un-
10 registered family day care home is available within a
11 city, notwithstanding any provision in statute or
12 rule, a family day care home may provide care for not
13 more than eight children at any one time."

14 4. Page 1, line 42, by striking the word
15 "chapter." and inserting the following: "chapter.

16 2. A person shall not operate or establish a group
17 day care home unless the person obtains a certificate
18 of registration under this chapter. In order to be
19 registered, the group day care home shall have at
20 least one responsible individual, age fourteen or
21 older, on duty to assist the group day care home
22 provider when there are more than six children present
23 for more than a two-hour period. All other
24 requirements of this chapter for registered family day
25 care homes and the rules adopted under this chapter
26 for registered family day care homes apply to group
27 day care homes. In addition, the department shall
28 adopt rules relating to the provision in group day
29 care homes for a separate area for sick children. If
30 no other facility or unregistered family day care home
31 is available within a city, notwithstanding any
32 provision in statute or rule, a group day care home
33 may provide care for not more than thirteen children
34 at any one time. In consultation with the state fire
35 marshal, the department shall adopt rules relating to
36 the provision of fire extinguishers, smoke detectors,
37 and two exits accessible to children."

BENNETT of Ida

H-3588

1 Amend House File 650, as follows:

2 1. Page 1, line 11, by striking the word "twenty-
3 six" and inserting the following: "twenty-eight".

4 2. By striking page 1, line 12, through page 2,

5 line 12, and inserting the following:

6 "a. Four ex officio members who are members of the
7 senate, two of whom are to consist of one female and
8 one male who are to be appointed by the majority
9 leader of the senate, and two of whom are to consist
10 of one female and one male who are to be appointed by
11 the minority leader of the senate.

12 b. Four ex officio members who are members of the
13 house of representatives, two of whom are to consist
14 of one female and one male who are to be appointed by
15 the speaker of the house, and two of whom are to
16 consist of one female and one male who are to be
17 appointed by the minority leader of the house.

18 c. Four members of the general public, to consist
19 of one female and one male, one of whom shall also be
20 a member of a minority race, who are to be appointed
21 by the majority leader of the senate, and one female
22 and one male, one of whom shall also be a member of a
23 minority race, who are to be appointed by the minority
24 leader of the senate.

25 d. Four members of the general public, to consist
26 of one female and one male, one of whom shall also be
27 a member of a minority race, who are to be appointed
28 by the speaker of the house and one female and one
29 male, one of whom shall also be a member of a minority
30 race, who are to be appointed by the minority leader
31 of the house.

32 e. Two members of the general public who are to be
33 appointed by the governor, to consist of one female
34 and one male, one of whom shall also be a member of a
35 minority race.

36 f. The director of the department of education.

37 g. Nine members to be appointed by the governor,
38 which appointments shall be made in a manner which
39 reflects gender balance of the task force, to be
40 selected from nominations of one female and one male
41 made by each of the following organizations:

42 (1) An organization which represents licensed
43 practitioners in this state.

44 (2) A statewide parent-teacher organization.

45 (3) An organization which represents the boards of
46 Iowa public school districts.

47 (4) An organization which represents most or all
48 of the public school administrators in Iowa.

49 (5) An organization which represents area
50 education agency administrators in Iowa.

Page 2

1 (6) An organization which represents community
2 college presidents.

3 (7) The state board of regents.

4 (8) An association which represents some or all
5 private colleges and universities located in this
6 state.

7 (9) The business and education roundtable
8 established by the director of the department of
9 education."

10 3. Page 2, line 15, by inserting after the word
11 "appointment." the following: "For purposes of this
12 section, a person who is Hispanic is a member of a
13 minority race."

14 4. Page 2, line 25, by inserting after the word
15 "force," the following: "at least".

16 5. Page 2, by striking line 26 and inserting the
17 following: "of the public members of the task force."

SPEAR of Lee

H-3592

1 Amend Senate File 176 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 6 through 11 and
4 inserting the following: "section 2, paragraph "a",
5 subparagraph (2)."

6 2. Title page, line 3, by striking the words "to
7 related individuals,".

Committee on Human Resources

H-3594

1 Amend Senate File 470, as passed by the Senate, as
2 follows:

3 1. Page 3, by striking lines 12 through 23.

GRUBBS of Scott
RAFFERTY of Scott

H-3597

1 Amend House File 650 as follows:

2 1. Page 2, by inserting before line 16 the
3 following:

4 "The provisions of section 69.16 shall not apply to
5 the membership of the task force."

SPEAR of Lee

H-3598

1 Amend House File 108 as follows:

2 1. Title page, by striking line 2 and inserting
3 the following: "accredited public and nonpublic
4 schools and".

WISE of Lee

H—3606

- 1 Amend House File 608 as follows:
- 2 1. Page 1, line 11, by striking the figure "a"
- 3 and inserting the following: "1".
- 4 2. Page 1, line 24, by striking the figure "b"
- 5 and inserting the following: "2".
- 6 3. Page 1, line 27, by striking the figure "c"
- 7 and inserting the following: "3".
- 8 4. Page 2, line 12, by inserting after the word
- 9 "profit" the following: ", including theft,".
- 10 5. Page 8, by inserting after line 17, the
- 11 following:
- 12 "5. An oral report of suspected dependent adult
- 13 abuse initially made to the central registry regarding
- 14 a health care facility shall be transmitted by the
- 15 department to the department of inspections and
- 16 appeals on the first working day following the
- 17 submitting of the report."
- 18 6. Page 8, line 18, by striking the figure "5"
- 19 and inserting the following: "6".
- 20 7. Page 8, line 26, by striking the figure "6"
- 21 and inserting the following: "7".
- 22 8. Page 11, by inserting after line 8 the
- 23 following:
- 24 "(6) A health care facility administrator or the
- 25 administrator's designee, following the appeals
- 26 process, for the purpose of hiring staff or continued
- 27 employment of staff."

MERTZ of Kossuth

H—3618

- 1 Amend the amendment, H—3580, to Senate File 46, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by striking the word "six" and
- 5 inserting the following: "ten".

BANKS of Plymouth

H—3619

- 1 Amend Senate File 311, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 527.2, Code 1991, is amended
- 6 by adding the following new subsections:
- 7 NEW SUBSECTION. 18. "Electronic personal
- 8 identifier" means a personal and confidential code or
- 9 other security mechanism which has been designated by
- 10 a financial institution issuing an access device to a

11 customer to serve as a supplemental means of access to
12 a customer's account that may be used by the customer
13 in conjunction with an access device for the purpose
14 of initiating a transaction by means of a satellite
15 terminal.

16 NEW SUBSECTION. 19. "Limited-function terminal"
17 means an on-line point-of-sale terminal or off-line
18 point-of-sale terminal which is not operated in a
19 manner to accept an electronic personal identifier
20 and is not capable of distinguishing between
21 transactions which affect a customer asset account and
22 transactions which do not affect a customer asset
23 account. Except as otherwise provided, a limited-
24 function terminal shall not be subject to the
25 requirements imposed upon other satellite terminals
26 pursuant to sections 527.4 and 527.5.

27 NEW SUBSECTION. 20. "Customer asset account"
28 means a demand deposit, share, checking, savings, or
29 other customer account, other than an occasional or
30 incidental credit balance in a credit plan, which
31 represents a liability of the financial institution
32 maintaining such account either directly or indirectly
33 for the benefit of a customer.

34 Sec. 2. Section 527.2, subsections 5, 10, and 14,
35 Code 1991, are amended to read as follows:

36 5. "Financial institution" means and includes any
37 bank incorporated under the provisions of chapter 524
38 any state or federal law, any savings and loan
39 association incorporated under the provisions of
40 chapter 534 any state or federal law, any credit union
41 organized under the provisions of chapter 533 any
42 state or federal law, any corporation licensed as an
43 industrial loan company under chapter 536A, and any
44 bank, savings and loan association, or credit union
45 incorporated under federal law or the laws of a state
46 other than Iowa which has an office located within
47 this state.

48 10. "Satellite terminal" means and includes any
49 machine or device located off the premises of a
50 financial institution, whether attended or unattended,

Page 2

1 by means of which the financial institution and its
2 customers utilizing an access device may engage
3 through either the immediate transmission of
4 electronic impulses to or from the financial
5 institution or the recording of electronic impulses or
6 other indicia of a transaction for delayed
7 transmission to the financial institution, in
8 transactions which are incidental to the conduct of
9 the business of the financial institution and which

10 otherwise are specifically permitted by applicable
11 law. "Satellite terminal" also includes any machine
12 or device located on the premises of a financial
13 institution only if the machine or device is available
14 for use by customers of other financial institutions.
15 However, the term "satellite terminal" does not
16 include any such machine or device, wherever located,
17 if that machine or device is not generally accessible
18 to persons other than employees of a financial
19 institution or an affiliate of a financial
20 institution.

21 14. "Access device" means a card, code, or other
22 means of access to a customer's account mechanism, or
23 any combination thereof, that may be used by the a
24 customer for the purpose of initiating a transaction
25 by means of a satellite terminal which will affect a
26 customer asset account which is maintained by a
27 financial institution at a business location or office
28 located in this state.

29 Sec. 3. Section 527.2, subsection 6, paragraph a,
30 Code 1991, is amended to read as follows:

31 a. The machine or device is established and owned
32 or operated by a person who primarily engages in a
33 service, business or enterprise, including but not
34 limited to the retail sale of goods or services, but
35 who is not organized under the laws of this state or
36 under federal law as a bank, savings and loan
37 association, or credit union;

38 Sec. 4. Section 527.3, Code 1991, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 6. The authority of an
41 administrator pursuant to section 527.5, subsection 2,
42 paragraph "a", to approve access cards issued by a
43 financial institution for use as an access device
44 includes the requirement that a registration statement
45 shall be filed with the administrator and be
46 maintained on a current basis by each financial
47 institution issuing access cards within the state.
48 The registration statement shall be in writing on a
49 form prescribed by the administrator, and contain the
50 name and address of the registrant, a depiction of

Page 3

1 both sides of the access card, and any other
2 information the administrator deems relevant.

3 Sec. 5. Section 527.4, subsection 3, paragraph d,
4 subparagraph (2), Code 1991, is amended to read as
5 follows:

6 (2) The satellite terminal is not designed,
7 configured, or operated to dispense cash except when
8 operated by the retailer as part of a retail sales

9 transaction.

10 Sec. 6. Section 527.5, subsection 8, Code 1991, is
11 amended to read as follows:

12 8. a. A satellite terminal in this state shall
13 not be operated in a manner to permit a person to
14 credit a demand deposit account, savings account,
15 share account, or any other account representing a
16 liability of a financial institution customer asset
17 account, if that the business location of the
18 financial institution where the original records
19 pertaining to the customer asset account are
20 maintained is located outside of this state.

21 b. Paragraph "a" of this subsection does not apply
22 to a corporation licensed under chapter 536A. A
23 satellite terminal shall not be operated in any manner
24 to permit a person to credit an account representing a
25 liability a customer asset account of a corporation
26 licensed under chapter 536A, if the business location
27 of the corporation where the original records
28 pertaining to the person's customer asset account are
29 maintained is located outside of this state.

30 Sec. 7. Section 527.5, subsection 9, paragraph b,
31 subparagraph (2), Code 1991, is amended to read as
32 follows:

33 (2) The transaction does not affect a deposit
34 customer asset account held by a financial
35 institution.

36 Sec. 8. Section 527.5, Code 1991, is amended by
37 adding the following new subsections:

38 NEW SUBSECTION. 11. A financial institution
39 establishing a limited-function terminal within this
40 state shall file with the administrator and shall
41 maintain on a current basis a registration statement
42 on a form prescribed by the administrator containing
43 the name and address of the registrant, the location
44 of the limited-function terminal, and any other
45 information the administrator deems relevant.

46 NEW SUBSECTION. 12. If at any time, a limited-
47 function terminal is upgraded, altered, or modified in
48 such a manner as to permit the use of an electronic
49 personal identifier or to be capable of distinguishing
50 between transactions which affect customer asset

Page 4

1 accounts and transactions which do not affect customer
2 asset accounts, all requirements of a satellite
3 terminal in this section apply.

4 Sec. 9. Section 527.9, subsection 2, paragraphs e
5 and f, Code 1991, are amended to read as follows:

6 e. An agreement by the applicant that the proposed
7 central routing unit will be capable of accepting and

8 routing, and will be operated to accept and route,
9 transmissions of data originating at any satellite
10 terminal located in this state, except limited-
11 function terminals, whether receiving from that
12 terminal or from a data processing center or other
13 central routing unit.

14 f. A representation and undertaking that the
15 proposed central routing unit is directly connected to
16 every data processing center that is directly
17 connected to a satellite terminal located in this
18 state, and that the proposed central routing unit will
19 provide for direct connection in the future with any
20 data processing center that becomes directly connected
21 to a satellite terminal located in this state. This
22 representation and undertaking is not required of a
23 central routing unit with respect to limited-function
24 terminals."

25 2. By renumbering as necessary.

GRONINGA of Cerro Gordo

H-3624

1 Amend Senate File 294, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking page 4, line 14, through page 6,
4 line 5, and inserting the following:

5 "2. A county board of supervisors may, by
6 ordinance as provided in section 427B.1, establish a
7 partial exemption from property taxation of the actual
8 value of a new livestock facility or the actual value
9 added to an existing livestock facility within an
10 agricultural enterprise zone. The construction of a
11 new livestock facility or an improvement in an
12 existing livestock facility must be completed after
13 the agricultural enterprise zone is established. An
14 exemption shall not be applied to the value added to
15 an owner-operated cattle facility receiving an
16 exemption pursuant to section 427B.7. The application
17 for the exemption shall be filed pursuant to section
18 427B.4. The actual value is eligible to receive a
19 partial exemption from taxation for a period of five
20 years. The amount of actual value which is eligible
21 to be exempt from taxation is the same as provided in
22 the exemption schedule in section 427B.3."

Committee on Agriculture

H-3626

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.
 - 23 Section 69.16 does not apply to appointments made pursuant
 - 24 to this subsection."

SPEAR of Lee

H-3629

- 1 Amend Senate File 481, as passed by the Senate, as
2 follows:
- 3 1. Page 1, lines 11 and 12, by striking the words
 - 4 "if the project meets the requirement of" and
 - 5 inserting the following: "if the project meets the
 - 6 requirement of as provided in".
 - 7 2. By striking page 1, line 29, through page 2,
 - 8 line 3, and inserting the following: "drainage
 - 9 construction project if the cost of the project and
 - 10 population of the city meet one of the following
 - 11 criteria:
 - 12 a. The project cost is seven hundred fifty
 - 13 thousand dollars or more in a city having a population
 - 14 of five thousand or less.
 - 15 b. The project cost is one million five hundred
 - 16 thousand dollars or more in a city having a population
 - 17 of more than five thousand but not more than seventy-
 - 18 five thousand.
 - 19 c. The project cost is two million dollars or more
 - 20 in a city having a population of more than seventy-
 - 21 five thousand."

SPEAR of Lee

H-3630

- 1 Amend House File 688 as follows:
- 2 1. Page 6, by striking line 19, and inserting the
 - 3 following: "under a class of business, or in a

- 4 defined geographic region if the carrier is a health
- 5 maintenance organization. The small employer carrier
- 6 shall".

HAVERLAND of Polk

H-3631

- 1 Amend Senate File 181, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 17, by striking the word
- 4 "commission" and inserting the following: "governor".
- 5 2. Page 1, line 18, by striking the word
- 6 "commission's" and inserting the following:
- 7 "governor's".
- 8 3. Page 1, line 24, by striking the word
- 9 "commission" and inserting the following: "governor".
- 10 4. Page 1, by striking lines 33 and 34 and
- 11 inserting the following: "this chapter and chapters
- 12 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
- 13 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
- 14 5. Page 3, by striking lines 29 and 30 and
- 15 inserting the following: "this chapter and chapters
- 16 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
- 17 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
- 18 6. Page 3, by striking line 31.
- 19 7. Page 3, by striking lines 34 and 35 and
- 20 inserting the following: "this chapter and chapters
- 21 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
- 22 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
- 23 8. Page 4, by striking lines 6 and 7 and
- 24 inserting the following: "the programs authorized by
- 25 this chapter and chapters 84, 93, 106, 108, 108A, 109,
- 26 109A, 110, 110A, 110B, 111, 111B, 111D, 112, 305,
- 27 321G, 455D, and 469."
- 28 9. Page 4, by inserting after line 29, the
- 29 following and relettering:
- 30 "f. Energy and geological resources division which
- 31 is responsible for programs relating to energy,
- 32 geological survey, and oil and gas production.
- 33 g. Waste management authority."
- 34 10. Page 5, by inserting after line 9 the
- 35 following:
- 36 "NEW SECTION. 107.8 BRUSHY CREEK RECREATION AREA
- 37 TRAILS ADVISORY BOARD.
- 38 1. The Brushy Creek recreation trails advisory
- 39 board shall be organized within the parks and
- 40 preserves division of the department and shall be
- 41 composed of ten members including the following: the
- 42 director of the department or the director's designee
- 43 who shall serve as a nonvoting ex officio member, the
- 44 park ranger responsible for the Brushy Creek
- 45 recreation area, a member of the state advisory board

46 for preserves established under chapter 111B, a person
47 appointed by the governor, and six persons appointed
48 by the legislative council. Each person appointed by
49 the governor or legislative council must actively
50 participate in recreational trail activities such as

Page 2

1 hiking, an equestrian sport, or a winter sport at the
2 Brushy Creek recreation area. The voting members
3 shall elect a chairperson at the board's first meeting
4 each year.
5 2. Each member of the board shall serve three
6 years, and shall be eligible for reappointment.
7 However, the park ranger responsible for Brushy Creek
8 shall be replaced by the ranger's successor. The
9 person representing the state advisory board for
10 preserves shall serve at the pleasure of the board.
11 The members, other than the director or the director's
12 designee and the park ranger, are entitled to actual
13 expenses incurred in performance of the duties of the
14 board. A majority of members constitutes a quorum,
15 and the affirmative vote of a majority present is
16 necessary for any action taken by the board, except
17 that a lesser number may adjourn a meeting. A vacancy
18 in the membership of the board does not impair the
19 rights of a quorum to exercise all rights and perform
20 all duties of the board. The board shall meet as
21 required, but at least twice a year. The board shall
22 meet upon call of the chairperson, or upon written
23 request of three members of the board. Written notice
24 of the time and place of the meeting shall be given to
25 each member.

26 3. The board shall advise the department and the
27 natural resource commission regarding issues and
28 recommendations relating to the development and
29 maintenance of trails and related activities at or
30 adjacent to the Brushy Creek recreation area."

31 11. Page 6, lines 21 and 22, by striking the
32 words "congressional district" and inserting the
33 following: "council of governments area".

34 12. Page 16, line 28, by striking the words
35 "governor commission" and inserting the following:
36 "governor".

37 13. Page 16, by striking line 30 and inserting
38 the following: "governor's pleasure. The governor".

39 14. Page 17, line 1, by striking the words
40 "governor commission" and inserting the following:
41 "governor".

42 15. Page 17, by striking lines 12 through 14 and
43 inserting the following: "chapters 84, 93, 106, 107,
44 108, 108A, 109, 109A, 110, 110A, 110B, 111, 111B,

45 111D, 112, 305, 321G, 455B, and 455C, 455E, 455F, and
46 455G.

47 Sec. _____. Section 455A.6, subsection 1, Code 1991,
48 is amended to read as follows:

49 1. An environmental protection commission is
50 created, which consists of nine members appointed by

Page 3

1 the governor for staggered terms of four years
2 beginning and ending as provided in section 69.19.
3 Commission appointees are subject to senate
4 confirmation. The members shall be electors of the
5 state and have knowledge of the subjects embraced in
6 chapter 455B. The appointments shall be based upon
7 the training, experience, and capacity of the
8 appointees, and not based upon political
9 considerations, other than as provided in section
10 69.16. The membership of the commission shall be as
11 follows:

12 a. Three members actively engaged in livestock and
13 grain farming.

14 b. A member actively engaged in the business of
15 finance or commerce.

16 c. A member actively engaged in the management of
17 a manufacturing company.

18 d. Four members who are electors of the state."

19 16. Page 17, line 15, by striking the word and
20 letter "paragraph d" and inserting the following:
21 "paragraphs a, b, and d".

22 17. Page 17, line 16, by striking the word "is"
23 and inserting the following: "are".

24 18. Page 17, by inserting after line 16, the
25 following:

26 "a. Establish policy for the department and adopt
27 rules, pursuant to chapter 17A, necessary to provide
28 for the effective administration of chapter chapters
29 455B, or 455C, 455E, 455F, and 455G.

30 b. Hear appeals in contested cases pursuant to
31 chapter 17A on matters relating to actions taken by
32 the director under chapter 84, 93, 455C, 455E, 455F or
33 469 455G."

34 19. Page 17, by striking lines 18 and 19 and
35 inserting the following: "the programs authorized by
36 chapters 455B, 455C, 455E, and 455F, and 455G. The
37 commission may increase."

38 20. By striking page 17, line 22 through page 18,
39 line 14, and inserting the following:

40 "Sec. _____. Section 455A.7, Code 1991, is amended
41 by striking the section and inserting in lieu thereof
42 the following:

43 455A.7 DIVISIONS CREATED — ADMINISTRATORS

44 APPOINTED BY DIRECTOR.

45 1. The following divisions are created within the
46 agency:

47 a. An environmental protection division which is
48 responsible for programs relating to wastewater
49 treatment, water supply, hazardous wastes, air and
50 land, and field services.

Page 4

1 b. A waste disposal division which is responsible
2 for programs relating to the safe storage, treatment,
3 and disposal of solid, hazardous, and low-level
4 radioactive wastes.

5 c. Administration and information division which
6 has the responsibility for legal services,
7 governmental liaison information and education,
8 planning, finance, budget and grants, administrative
9 support, data processing, licensings, and construction
10 services.

11 d. Additional divisions deemed necessary for the
12 effective and efficient administration of the
13 department.

14 2. The director shall appoint a designee who shall
15 be in charge of the department in the absence of the
16 director. The appointment shall be based on the
17 appointee's training, experience, and capabilities.

18 3. The director shall appoint an administrator for
19 each division created under subsection 1. The
20 director shall make the appointment based on the
21 appointee's training, experience, and capabilities.
22 Each administrator has the responsibility of
23 administering the programs assigned the division under
24 subsection 1 and other programs assigned by the
25 director. Each administrator shall carry out the
26 duties and responsibilities of office under the
27 general direction and supervision of the director."

28 21. Page 18, by striking lines 27 and 28, and
29 inserting the following: "and forests, protecting the
30 environment, and managing energy, fish, wildlife, and
31 land and water resources."

32 22. Page 18, by striking lines 33 through 35 and
33 inserting the following: "responsibility for
34 protecting the environment and disposal of waste."

35 23. Page 19, by inserting after line 33 the
36 following:

37 "Sec. _____. Section 84.2, subsections 2 and 3, Code
38 1991, are amended to read as follows:

39 2. "Commission" means the environmental protection
40 natural resource commission of the department.

41 3. "Department" means the department of natural
42 resources created under section 455A-2.

43 Sec. _____. Section 93.1, subsections 1 and 5, Code

44 1991, are amended to read as follows:

45 1. "Department" means the department of natural
46 resources created under section 455A.2.

47 5. "Commission" means the environmental protection
48 natural resource commission of the department."

49 24. Page 21, line 17, by striking the words "each
50 year" and inserting the following: "each year".

Page 5

1 25. Page 21, line 19, by striking the word
2 "first" and inserting the following: "first".

3 26. Page 21, line 28, by striking the word
4 "annually" and inserting the following: "annually".

5 27. By striking page 21, line 34 through page 22,
6 line 8, and inserting the following: "to the district
7 court. As used in this".

8 28. Page 22, line 18, by striking the figures
9 "84.2, 89B.17, 93.1, 93.11, 93.20A," and inserting the
10 following: "89B.17,".

11 29. Page 23, by striking lines 1 through 9 and
12 inserting the following:

13 "1. After May 1, 1991, the natural resources
14 commission may meet as necessary for the purposes of".

15 30. Page 23, by striking lines 22 through 25 and
16 inserting the following:

17 "2. After May 1, 1991, the environmental
18 protection commission may meet as necessary for the
19 purposes of preparing for the organization and
20 operation,".

21 31. Page 24, by striking lines 10 through 12, and
22 inserting the following: "resources is eligible for
23 appointment or reappointment as director of either
24 department."

25 32. Page 24, line 27, by inserting after the word
26 "division," the following: "energy and geological
27 resources division,".

28 33. Page 24, line 29, by striking the words
29 "energy and geological resources division,".

30 34. Page 24, line 30, by striking the word
31 "division," and inserting the following: "division".

32 35. By numbering sections and correcting internal
33 references as required.

Committee on Natural Resources and Outdoor Recreation

H-3637

1 Amend Senate Concurrent Resolution 11 as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 3, line 26 through page 4,
4 line 5.

Committee on State Government

H-3641

1 Amend Senate File 496, 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 246.105, Code 1991, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 9A. Adopt rules pursuant to
8 chapter 17A pertaining to executions of persons
9 convicted of capital murder."

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

12 "Sec. _____. Section 701.7, Code 1991, is amended to
13 read as follows:

14 701.7 FELONY DEFINED AND CLASSIFIED.

15 A public offense is a felony of a particular class
16 when the statute defining the crime declares it to be
17 a felony. Felonies are capital felonies, class "A"
18 felonies, class "B" felonies, class "C" felonies, and
19 class "D" felonies. ~~Where~~ If the statute defining the
20 offense declares it to be a felony but does not state
21 what class of felony it is or provide for a specific
22 penalty, that felony ~~shall be~~ is a class "D" felony.

23 Sec. _____. NEW SECTION. 707.1A CAPITAL MURDER.

24 1. a. A person commits capital murder if the
25 person commits murder in the first degree pursuant to
26 section 707.2, and the person previously has been
27 convicted of capital murder or a class "A" felony
28 pursuant to section 707.2, 709.2, or 710.2.

29 b. A person commits capital murder if the person
30 commits murder in the first degree pursuant to section
31 707.2, and the person, in the course of that murder,
32 commits another capital murder or another class "A"
33 felony pursuant to section 707.2, 709.2, or 710.2.

34 2. Capital murder is a felony punishable either by
35 death or by life imprisonment, as determined pursuant
36 to sections 115 through 118 of this Act. However, if
37 a person is convicted of capital murder who was under
38 the age of sixteen years at the time the offense was
39 committed, the person shall be sentenced to life
40 imprisonment.

41 3. If a defendant is sentenced to death pursuant
42 to sections 115 through 118 of this Act, the sentence
43 shall be executed by the administration of a lethal
44 injection pursuant to rules adopted by the board of
45 corrections. For the purposes of this section,
46 "lethal injection" means a continuous intravenous
47 injection of a lethal quantity of sodium thiopental or
48 other equally or more effective substance sufficient
49 to cause death.

50 Sec. _____. Section 707.2, unnumbered paragraph 1,

Page 2

1 Code 1991, is amended to read as follows:

2 A person commits murder in the first degree when
3 the person commits murder which is not capital murder
4 and which is committed under any of the following
5 circumstances:

6 Sec. _____. Section 707.3, unnumbered paragraph 1,
7 Code 1991, is amended to read as follows:

8 A person commits murder in the second degree when
9 the person commits murder which is not capital murder
10 or murder in the first degree.

11 Sec. _____. Section 707.4, unnumbered paragraph 2,
12 Code 1991, is amended to read as follows:

13 Voluntary manslaughter is an included offense under
14 an indictment for capital murder or murder in the
15 first or second degree.

16 Sec. _____. Section 707.5, unnumbered paragraph 1,
17 Code 1991, is amended to read as follows:

18 Involuntary manslaughter as defined in this section
19 is an included offense under an indictment for capital
20 murder or murder in the first or second degree or
21 voluntary manslaughter."

22 3. Page 12, by inserting after line 13 the
23 following:

24 "Sec. _____. Section 802.1, Code 1991, is amended to
25 read as follows:

26 802.1 MURDER.

27 A prosecution for capital murder or murder in the
28 first or second degree may be commenced at any time
29 after the death of the victim.

30 Sec. _____. Section 811.1, subsections 1 and 2, Code
31 1991, are amended to read as follows:

32 1. A defendant awaiting judgment of conviction and
33 sentencing following either a plea or verdict of
34 guilty of a class "A" felony, capital murder, murder,
35 felonious assault, sexual abuse in the second degree,
36 sexual abuse in the third degree, kidnapping, robbery
37 in the first degree, arson in the first degree, or
38 burglary in the first degree, or any felony included
39 in section 204.401, subsection 1, paragraph "a".

40 2. A defendant appealing a conviction of a class
41 "A" felony, capital murder, murder, felonious assault,
42 sexual abuse in the second degree, sexual abuse in the
43 third degree, kidnapping, robbery in the first degree,
44 arson in the first degree, or burglary in the first
45 degree, or any felony included in section 204.401,
46 subsection 1, paragraph "a".

47 Sec. _____. Section 811.1, Code 1991, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 4. A defendant charged with
50 capital murder, if upon hearing held under the

Page 3

1 conditions required by section 812.2, the prosecuting
2 attorney establishes by clear and convincing evidence
3 that the release of the defendant from custody is
4 likely to pose a danger of physical harm to another
5 person. The court shall consider all lawfully
6 obtained evidence relevant to the required
7 determination, whether or not the evidence would be
8 admissible at trial, but testimony of the person
9 charged is not admissible at a subsequent trial on the
10 issue of guilt of the offense charged or of any other
11 offense.

12 Sec. _____. NEW SECTION. 814.28 REVIEW OF DEATH
13 SENTENCE.

14 1. In a case in which a sentence of death is
15 imposed, the supreme court shall automatically review
16 the judgment and sentence. The case shall not be
17 transferred to the court of appeals.

18 2. A review by the supreme court of a judgment and
19 sentence imposing the punishment of death has priority
20 over all other criminal and other actions pending
21 before the supreme court.

22 3. The supreme court shall review the trial and
23 judgment, and separately shall review the sentencing
24 proceeding. Upon determining that errors did not
25 occur at the trial requiring reversal or modification
26 of the judgment, the supreme court shall proceed to
27 determine if the sentence of death is lawfully
28 imposed. In its review of the sentencing proceeding
29 the supreme court shall determine all of the
30 following:

31 a. Whether the sentence of death was imposed
32 capriciously or under the influence of prejudice or
33 other arbitrary factor.

34 b. Whether the special verdicts returned under
35 section 115, subsection 2 of this Act, are supported
36 by the evidence.

37 c. Whether the sentence of death is excessive or
38 disproportionate to the penalty imposed in similar
39 cases, considering both the crime and the defendant.

40 4. If the supreme court determines that the
41 sentence of death was not lawfully imposed the court
42 shall set aside the sentence and shall remand the case
43 to the trial court for imposition of a sentence of
44 life imprisonment.

45 5. If the supreme court affirms the judgment and
46 sentence of death, the clerk of the supreme court
47 shall certify the judgment of the supreme court under
48 the seal of the court to the clerk of the trial court.

49 Sec. _____. NEW SECTION. 901.11 CAPITAL MURDER
50 PROCEEDINGS.

Page 4

1 1. If a charge of capital murder is submitted to
2 the jury or court, but the prosecuting attorney waives
3 the death penalty, upon a verdict of guilty, the court
4 shall sentence the defendant to life imprisonment. If
5 the prosecuting attorney waives the death penalty, the
6 court shall follow the sentencing procedures set forth
7 in rule of criminal procedure 22, Iowa court rules,
8 third edition, and need not follow the special
9 sentencing procedures provided for capital murder
10 cases.

11 2. If capital murder is charged, but the charge is
12 not submitted to the court or jury, or the court or
13 jury finds the defendant guilty of another offense,
14 upon conviction of the other charge, the court shall
15 follow the sentencing procedures set forth in rule of
16 criminal procedure 22, Iowa court rules, third
17 edition, concerning sentencing for the offense, rather
18 than the sentencing procedures provided for capital
19 murder cases.

20 3. Capital murder proceedings shall be conducted
21 in bifurcated proceedings before the same trier of
22 fact. During the initial proceeding, the jury, or the
23 court, if the defendant waives the right to a jury
24 trial, shall decide only whether the defendant is
25 guilty or not guilty of any submitted offense. The
26 issue of punishment shall not be submitted during the
27 initial proceeding.

28 Upon a verdict of guilty to a capital murder
29 charge, a separate sentencing proceeding shall be
30 conducted as provided in sections 115 through 118 of
31 this Act. If a defendant enters a plea of guilty to a
32 capital murder charge, the court shall conduct a
33 separate sentencing proceeding as provided in sections
34 115 through 118 of this Act.

35 Sec. _____. NEW SECTION. 902.12 CAPITAL MURDER.

36 If a person is to be sentenced to life imprisonment
37 under section 115, subsection 5 of this Act, nothing
38 in chapters 901 through 909, pertaining to deferred
39 judgment, deferred sentence, suspended sentence, or
40 reconsideration of sentence, applies, and the person
41 shall not be released on parole unless the governor
42 commutes the person's sentence to a term of years and
43 shall not otherwise be released from confinement
44 unless the governor pardons the person."

45 4. Page 15, by inserting after line 4 the
46 following:

47 "Sec. _____. Rules of criminal procedure, Iowa court
48 rules, third edition, are amended by adding sections
49 115 through 118 of this Act.

50 Sec. 115. NEW RULE. CAPITAL MURDER - PROCEDURE.

Page 5

1 1. Upon a finding or plea that a defendant is
2 guilty of capital murder, the court shall conduct a
3 separate sentencing proceeding to determine whether
4 the defendant shall be sentenced to death or to life
5 imprisonment. The proceeding shall be conducted in
6 the trial court before the trial jury, or the court if
7 there is no jury, as soon as practicable. In the
8 proceeding, additional evidence may be presented as to
9 any matter which is relevant to the sentence. The
10 court shall receive when offered any evidence that is
11 required by the rules of criminal procedure. This
12 subsection does not authorize the introduction of any
13 evidence secured in violation of the Constitution of
14 the United States or of the Constitution of the State
15 of Iowa. The state and the defendant or the
16 defendant's counsel shall be permitted to cross-
17 examine witnesses and to present argument for or
18 against a sentence of death.

19 2. On conclusion of the presentation of the
20 evidence, the court shall submit each of the following
21 issues to the jury:

22 a. Whether the conduct of the defendant that
23 caused the death of the deceased was committed
24 willfully, deliberately, and with the reasonable
25 expectation that the death of the deceased or another
26 would result.

27 b. Whether a probability exists that in the future
28 the defendant would commit criminal acts of violence
29 that would constitute a continuing threat to society.

30 c. Whether aggravating circumstances exist that
31 are sufficient to outweigh any mitigating
32 circumstances that may exist.

33 If the case is not tried to a jury, the court shall
34 determine the issues.

35 3. The state must prove each issue in subsection 2
36 beyond a reasonable doubt, and the jury, or the court
37 if there is no jury, shall return a special verdict of
38 "yes" or "no" on each issue.

39 4. If the case is tried to a jury, the court shall
40 charge the jury that:

41 a. It shall answer any issue "yes" if it agrees
42 unanimously.

43 b. It shall answer any issue "no" if the jurors
44 unanimously agree that the answer is "no" or if the
45 jurors do not unanimously agree that the answer is
46 "yes".

47 5. If the jury, or the court if there is no jury,
48 returns an affirmative finding on all applicable
49 issues, the court shall sentence the defendant to
50 death. If the jury or the court returns a negative

Page 6

1 finding on any applicable issue, the court shall
2 sentence the defendant to the custody of the director
3 of the department of corrections for confinement for
4 the rest of the defendant's life.

5 6. Iowa Code chapters 901 through 909 do not apply
6 to a conviction of capital murder if the defendant is
7 sentenced to death.

8 Sec. 116. NEW RULE. AUTOMATIC REVIEW — STAY OF
9 JUDGMENT.

10 1. A judgment of conviction and sentence of death
11 shall be reviewed automatically in the manner provided
12 in Iowa Code section 814.28, and the Iowa supreme
13 court has exclusive jurisdiction of the review.

14 2. Upon entry of judgment and sentence of death,
15 the trial court shall prepare a complete record and
16 transcript of the action in the manner provided in the
17 rules of criminal procedure and shall docket the
18 record and transcript with the clerk of the supreme
19 court.

20 3. The judgment and sentence of the trial court is
21 stayed as a matter of law from the time of its entry
22 until the judgment of the supreme court is certified
23 to and entered by the trial court. Upon entry of a
24 judgment of the supreme court which affirms the
25 conviction and sentence, the stay of the judgment and
26 sentence terminates as a matter of law.

27 4. All court costs required due to the automatic
28 preparation of the record and transcript, docketing
29 with the supreme court, and stay of judgment and
30 sentence shall be assessed to the state.

31 Sec. 117. NEW RULE. ISSUANCE OF WARRANT.

32 1. Upon entry by the trial court of the judgment
33 of the supreme court affirming a judgment and sentence
34 of death, a district judge shall within five days of
35 the entry issue a warrant under the seal of the court
36 for the execution of the sentence of death. The
37 warrant shall specifically set forth the offense and
38 the fact of conviction, shall state the judgment and
39 sentence of the court, shall state that the judgment
40 and sentence were affirmed by the supreme court and
41 the date of entry of judgment of the supreme court in
42 the trial court, and shall specify the date fixed for
43 execution of the defendant which shall be not less
44 than fifty nor more than sixty days after the date of
45 entry in the trial court of the judgment of the
46 supreme court affirming the judgment and sentence of
47 death. The warrant shall be directed to the director
48 of the department of corrections commanding the
49 director to cause the warrant to be executed on the
50 date specified. The trial court shall deliver the

Page 7

1 warrant to the sheriff of the county in which judgment
2 of conviction was entered and the sheriff shall
3 deliver the warrant and the defendant to the custody
4 of the department of corrections for confinement in
5 the state penitentiary. The director of the
6 department of corrections shall acknowledge receipt of
7 the warrant and the defendant, and the sheriff shall
8 return the acknowledgment to the office of the clerk
9 of the trial court from which the warrant was issued.

10 2. Immediately after issuance of a warrant
11 ordering a sentence of death, the clerk of the trial
12 court issuing the warrant shall transmit by mail to
13 the governor a copy of the indictment, the plea, the
14 verdict and special findings, the affirmation of
15 judgment and sentence by the supreme court, and the
16 complete transcript of the trial court.

17 Sec. 118. NEW RULE. EVIDENCE AT SENTENCING IN
18 CAPITAL MURDER CASES — REQUIRED INFORMATION.

19 1. At a reasonable time before the commencement of
20 sentencing proceedings in a capital murder case, each
21 party shall file and serve upon the other party the
22 following:

23 a. A list of all aggravating or mitigating
24 circumstances which the party intends to prove during
25 the sentencing proceedings.

26 b. The names of all persons whom the party intends
27 to call as witnesses during the sentencing
28 proceedings.

29 c. Notwithstanding rule 13, copies, or for
30 inspection purposes, the location, of all documents,
31 including books, papers, writings, drawings, graphs,
32 charts, photographs, phonorecords, and other data
33 compilations from which information can be obtained,
34 or other objects which the party intends to offer into
35 evidence during the sentencing proceedings. If copies
36 are not supplied to opposing counsel, the party shall
37 make the items available for inspection and copying
38 without order of the court.

39 2. In proceedings to determine whether the
40 sentence shall be death or life imprisonment, evidence
41 may be presented as to any matter which the trial
42 court deems relevant to sentence, including but not
43 limited to the nature, circumstances, and manner of
44 completion of the murder, and the defendant's
45 character, background, history, and mental and
46 physical condition. The trial court shall admit any
47 relevant evidence respecting any aggravating or
48 mitigating circumstances, if the party has included
49 the circumstance on a list provided pursuant to this
50 rule, or good cause is shown for the failure to do so.

Page 8

- 1 Sec. _____. APPLICABILITY. This Act applies to
 2 offenses committed on or after the effective date of
 3 this Act."
 4 5. Title page, line 3, by inserting after the
 5 word "facilities," the following: "applying the death
 6 penalty or life imprisonment, by establishing the
 7 offense of capital murder, by providing a minimum age
 8 for imposition of a death sentence, by providing for
 9 review of death sentences, by providing for execution
 10 by lethal injection, by amending the rules of criminal
 11 procedure, and by providing for the Act's
 12 applicability".
 13 6. By renumbering as necessary.

KREBSBACH of Mitchell
 GRUBBS of Scott
 McKEAN of Jones
 HAHN of Muscatine
 CORBETT of Linn
 BRANSTAD of Winnebago

BANKS of Plymouth
 JOHNSON of Clinton
 RENKEN of Grundy
 IVERSON of Wright
 MILLAGE of Scott
 BARTZ of Worth
 MILLER of Cherokee

H-3645

- 1 Amend amendment, H-3580, to Senate File 46, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 15, by inserting after the word
 5 "gallons" the following: "and fuels of ten percent or
 6 greater ethanol blend in an aggregate quantity of not
 7 more than two thousand gallons".

BANKS of Plymouth

H-3654

- 1 Amend Senate File 470, as passed by the Senate as
 2 follows:
 3 1. Page 3, by striking lines 15 through 23 and
 4 inserting the following:
 5 "A An eligible person who receives assistance under
 6 chapter 239 may shall participate or cooperate in a
 7 program to attain a certificate of general educational
 8 development, high school diploma, or adult basic
 9 literacy, where the person has not previously received
 10 such certification, in accordance with rules adopted
 11 by the director. The department shall provide
 12 incentives to encourage such participation."

RAFFERTY of Scott

H-3660

1 Amend Senate File 505, as passed by the Senate, as
2 follows:

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

5 "Sec. _____. NEW SECTION. 79.19A PAYROLL
6 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.

7 A state officer, including the state board of
8 regents, in charge of a payroll system shall also make
9 payroll deductions authorized by an employee for
10 political committees under chapter 56 if the
11 employee's payroll system is currently making
12 deductions for employee organization membership dues,
13 and if the following conditions are met:

14 1. The request for the payroll deduction is made
15 in writing to the officer in charge of the payroll
16 system.

17 2. The pay period during which the deduction is
18 made and the frequency and amount of the deduction are
19 compatible with the payroll system.

20 3. The political committee for which the deduction
21 is requested is related to the employee organization
22 for which the employee's payroll system is currently
23 making membership dues deductions.

24 Sec. _____. NEW SECTION. 294.17 PAYROLL
25 DEDUCTIONS.

26 In addition to payroll deductions for the purpose
27 of paying annuity premiums, a school district shall
28 also make payroll deductions authorized by the
29 employee for political committees under chapter 56 if
30 the school district's payroll system is currently
31 making deductions for employee organization membership
32 dues, and if the following conditions are met:

33 1. The request for the payroll deduction is made
34 in writing to the officer in charge of the payroll
35 system.

36 2. The pay period during which the deduction is
37 made, and the frequency and amount of the deduction
38 are compatible with the payroll system.

39 3. The political committee for which the deduction
40 is requested is related to the employee organization
41 for which the school district's payroll system is
42 currently making membership dues deductions.

43 Sec. _____. NEW SECTION. 331.325 PAYROLL
44 DEDUCTIONS FOR POLITICAL CONTRIBUTIONS.

45 The board or the county officer in charge of any
46 county payroll system shall make payroll deductions
47 authorized by an employee for political committees
48 under chapter 56 if the employee's payroll system is
49 currently making deductions for employee organization
50 membership dues, and if the following conditions are

Page 2

1 met:

2 1. The request for the payroll deduction is made
3 in writing to the officer in charge of the payroll
4 system.

5 2. The pay period during which the deduction is
6 made and the frequency and amount of the deduction are
7 compatible with the payroll system.

8 3. The political committee for which the deduction
9 is requested is related to the employee organization
10 for which the employee's payroll system is currently
11 making membership dues deductions.

12 Sec. _____. **NEW SECTION. 364.25 PAYROLL DEDUCTIONS**
13 **FOR POLITICAL CONTRIBUTIONS.**

14 A city, or the city officer in charge of any city
15 payroll system shall make payroll deductions
16 authorized by an employee for political committees
17 under chapter 56 if the employee's payroll system is
18 currently making deductions for employee organization
19 membership dues, and if the following conditions are
20 met:

21 1. The request for the payroll deduction is made
22 in writing to the officer in charge of the payroll
23 system.

24 2. The pay period during which the deduction is
25 made and the frequency and amount of the deduction are
26 compatible with the payroll system.

27 3. The political committee for which the deduction
28 is requested is related to the employee organization
29 for which the employee's payroll system is currently
30 making membership dues deductions."

31 2. Title page, line 2, by inserting after the
32 word "officers" the following: ", permitting certain
33 payroll deductions for political committees for state,
34 county, and city employees and employees of school
35 districts,".

36 3. By renumbering as necessary.

CONNORS of Polk

H-3666

1 Amend the amendment, H-3636, to Senate File 508, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "_____. Page 1, line 5, by striking the words
7 "motor vehicles" and inserting the following:
8 "passenger vehicles and light trucks"."

9 2. Page 1, by striking lines 5 and 6 and
10 inserting the following: "not apply to vehicles

- 11 purchased for any of the following: law enforcement
- 12 purposes; off-road maintenance work; or work vehicles
- 13 used to pull loaded trailers." "
- 14 3. By renumbering as necessary.

NEUHAUSER of Johnson

H-3670

- 1 Amend Senate File 505, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 14, by striking the following:
- 4 " , with each signature notarized,".
- 5 2. Page 1, lines 19 and 20, by striking the
- 6 following: " , with each signature notarized,".
- 7 3. Page 1, by striking lines 27 through 32, and
- 8 inserting the following: "candidate's agreement to
- 9 limit expenditures."

HANSON of Delaware
GARMAN of Story

H-3672

- 1 Amend Senate File 505, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 35, by striking the word "six"
- 4 and inserting the following: "nine".
- 5 2. Page 2, line 1, by striking the word "two" and
- 6 inserting the following: "eight".
- 7 3. Page 2, line 4, by striking the word "fifty"
- 8 and inserting the following: "seventy-five".
- 9 4. Page 2, line 5, by inserting after the word
- 10 "hundred" the following: "fifty".
- 11 5. Page 2, line 7, by striking the word "twelve"
- 12 and inserting the following: "eighteen".
- 13 6. Page 2, line 8, by striking the word "twenty-
- 14 four" and inserting the following: "thirty-six".
- 15 7. Page 2, line 10, by striking the word "six"
- 16 and inserting the following: "nine".
- 17 8. Page 2, line 11, by striking the word "twelve"
- 18 and inserting the following: "eighteen".

HANSON of Delaware

H-3673

- 1 Amend Senate File 505, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, by inserting after line 5 the follow-
- 4 ing:
- 5 "Sec. _____. NEW SECTION. 56.15A LIMITATIONS ON
- 6 ACCEPTANCE OF POLITICAL COMMITTEE CONTRIBUTIONS.
- 7 The acceptance of contributions by candidates for
- 8 the following offices from political committees, other

9 than state or county political committees or
10 candidate's committees, is subject to the following
11 limitations on total contributions which may be
12 received from political committees and on the largest
13 contribution which may be received from a single
14 political committee:

15 1. Governor.

16 a. Total political committee contributions, two
17 hundred thousand dollars in a primary election and
18 four hundred thousand dollars in a general election.

19 b. Largest political committee contribution, ten
20 thousand dollars.

21 2. Attorney general, secretary of agriculture,
22 secretary of state, treasurer of state, and auditor of
23 state.

24 a. Total political committee contributions,
25 sixteen thousand six hundred sixty-six dollars in a
26 primary election and thirty-three thousand three
27 hundred thirty-three dollars in a general election.

28 b. Largest political committee contribution, eight
29 thousand dollars.

30 3. State senator.

31 a. Total political committee contributions, four
32 thousand dollars in a primary election and eight
33 thousand dollars in a general election.

34 b. Largest political committee contribution, one
35 thousand dollars.

36 4. State representative.

37 a. Total political committee contributions, two
38 thousand dollars in a primary election and four
39 thousand dollars in a general election.

40 b. Largest political committee contribution, five
41 hundred dollars."

42 2. By renumbering as necessary.

CARPENTER of Polk
SPENNER of Henry
HANSON of Delaware

H-3678

1 Amend Senate File 505 as passed by the Senate, as
2 follows:

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

5 "Sec. _____. NEW SECTION. 56.12A TRANSFERS FROM
6 ONE CANDIDATE'S COMMITTEE TO ANOTHER.

7 A candidate for the general assembly or the
8 candidate's committee shall not use campaign funds for
9 transfers or contributions to another candidate for
10 office in the same house of the general assembly or to
11 the candidate's committee. The cost of purchasing
12 tickets to a fund-raising event held by or on behalf

13 of a candidate to raise money for the candidate's
14 campaign is considered a contribution for purposes of
15 this section, unless the event is sponsored by a state
16 or county statutory political committee.

17 Sec. _____. NEW SECTION. 56.13A CERTAIN ACCOUNTS
18 BY OFFICEHOLDERS PROHIBITED.

19 A holder of public office shall not maintain an
20 account, other than a campaign account, to receive
21 contributions for the purpose of publishing and
22 distributing newsletters or performing other
23 constituent services related to the official duties of
24 public office. This section applies whether or not
25 the officeholder is a candidate.

26 Sec. _____. NEW SECTION. 56.14A RESTRICTIONS ON
27 ACCEPTANCE OF CONTRIBUTIONS.

28 1. The candidate's committee of a holder of the
29 office or of a candidate for the office of state
30 representative or state senator shall not solicit or
31 accept contributions from a political committee, other
32 than a state or county statutory political committee,
33 or from a lobbyist registered under the rules adopted
34 by either house of the general assembly while the
35 general assembly is in regular session. As used in
36 this subsection, "in regular session" does not include
37 the period of time between final adjournment sine die
38 for that year and the ceremonial closing of the
39 session.

40 2. The candidate's committee of a holder of the
41 office or of a candidate for the office of governor
42 shall not solicit or accept contributions from a
43 political committee, other than a state or county
44 statutory political committee, or from a lobbyist
45 registered under the rules adopted by either house of
46 the general assembly while the general assembly is in
47 regular session and for thirty days after the final
48 adjournment sine die of the general assembly for that
49 year."

50 2. Title page, line 2, by inserting after the

Page 2

1 word "officers" the following: ", prohibiting certain
2 transfers by candidates' committees, prohibiting
3 certain accounts by officeholders, providing
4 restrictions on acceptance of certain contributions,".

5 3. By renumbering as necessary.

SPENNER of Henry
HANSON of Delaware
CARPENTER of Polk

H-3682

- 1 Amend Senate File 473, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 1, line 28 through page 2,
- 4 line 9.
- 5 2. By renumbering as necessary.

CORBETT of Linn

H-3684

- 1 Amend Senate File 259, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, line 5, by striking the words "and
- 4 treasurer" and inserting the following: "treasurer".
- 5 2. Title page, line 4, by striking the words
- 6 "both the county auditor and treasurer" and inserting
- 7 the following: "the county auditor".

Committee on Ways and Means

H-3689

- 1 Amend the amendment, H-3631, to Senate File 181, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, line 27, by inserting after the word
- 5 "division," the following: "waste management
- 6 authority division,".
- 7 2. Page 5, by striking lines 28 through 31 and
- 8 inserting the following:
- 9 "_____. Page 24, by striking lines 29 and 30 and
- 10 inserting the following: "environmental protection
- 11 division".

SCHRADER of Marion

H-3690

- 1 Amend the amendment, H-3580, to Senate File 46, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by striking the word "six" and
- 5 inserting the following: "eighteen".

SPEAR of Lee

H-3693

- 1 Amend Senate File 506, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 17, the
- 4 following:
- 5 "5. The board shall not authorize any local
- 6 exchange telephone utility to operate under a plan of
- 7 incentive regulation unless the utility has filed with

8 the board, and started implementation of, a network
9 upgrade plan. For purposes of this section, a
10 "network upgrade plan" means a plan for the
11 replacement of all nondigital central office switches
12 with digital central office switches and associated
13 improvements in other facilities as required to allow
14 the transmission of signals within the local exchange
15 at a level consistent with the quality allowed by the
16 digital switch. The network upgrade plan shall be
17 implemented in good faith by the utility involved.
18 Such replacement and associated improvements under the
19 plan shall be completed no later than January 1, 1994.
20 If the board authorizes operation under a plan for
21 incentive regulation but later finds that a filed
22 network upgrade plan has not been implemented in good
23 faith by the utility involved, the utility shall
24 refund to customers all earnings under the plan for
25 incentive regulation which are over the authorized
26 rate of return for the utility."

DICKINSON of Jackson

H-3696

1 Amend Senate File 42, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 2, line 4, by inserting after the figure
4 "1991," the following: "The rules shall prohibit the
5 prescribing of schedule II controlled substances which
6 are stimulants or depressants and schedule III
7 controlled substances which are anabolic steroids as
8 defined in chapter 204."

OSTERBERG of Linn
KREBSBACH of Mitchell
BARTZ of Worth
MURPHY of Dubuque
HIBBARD of Madison

H-3711

1 Amend the amendment, H-3588, to House File 650, as
2 follows:
3 1. Page 1, line 37, by striking the word
4 "governor," and inserting the following: "governor".
5 2. Page 1, by striking lines 38 through 41, and
6 inserting the following: "as follows":
7 3. Page 1, line 42, by striking the word "An" and
8 inserting the following: "One member who is a member
9 of an".
10 4. Page 1, line 44, by striking the word "A" and
11 inserting the following: "One member who is a member
12 of a".
13 5. Page 1, line 45, by striking the word "An" and

14 inserting the following: "One member who is a member
15 of an".

16 6. Page 1, line 47, by striking the word "An" and
17 inserting the following: "One member who is a member
18 of an".

19 7. Page 1, line 49, by striking the word "An" and
20 inserting the following: "One member who is a member
21 of an".

22 8. Page 2, line 1, by striking the word "An" and
23 inserting the following: "One member who is a member
24 of an".

25 9. Page 2, line 3, by striking the word "The" and
26 inserting the following: "One member who is a member
27 of the".

28 10. Page 2, line 4, by striking the word "An" and
29 inserting the following: "One member who is a member
30 of an".

31 11. Page 2, line 7, by striking the word "The"
32 and inserting the following: "One member who is a
33 member of the".

SPEAR of Lee

H-3712

1 Amend the amendment, H-3400, to House File 650, as
2 follows:
3 1. Page 1, line 16, by inserting after the word
4 "population." the following: "The requirements of
5 section 69.16 shall not, however, apply to the
6 membership of the task force."

SPEAR of Lee

H-3713

1 Amend the amendment, H-3631, to Senate File 181, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 2, line 47 through page 3,
5 line 18.

FOGARTY of Palo Alto
PETERSEN of Muscatine
MUEHLBAUER of Crawford
EDDIE of Buena Vista

GRUHN of Dickinson
BENNETT of Ida
KOENIGS of Mitchell
KREMER of Buchanan
SVOBODA of Tama

H-3715

1 Amend Senate File 444, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 5, line 33, through page 6,
4 line 13, and inserting the following:
5 "Sec. _____. Section 236.5, subsection 4, Code 1991,

6 is amended to read as follows:

7 4. A certified copy of any order or approved
8 consent agreement shall be issued to the plaintiff,
9 the defendant and law enforcement agencies the county
10 sheriff having jurisdiction to enforce the order or
11 consent agreement, and the twenty-four hour dispatcher
12 for the law enforcement agencies county sheriff. Any
13 subsequent amendment or revocation of an order or
14 consent agreement shall be forwarded by the clerk to
15 all individuals and agencies the county sheriff
16 previously notified. The clerk shall notify the
17 county sheriff and the twenty-four hour dispatcher for
18 the county sheriff by telephone or otherwise within
19 six hours of filing the order, approved consent
20 agreement, amendment, or revocation. The county
21 sheriff's dispatcher shall notify all law enforcement
22 agencies having jurisdiction over the matter and the
23 twenty-four hour dispatcher for the law enforcement
24 agencies upon notification by the clerk. The clerk
25 shall send or deliver a written copy of any such docu-
26 ment to the law enforcement agencies and the twenty-
27 four hour dispatcher within twenty-four hours of
28 filing the document."

29 2. By renumbering and correcting internal
30 references as necessary.

MILLAGE of Scott

H-3717

1 Amend amendment, H-3642, to Senate File 343, as
2 passed by the Senate, as follows:

3 1. Page 2, line 8, by inserting after the word
4 "illness" the following: ", and review and make
5 recommendations regarding any federal waiver proposal
6 involving services provided to persons with mental
7 retardation, a developmental disability, or mental
8 illness".

9 2. Page 2, by inserting after line 40 the
10 following:

11 "_____. If appropriate, work with the mental health
12 and mental retardation commission established in
13 section 225C.5 and the medical assistance advisory
14 council created pursuant to section 249A.4."

15 3. By relettering as necessary.

GRUBBS of Scott

H-3719

1 Amend Senate File 506, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 35, the
4 following:

5 "A local exchange telephone utility shall not
6 participate under a plan of incentive regulation for a
7 period of greater than four years. Also, after such
8 utility has been under the plan for the minimum two-
9 year period, the board shall initiate a contested case
10 proceeding to review all of the following:
11 a. How investment, revenue, and expenses under the
12 plan compare to what investment, revenue, and expenses
13 would probably have been under traditional rate of
14 return regulation.
15 b. How rates to customers under the plan compare
16 to what rates to customers would probably have been
17 under traditional rate of return regulation.
18 c. How service quality under the plan compares to
19 what service quality would probably have been under
20 traditional rate of return regulation.
21 d. Whether the utility's plans for future
22 operations are consistent with maintaining or
23 improving the quality of telecommunications service.
24 e. Whether the cost of capital to the utility has
25 changed from the cost of capital currently used under
26 the incentive plan.
27 As a result of this review, the board may approve
28 continued operation under the plan, terminate the
29 plan, or modify the plan. If the plan is modified by
30 the board, the utility may, within thirty days, choose
31 to return to traditional rate of return regulation
32 rather than continue operating under the plan of
33 incentive regulation."

HOLVECK of Polk

H-3721

1 Amend the amendment, H-3400, to House File 650, as
2 follows:
3 1. Page 1, line 14, by striking the words "gender
4 balanced and" and inserting the following:
5 "bipartisan, gender balanced, and".
6 2. Page 1, line 18, by inserting after the word
7 "gender," the following: "political affiliation,".

SPEAR of Lee

H-3728

1 Amend Senate File 506, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, line 35, by inserting after the word
4 "regulation." the following: "Any election by a local
5 exchange telephone utility to participate in incentive
6 regulation shall be filed concurrently with a request
7 to increase or decrease rates pursuant to section
8 476.6, or a request for a determination of the

9 reasonableness of the utility's existing rates
10 pursuant to section 476.7. An election by a local
11 exchange telephone utility to participate in incentive
12 regulation shall not become effective until the board
13 takes final action in the proceeding under section
14 476.6 or 476.7 commenced pursuant to this subsection."

HOLVECK of Polk
CHAPMAN of Linn

H-3729

1 Amend Senate File 506, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 17 the
4 following:
5 "Sec. _____. The board shall not approve, and a
6 local exchange telephone utility shall not initiate, a
7 plan of incentive regulation after July 1, 1996.
8 However, all local exchange telephone utilities
9 participating in incentive regulation pursuant to
10 section 476.2A shall continue to participate for the
11 duration of the plan or the minimum two-year period,
12 as applicable."

HOLVECK of Polk
HALVORSON of Webster

H-3731

1 Amend Senate File 166, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 23 through 34.
4 2. Page 1, line 35 through page 2, line 1, by
5 striking the words "or a rule, ordinance, or
6 resolution adopted pursuant to" and inserting the
7 following: "a departmental rule, or an ordinance or
8 resolution adopted by a county which conforms with".

SPEAR of Lee

H-3732

1 Amend Senate File 166, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, lines 1 and 2, by striking the words
4 "commits a simple misdemeanor" and inserting the
5 following: "shall be subject to a civil penalty of
6 not more than five thousand dollars. A person
7 repeating the offense within five years shall be
8 subject to a civil penalty of not more than ten
9 thousand dollars. If the offense is a violation of a
10 county ordinance or resolution, the offense is a

- 11 county infraction as provided in section 331.307,
12 notwithstanding limitations on penalties provided in
13 that section".

SPEAR of Lee

H-3733

- 1 Amend the amendment, H-3580, to Senate File 46, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 11, by inserting after the word
5 "outlet." the following: "The rules shall establish
6 safety criteria which shall be used to determine the
7 eligibility for a waiver of the gallonage limitation
8 in cities with populations of three thousand or less.
9 A motor vehicle fuel outlet waived from the gallonage
10 limitation under this section, shall not exceed the
11 gallonage limitation as required under the national
12 fire protection association rule 30A."

PETERSON of Carroll

H-3739

- 1 Amend the amendment, H-3617, to Senate File 478, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking line 27, and inserting the
5 following: "'each" the following: "participating"."

BARTZ of Worth

H-3747

- 1 Amend House File 449, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 30, by striking the words "full
4 voting" and inserting the following: "ex officio,
5 nonvoting".

Senate Amendment

H-3750

- 1 Amend House File 520, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 1 through 19.
4 2. By renumbering as necessary.

Senate Amendment

H-3756

- 1 Amend Senate File 508, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 16, by inserting after line 25, the

- 4 following:
5 "Sec. _____. Section 364.23, Code 1991, is amended
6 to read as follows:
7 364.23 ENERGY EFFICIENT LIGHTING REQUIRED.
8 All city-owned exterior flood lighting, including
9 but not limited to, street and security lighting but
10 not including era or period lighting, shall be
11 replaced, when worn-out, exclusively with high
12 pressure sodium lighting or lighting with equivalent
13 or better energy efficiency as approved in rules
14 adopted by the utilities board within the utilities
15 division of the department of commerce."
16 2. By renumbering as necessary.

CHAPMAN of Linn

H-3757

- 1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 89, line 1, by striking the figure
4 "1,580,546" and inserting the following: "2,480,546".
5 2. Page 89, by striking lines 2 through 17.
6 3. By renumbering as necessary.

SHEARER of Louisa
BRAND of Benton
ADAMS of Hamilton
BEAMAN of Clarke

MUHLBAUER of Crawford
HALVORSON of Webster
GIPP of Winneshiek
McNEAL of Hardin

H-3759

- 1 Amend the amendment, H-3732, to Senate File 166, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 6, by striking the word
5 "thousand" and inserting the following: "hundred".
6 2. Page 1, line 8, by striking the word "ten" and
7 inserting the following: "one".

SPEAR of Lee

H-3762

- 1 Amend the amendment, H-3732, to Senate File 166, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 6, by striking the words "five
5 thousand" and inserting the following: "one hundred".
6 2. Page 1, lines 8 and 9, by striking the words
7 "ten thousand" and inserting the following: "two
8 hundred fifty".

SPEAR of Lee

H-3763

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 8, by inserting after the word
- 4 "feasible." the following: "For the purposes of this
- 5 section, "covered products" does not include clothes
- 6 washers, dishwashers, and water-cooled air
- 7 conditioning systems."

BLACK of Jasper

H-3767

- 1 Amend amendment, H-3634, to Senate File 476, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 12 and 13 and
- 5 inserting the following: "use campaign funds only for
- 6 campaign purposes, and shall not use campaign".
- 7 2. Page 3, line 4, by inserting after the word
- 8 "candidacy" the following: "or the candidacy of
- 9 another person".

BLANSHAN of Greene
HALVORSON of Webster
HANSON of Delaware

H-3769

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, line 27, by inserting after the word
- 4 "emissions" the following: ", as identified pursuant
- 5 to the federal Clean Air Act of 1990, Pub. L. No. 101-
- 6 549,".
- 7 2. Page 19, line 31, by striking the words
- 8 "department of management" and inserting the
- 9 following: "state department of transportation".

BANKS of Plymouth

H-3770

- 1 Amend House File 87 as follows:
- 2 1. Page 1, by inserting after line 27, the
- 3 following:
- 4 "Sec. _____. Section 237A.3, subsection 1, Code
- 5 1991, is amended to read as follows:
- 6 1. A person who operates or establishes a family
- 7 day care home may apply to the department for
- 8 registration under this chapter. The department shall
- 9 issue a certificate of registration upon receipt of a
- 10 statement from the family day care home that the home
- 11 complies with rules adopted by the department. The

12 registration certificate shall be posted in a
13 conspicuous place in the family day care home, shall
14 state the name of the registrant, the number of
15 individuals who may be received for care at any one
16 time, and the address of the home, and shall include a
17 check list of registration compliances. No greater
18 number of children than is authorized by the
19 certificate shall be kept in the family day care home
20 at any one time. However, a registered or
21 unregistered family day care home may provide care for
22 more than six but less than twelve children at any one
23 time for a period of less than two hours, but shall
24 not do so unless the home does not provide care at any
25 one time for more than provided that each child in
26 excess of six children who are not attending is
27 attending school full-time on a regular basis. In
28 determining the number of children cared for at any
29 one time in a registered or unregistered family day
30 care home, if the person who operates or establishes
31 the home is a child's parent, guardian, relative, or
32 custodian and the child is not attending school full-
33 time on a regular basis, the child shall be considered
34 to be receiving child day care from the person and
35 shall be counted as one of the children cared for in
36 the home. The registration process may be repeated on
37 an annual basis. A child day care provider or program
38 which is not a family day care home by reason of the
39 definition of child day care in section 237A.1,
40 subsection 7, but which provides care, supervision or
41 guidance to a child may be issued a certificate of
42 registration under this chapter."

43 2. Title page, line 1, by inserting after the
44 word "to" the following: "child day care requirements
45 including".

BARTZ of Worth

H-3772

1 Amend Senate File 294, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 34, by inserting after the word
4 "zone." the following: "When establishing such a
5 zone, amending the borders of the zone, or rezoning
6 land within the zone, the board of supervisors shall
7 also mail the notice, at least ten days before the
8 public hearing, to each member of a zoning commission
9 appointed by the board pursuant to section 358A.8, and
10 to each member of a board of adjustment appointed by
11 the board pursuant to section 358A.10."

IVERSON of Wright

H-3776

1 Amend the amendment, H-3580, to Senate File 46, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting before line 3, the
5 following:

6 "_____. Page 1, by inserting before line 1, the
7 following:

8 "Section 1. Section 101.1, Code 1991, is amended
9 by adding the following new subsection: "

10 NEW SUBSECTION. 3. For the conversion of existing
11 underground storage tanks to aboveground storage tanks
12 the rules shall not require the modification of the
13 existing underground system to complete the
14 installation of the aboveground system."

15 2. By renumbering as necessary.

HIBBARD of Madison

H-3777

1 Amend the amendment, H-3580, to Senate File 46, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 10, by inserting after the word
5 "capacity" the following: "per tank".

HIBBARD of Madison

H-3778

1 Amend Senate File 507, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 14 the
4 following:

5 "Sec. _____. Section 524.201, subsection 1, Code
6 1991, is amended to read as follows:

7 1. The governor shall appoint, subject to
8 confirmation by the senate, a superintendent of
9 banking. The appointee shall be selected solely with
10 regard to qualification and fitness to discharge the
11 duties of office, and no person shall be appointed who
12 has not had at least five years experience in a bank
13 or in the regulation or examination of banks.

14 However, an appointee shall not knowingly engage in a
15 business or employment which would be a conflict of
16 interest or interfere or conflict with the proper
17 discharge of the duties of the superintendent of
18 banking."

19 2. Renumber as necessary.

HANSEN of Woodbury

H-3780

- 1 Amend the Senate amendment, H-3734, to House File
- 2 479, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 23, line 47, by striking the figure
- 5 "29,522,461" and inserting the following:
- 6 "29,722,461".
- 7 2. Page 23, line 48, by striking the figure
- 8 "821.80" and inserting the following: "828.80".
- 9 3. Page 23, by inserting after line 48, the
- 10 following:
- 11 "Of the moneys appropriated in this section,
- 12 \$200,000 shall be used for 10 additional beds and for
- 13 the salaries and support of 7.00 FTEs."
- 14 4. Page 69, by striking lines 19 through 22.

MERTZ of Kossuth
 SVOBODA of Tama
 FOGARTY of Palo Alto
 BENNETT of Ida
 MILLER of Cherokee
 McNEAL of Hardin
 CORBETT of Linn

KREBSBACH of Mitchell
 BURKE of Marshall
 BRANSTAD of Winnebago
 HURLEY of Fayette
 IVERSON of Wright
 GARMAN of Story
 GRUBBS of Scott

H-3781

- 1 Amend the amendment, H-3773, to Senate File 532, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 2 through 8 and
- 5 inserting the following: "sentence shall be carried
- 6 out by means of the electrocution of the individual.
- 7 The electrocution shall be broadcast on television
- 8 stations in the state of Iowa at prime time as a
- 9 public service announcement."

BLANSHAN of Greene
 TEAFORD of Black Hawk

H-3784

- 1 Amend Senate File 444, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, line 30, by striking the letter "
- 4 m,".
- 5 2. Page 15, by striking lines 13 through 26.
- 6 3. By renumbering, relettering, and correcting
- 7 internal references as necessary.

MILLAGE of Scott

H-3785

- 1 Amend Senate File 508, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 5 and 6 and

4 inserting the following: "purchasing new motor
5 vehicles, beginning July 1, 1995, a minimum of five
6 percent, and beginning July 1, 2000, a minimum of ten
7 percent of the vehicles purchased shall be".
8 2. Page 1, by striking line 9 and inserting the
9 following: "flexible fuels, eighty-five percent
10 ethanol blends, solar energy, electricity, compressed
11 gas, or propane."

GRUBBS of Scott

H-3800

1 Amend the amendment, H-3636, to Senate File 508, as
2 amended, passed, and reprinted by the Senate as,
3 follows:
4 1. Page 1, by striking lines 3 through 6 and
5 inserting the following:
6 "_____. Page 1, by striking lines 3 through 9 and
7 inserting the following:
8 "NEW SUBSECTION. 4A. Of all new motor vehicles
9 purchased by the state vehicle dispatcher,
10 institutions under the control of the state Board of
11 Regents, community colleges, and any other state
12 agency purchasing new motor vehicles, beginning July
13 1, 1992, a minimum of five percent, and beginning July
14 1, 1995, a minimum of ten percent of all vehicles
15 purchased shall be equipped with engines which utilize
16 alternative methods of propulsion including but not
17 limited to those propelled by flexible fuels, solar
18 energy, or electricity. For the purpose of this
19 subsection, "flexible fuels" means fuels which are
20 blended with eighty-five percent ethanol and fifteen
21 percent gasoline. The provisions of this subsection
22 do not apply to vehicles purchased for the following
23 purposes: law enforcement, off-road maintenance work,
24 or work vehicles used to pull loaded trailers. This
25 subsection also does not apply to school corporations,
26 with the exceptions of those designated above." "

SHEARER of Louisa

H-3803

1 Amend the amendment, H-3636, to Senate File 508, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 11 the
5 following:
6 "_____. Page 9, line 9, by inserting after the word
7 "commissioner" the following: "and the Iowa de-
8 partment of public health".
9 _____. Page 9, line 10, by inserting after the
10 figure "103A" the following: "and chapter 135".

ADAMS of Hamilton

H-3804

- 1 Amend the amendment, H-3636, to Senate File 508, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 11 the fol-
5 lowing:
6 "_____. Page 8, by striking lines 25 and 26 and
7 inserting the following: "1992. A new appliance
8 manufactured on or after January 1, 1996, shall not be
9 sold or offered for sale in this state,"."

ADAMS of Hamilton

H-3805

- 1 Amend the amendment, H-3773, to Senate File 532, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 8 the
5 following:
6 "When the electrocution of a convicted murderer is
7 broadcast on television, an equal amount of time shall
8 be given to coverage of the victim. Coverage of the
9 victim includes, but is not limited to, photos of the
10 crime scene, photos or film of the victim while alive,
11 photos, film, or statements from the victim's family
12 and friends, and statements from crime victims'
13 groups."

MILLAGE of Scott
KREBSBACH of Mitchell

H-3811

- 1 Amend the amendment, H-3636, to Senate File 508, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 11 the
5 following:
6 "_____. Page 9, line 9, by inserting after the word
7 "commissioner" the following: "the Iowa department
8 of public health, and the plumbing manufacturers'
9 institute,".
10 _____. Page 9, line 10, by inserting after the
11 figure "103A" the following: "and chapter 135".
12 _____. Page 9, by inserting after line 16, the
13 following:
14 "3. For the purposes of this section, "covered
15 products" means water closets, urinals, showerheads,
16 lavatory faucets and replacement aerators, and
17 kitchen faucets and replacement aerators."

ADAMS of Hamilton

H-3812

1 Amend the amendment, H-3623, to Senate File 362, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by inserting after line 25 the fol-
5 lowing:

6 "NEW PARAGRAPH. i. (1) Corrective action costs
7 for a release which occurs on property owned by an
8 innocent landowner. Governmental entities and for-
9 profit businesses are not innocent landowners for
10 purposes of receiving benefits under this paragraph.
11 A person is an innocent landowner if all of the
12 following conditions are met:

13 (a) The person did not install the tank giving
14 rise to the release.

15 (b) The person did not use the property upon which
16 the tank is located to store or dispense petroleum.

17 (c) The person did not profit financially from use
18 of the tank.

19 (2) Corrective action costs for cleanup of a
20 release on property owned by a person who is
21 determined to be an innocent landowner under
22 subparagraph (1) shall be paid by the fund in
23 accordance with the following schedule:

24 (a) One hundred percent of the costs of corrective
25 action if the innocent landowner has an annual gross
26 income of thirty thousand dollars or less, as
27 determined by the innocent landowner's federal income
28 tax return from the prior year.

29 (b) Ninety percent of the costs of corrective
30 action if the innocent landowner has an annual gross
31 income which is greater than thirty thousand dollars
32 but not greater than fifty thousand dollars, as
33 determined by the innocent landowner's federal income
34 tax return from the prior year.

35 (c) Eighty percent of the costs of corrective
36 action if the innocent landowner has an annual gross
37 income which is greater than fifty thousand dollars,
38 as determined by the innocent landowner's federal
39 income tax return from the prior year.

40 (3) This paragraph does not apply to property
41 which is transferred on or after the effective date of
42 this Act.

43 (4) If an innocent landowner sells property for
44 which remedial account benefits were received within
45 ten years of the receipt of any account benefit, the
46 innocent landowner shall refund to the remedial
47 account an amount equivalent to ninety percent of the
48 gain realized upon sale or transfer of the property up
49 to a maximum of the expenses incurred by the remedial
50 account for costs associated with the tank site plus

Page 2

1 interest, equal to the interest for the most recent
2 twelve-month period for the most recent bond issue for
3 the fund, on the expenses incurred, compounded
4 annually. Expenses incurred by the fund are a lien
5 upon the property recordable and collectible in the
6 same manner as the lien provided for in section 424.11
7 at the time of sale or transfer, subject to the terms
8 of this section."

GRUBBS of Scott

H-3840

1 Amend the amendment, H-3734, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 108, by inserting after line 27, the
5 following:

6 "DIVISION _____

7 FISCAL YEAR 1993 BUDGET REQUESTS

8 Sec. _____. It is the intent of the general assembly
9 that all departments and agencies of the state shall
10 submit budget requests for fiscal year 1993 that do
11 not exceed the full-time equivalent position
12 authorization limits set by the general assembly for
13 fiscal year 1992. Departments and agencies may make
14 intradepartmental or intraagency transfers of full-
15 time equivalent positions in their fiscal year 1993
16 requests. The general assembly may make
17 interdepartmental or interagency transfers of full-
18 time equivalent positions, provided that the total
19 number of full-time equivalent positions does not
20 exceed the number of positions authorized for fiscal
21 year 1992.

22 Departments and agencies of this state shall
23 provide recommendations to the general assembly for
24 changes in the Code necessary for them to meet the
25 intent of the general assembly for full-time
26 equivalent positions for fiscal year 1993."

27 2. By renumbering as necessary.

GRUBBS of Scott

H-3841

1 Amend the amendment, H-3734, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 94, line 9, by striking the figure
5 "69,000,000" and inserting the following:
6 "73,957,000".

McNEAL of Hardin

H-3847

- 1 Amend the Committee amendment, H-3565, to Senate
- 2 File 273, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, lines 8 and 9, by striking the words
- 5 "a class "B" wine permittee" and inserting the
- 6 following: "a class "A", "B", or "C" liquor control
- 7 licensee".
- 8 2. Page 1, lines 11 and 12, by striking the words
- 9 "a class "B" wine permittee's" and inserting the
- 10 following: "a class "A", "B", or "C" liquor control
- 11 licensee's".
- 12 3. Page 1, lines 13 and 14, by striking the words
- 13 "class "B" wine permittee" and inserting the
- 14 following: "class "A", "B", or "C" liquor control
- 15 licensee".

RENAUD of Polk

H-3849

- 1 Amend the Senate amendment, H-3734, to House File
- 2 479, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 107, by inserting after line 19, the
- 5 following:
- 6 "Sec. _____. Section 237A.3, subsection 1, Code
- 7 1991, is amended to read as follows:
- 8 1. A person who operates or establishes a family
- 9 day care home may apply to the department for
- 10 registration under this chapter. The department shall
- 11 issue a certificate of registration upon receipt of a
- 12 statement from the family day care home that the home
- 13 complies with rules adopted by the department. The
- 14 registration certificate shall be posted in a
- 15 conspicuous place in the family day care home, shall
- 16 state the name of the registrant, the number of
- 17 individuals who may be received for care at any one
- 18 time, and the address of the home, and shall include a
- 19 check list of registration compliances. No greater
- 20 number of children than is authorized by the
- 21 certificate shall be kept in the family day care home
- 22 at any one time. However, a registered or
- 23 unregistered family day care home may provide care for
- 24 more than six but less than twelve children at any one
- 25 time for a period of less than two hours, but shall
- 26 not do so unless the home does not provide care at any
- 27 one time for more than provided that each child in
- 28 excess of six children who are not attending is
- 29 attending school full-time on a regular basis. In
- 30 determining the number of children cared for at any
- 31 one time in a registered or unregistered family day

32 care home, if the person who operates or establishes
 33 the home is a child's parent, guardian, relative, or
 34 custodian and the child is not attending school full-
 35 time on a regular basis, the child shall be considered
 36 to be receiving child day care from the person and
 37 shall be counted as one of the children cared for in
 38 the home. The registration process may be repeated on
 39 an annual basis. A child day care provider or program
 40 which is not a family day care home by reason of the
 41 definition of child day care in section 237A.1,
 42 subsection 7, but which provides care, supervision or
 43 guidance to a child may be issued a certificate of
 44 registration under this chapter."
 45 2. Renumber as necessary.

BARTZ of Worth

H-3861

1 Amend the Senate amendment, H-3734, to House File
 2 479, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 51, by inserting after line 36, the
 5 following:
 6 "c. Enrollment growth
 7 For payment of costs associated with increases in
 8 enrollment, including, but not limited to, salaries
 9 for additional faculty members:
 10 \$ 1,500,000"
 11 2. By renumbering and correcting internal
 12 references as necessary.

DIEMER of Black Hawk
 HANSON of Black Hawk

H-3865

1 Amend the amendment, H-3734, to House File 479, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 57, line 35, by striking the words
 5 "Twenty-eight" and inserting the following: "Thirty".

OLLIE of Clinton
 IVERSON of Wright

H-3867

1 Amend the Senate amendment, H-3734, to House File
 2 479, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 104, line 28, by striking the word
 5 "shall" and inserting the following: "may".
 6 2. Page 104, by striking line 29, and inserting
 7 the following: "replace the lost state aid by raising

- 8 funds through a property tax levy or".
9 3. Page 104, lines 30 and 31, by striking the
10 words "to replace the state school foundation aid
11 reduction".

HANSON of Black Hawk
OLLIE of Clinton
DIEMER of Black Hawk

H-3868

- 1 Amend the amendment, H-3734, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 103, line 34, through page
5 104, line 37.
6 2. By renumbering and correcting internal
7 references as necessary.

OLLIE of Clinton
HANSON of Black Hawk
DIEMER of Black Hawk

H-3871

- 1 Amend the amendment, H-3734, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 39, line 15, by striking the figure
5 "2,120,000" and inserting the following: "1,670,000".
6 2. Page 86, line 1, by striking the figure
7 "383,650" and inserting the following: "833,650".

RAFFERTY of Scott

H-3891

- 1 Amend the amendment, H-3734, to House File 479, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 39, line 15, by striking the figure
5 "2,120,000" and inserting the following: "1,670,000".
6 2. Page 86, line 1, by striking the figure
7 "383,650" and inserting the following: "833,650".
8 3. Page 86, line 3, by striking the figure
9 "312,675" and inserting the following: "765,675".

RAFFERTY of Scott

H-3893

- 1 Amend the Senate amendment, H-3734, to House File
2 479, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 64, line 16, by striking the word and
5 figure "paragraph 6" and inserting the following:

6 "paragraphs 1, 6, and 10".

7 2. Page 64, line 17, by striking the word "is"
8 and inserting the following: "are".

9 3. Page 64, by inserting after line 17 the fol-
10 lowing:

11 "For each fiscal year, the department shall
12 allocate the remainder of the moneys appropriated by
13 the general assembly to the fund for phase III,
14 subject to section 294A.18. If fifty million dollars
15 is allocated for phase III, the payments for an
16 approved plan for a school district shall be equal to
17 the product of a district's certified enrollment and
18 ninety-eight dollars and sixty-three cents, and for an
19 area education agency shall be equal to the product of
20 an area education agency's enrollment served and four
21 dollars and sixty cents. If the moneys allocated for
22 phase III are either greater than or less than fifty
23 million dollars, the department of education shall
24 adjust the amount for each student in certified
25 enrollment and each student in enrollment served based
26 upon the amount allocated for phase III. Of the
27 moneys allocated for phase III, five hundred thousand
28 dollars shall be used for supplemental pay plans in
29 districts which provide for additional instructional
30 work assignments relating to college bound student
31 support programs for minority students."

32 4. Page 64, by inserting after line 44 the fol-
33 lowing:

34 "For school districts, additional instructional
35 work assignments may include but are not limited to
36 general curriculum planning and development, vertical
37 articulation of curriculum, horizontal curriculum
38 coordination, development of educational measurement
39 practices for the school district, attendance at
40 workshops and other programs for service as
41 cooperating teachers for student teachers, development
42 of plans for assisting beginning teachers during their
43 first year of teaching, attendance at summer staff
44 development programs, development of staff development
45 programs for other teachers to be presented during the
46 school year, participation in college bound student
47 support programs for minority students, and other
48 plans locally determined in the manner specified in
49 section 294A.15 and approved by the department of
50 education under section 294A.16 that are of equal

Page 2

1 importance or more appropriately meet the educational
2 needs of the school district.

3 Sec. _____. Section 294A.14, Code 1991, is amended
4 by adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. For purposes of this
 6 section, college bound student support programs for
 7 minority students shall include one or more of the
 8 following:

9 1. Self-esteem enhancement for minority students.

10 2. Mentoring for minority students.

11 3. Methods to provide greater involvement of
 12 minority parents in the educational process.

13 4. Individual or group academic preparedness
 14 coaching for minority students.

15 5. A continuum of academic tutorial services for
 16 minority students.

17 6. Outreach programs which connect minority
 18 students with higher education programs.

19 7. School and business partnerships which provide
 20 direct support to minority students.

21 Sec. _____. Section 294A.16, unnumbered paragraph 3,
 22 Code 1991, is amended to read as follows:

23 The department of education shall review each plan
 24 and its budget and notify the department of management
 25 of the names of school districts and area education
 26 agencies with approved plans. In approving school
 27 district supplemental pay plans which provide for
 28 additional instructional work assignments relating to
 29 college bound student support programs for minority
 30 students, the department shall give preference to
 31 plans which provide for the forming of consortia with
 32 local community colleges and community-based
 33 organizations."

34 5. By numbering and renumbering, and changing
 35 internal references as necessary.

HATCH of Polk
 BAKER of Polk
 SHOULTZ of Black Hawk
 TEAFORD of Black Hawk

H—3894

1 Amend the amendment, H—3873, to Senate amendment,
 2 H—3734, to House File 479, as amended, passed, and
 3 reprinted by the House, as follows:

4 1. Page 71, by inserting after line 7, the
 5 following:

6 "f. Regional economic development centers

7 For competitive grants to regional economic
 8 development centers:

9\$ 442,457

10 The chairpersons of the regional coordinating
 11 councils shall accept grant applications from the
 12 regional economic development centers and shall rank
 13 the applications. The rankings shall be provided to
 14 the department which shall make awards based upon the

- 15 recommendations of the regional coordinating
 16 councils."
 17 2. Page 72, by striking line 35 and inserting the
 18 following:

19 " \$ 2,840,000".

- 20 3. Page 77, by striking lines 6 through 12.

- 21 4. By renumbering as necessary.

PONCY of Wapello
 WISE of Lee
 FOGARTY of Palo Alto
 MERTZ of Kossuth
 BARTZ of Worth

H-3895

- 1 Amend the Senate amendment, H-3734, to House File
 2 479, as amended, passed, and reprinted by the House,
 3 as follows:

- 4 1. Page 45, by striking lines 16 through 24.

- 5 2. By striking page 58, line 27, through page 59,
 6 line 5.

- 7 3. By renumbering and changing internal
 8 references as necessary.

PETERSON of Carroll

H-3912

- 1 Amend Senate amendment, H-3734, to House File 479,
 2 as amended, passed, and reprinted by the House, as
 3 follows:

- 4 1. Page 46, line 3, by striking the figure
 5 "168,455,000" and inserting the following:
 6 "151,609,500".

- 7 2. Page 46, by inserting after line 49 the
 8 following:

9 "b. Maintenance

10 For maintenance at the university:

11 \$ 16,845,500".

- 12 3. Page 49, line 7, by striking the figure
 13 "137,109,000" and inserting the following:
 14 "123,398,100".

- 15 4. Page 49, by inserting after line 49 the
 16 following:

17 "b. Maintenance

18 For maintenance at the university:

19 \$ 13,710,900".

- 20 5. Page 50, line 34, by striking the figure
 21 "55,387,000" and inserting the following:
 22 "49,848,300".

- 23 6. Page 51, by inserting after line 30 the
 24 following:

25 "b. Maintenance

- 26 For maintenance at the university:
 27\$ 5,538,700".
 28 7. By renumbering as necessary.

MAULSBY of Calhoun

H-3923

- 1 Amend Senate File 294, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. NEW SECTION. 108.15 PROTECTION OF
 6 DESIGNATED PUBLIC USE AREAS.
 7 1. As used in this section, unless the context
 8 otherwise requires:
 9 a. "Agricultural activity" means the same as
 10 defined in section 358A.31.
 11 b. "Agricultural enterprise zone" means the same
 12 as defined in section 358A.31.
 13 c. "Designated public use area" means any of the
 14 following:
 15 (1) Land within a state park as provided in
 16 chapter 111.
 17 (2) Land within a state preserve as provided in
 18 chapter 111B.
 19 (3) A state-owned lake under the jurisdiction of
 20 the natural resource commission.
 21 (4) State-owned land developed for recreational
 22 activities such as hiking, camping, picnicking, water
 23 sports, team sports, or winter sports, if the land is
 24 under the jurisdiction of the natural resource
 25 commission. However, a recreational activity does not
 26 include fishing, hunting, or trapping of animals.
 27 d. "Facility" means an operational site engaging
 28 in an agricultural activity, an industrial activity,
 29 or waste management activity, if the operation
 30 requires a permit issued by the department for the
 31 construction or operation of air pollution control
 32 facilities, wastewater treatment facilities, gas and
 33 mineral exploration, sovereign land construction,
 34 barge fleeting, waste disposal, or floodplain
 35 development. However a facility does not include an
 36 operational site engaging in wastewater treatment or
 37 wastewater management if operated by or for the
 38 department.
 39 e. "Industrial activity" means an activity
 40 directly connected to a business engaged in
 41 manufacturing, processing, or assembling products for
 42 sale in interstate or intrastate commerce.
 43 f. "Waste management activity" means an activity
 44 directly connected to the management of waste as
 45 defined in section 455B.482.

46 2. The natural resource commission shall consult
47 with the environmental protection commission and adopt
48 rules protecting designated public use areas from the
49 impact of agricultural activities, industrial
50 activities, or waste management activities conducted

Page 2

1 from a facility, including a facility located within
2 an agricultural enterprise zone. The rules shall
3 protect the designated public use area from the
4 discharge of pollutants, including but not limited to
5 odors, noises, or airborne or waterborne contaminants.

6 If the facility is located within an agricultural
7 enterprise zone, the rules shall, to the extent
8 practicable, balance the need for the development and
9 operation of agricultural activities within an
10 agricultural enterprise zone with the protection of
11 public recreation uses and the conservation of
12 resources within the designated public use areas. The
13 rules shall be based on the impact of current and
14 proposed agricultural activities on the preservation
15 and public enjoyment of designated public use areas.

16 3. In developing the rules, the natural resource
17 commission shall consider all of the following:

18 a. The intensity of public use in the designated
19 public use area.

20 b. The amount of public investment committed to or
21 expended in developing facilities within the
22 designated public use area.

23 c. The potential damage to the infrastructure or
24 resources within the designated public use area.

25 d. The potential injury to the human enjoyment of
26 the designated public use area.

27 e. The uniqueness or vulnerability of plant and
28 animal species and communities in the designated
29 public use area.

30 f. The economic benefits produced from the
31 designated public use area, including benefits to the
32 region surrounding the designated public use area.

33 4. The rules may require that facilities
34 established on or after January 1, 1992, be separated
35 by a buffer area. The buffer area shall be land
36 between a facility and the designated public use area.
37 The separation distance shall be determined by the
38 natural resource commission, but shall not equal more
39 than one mile.

40 5. The rules shall not apply to an area within the
41 corporate limits of a city. The rules shall also not
42 apply to an area outside the corporate limits of the
43 city, if the city has previously extended its powers
44 over the area pursuant to section 414.23. The

45 commission may grant a variance for the establishment
46 of a facility, if the facility institutes safeguards
47 which operate to protect the designated public use
48 area."
49 2. Page 1, by striking lines 17 through 19, and
50 inserting the following: "agricultural enterprise

Page 3

1 zone. However, the following shall be excluded from
2 an agricultural enterprise zone:

- 3 a. Land within the corporate limits of a city.
- 4 b. Land within a designated public use area as
5 provided in section 108.15.
- 6 c. Land within a buffer area as provided in
7 section 108.15."

8 3. Page 1, by striking lines 23 through 26, and
9 inserting the following: "agricultural enterprise
10 zone. However, the following shall be excluded from
11 an agricultural enterprise zone:

- 12 a. Land within the corporate limits of a city.
- 13 b. Land subject to zoning exercised by a city
14 pursuant to section 414.23.
- 15 c. Land within a designated public use area as
16 provided in section 108.15.
- 17 d. Land within a buffer area as provided in
18 section 108.15."

19 4. Page 2, by inserting after line 34, the
20 following:

21 "_____. When establishing an agricultural
22 enterprise zone, amending the borders of the zone, or
23 rezoning land within the zone, the board of
24 supervisors shall mail a notice to the department of
25 natural resources, if the establishment, amendment, or
26 rezoning would locate the borders of the agricultural
27 enterprise zone within one mile from a designated
28 public use area, as defined in section 108.15. The
29 notice shall be delivered to the department in a
30 manner and according to procedures established by the
31 department."

32 5. Page 3, by inserting after line 24, the
33 following:

34 "_____. An action or proceeding arising from
35 damages to property within or the interference with
36 the enjoyment of a designated public use area."

37 6. Title page, line 1, by inserting before the
38 word "providing" the following: "relating to land use,
39 by providing for the protection of designated areas,".

40 7. By renumbering and relettering as necessary.

SHOULTZ of Black Hawk
BLANSHAN of Greene
OLLIE of Clinton

PLASIER of Sioux
DICKINSON of Jackson
GRONINGA of Cerro Gordo
BLACK of Jasper

H-3953

1 Amend the amendment, H-3623, to Senate File 362, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by striking lines 2 through 25, and
5 inserting the following:

6 "NEW PARAGRAPH. h. (1) Corrective action costs
7 for a release which occurs on property owned by an
8 innocent landowner. Governmental entities and for-
9 profit businesses are not innocent landowners for
10 purposes of receiving benefits under this paragraph.
11 A person is an innocent landowner if all of the
12 following conditions are met:

13 (a) The person did not install the tank giving
14 rise to the release.

15 (b) The person did not use the property upon which
16 the tank is located to store or dispense petroleum or
17 did not lease the property for such use.

18 (c) The person did not profit financially from use
19 of the tank.

20 (2) Corrective action costs for cleanup of a
21 release on property owned by a person who is
22 determined to be an innocent landowner under
23 subparagraph (1) shall be paid by the fund in
24 accordance with the following schedule:

25 (a) One hundred percent of the costs of corrective
26 action if the innocent landowner has an annual gross
27 income of thirty thousand dollars or less, as
28 determined by the innocent landowner's federal income
29 tax return from the prior year.

30 (b) Ninety percent of the costs of corrective
31 action if the innocent landowner has an annual gross
32 income which is greater than thirty thousand dollars
33 but not greater than fifty thousand dollars, as
34 determined by the innocent landowner's federal income
35 tax return from the prior year.

36 (c) Eighty percent of the costs of corrective
37 action if the innocent landowner has an annual gross
38 income which is greater than fifty thousand dollars,
39 as determined by the innocent landowner's federal
40 income tax return from the prior year.

41 (3) This paragraph does not apply to property
42 which is transferred on or after the effective date of
43 this Act.

44 (4) If an innocent landowner sells property for
45 which remedial account benefits were received within
46 ten years of the receipt of any account benefit, the
47 innocent landowner shall refund to the remedial
48 account an amount equivalent to ninety percent of the
49 gain realized upon sale or transfer of the property up
50 to a maximum of the expenses incurred by the remedial

Page 2

- 1 account for costs associated with the tank site plus
- 2 interest, equal to the interest for the most recent
- 3 twelve-month period for the most recent bond issue for
- 4 the fund, on the expenses incurred, compounded
- 5 annually. Expenses incurred by the fund are a lien
- 6 upon the property recordable and collectible in the
- 7 same manner as the lien provided for in section 424.11
- 8 at the time of sale or transfer, subject to the terms
- 9 of this section.
- 10 (5) Liability for payment of corrective action
- 11 costs arising from remediation on property sold after
- 12 the enactment date of this Act shall remain with the
- 13 seller of the property unless otherwise provided for
- 14 by contract."

GRUBBS of Scott

H-3960

- 1 Amend the Senate amendment, H-3707, to House File
- 2 233, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 11, by inserting after the word
- 5 "rights," the following: "As used in this subsection,
- 6 obstruction does not include speech, or a person's
- 7 right to lawful assembling including picketing."

HAMMOND of Story
OSTERBERG of Linn

H-3964

- 1 Amend the Senate amendment, H-3707, to House File
- 2 233, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "trapping," the following: "Men shall not stare at,
- 6 whistle at, shout at, or follow women around
- 7 construction sites, in bars, or on public streets. In
- 8 addition, men shall not stand in groups and stare at
- 9 women."

OSTERBERG of Linn
HAMMOND of Story

H-3965

- 1 Amend the Senate amendment, H-3707, to House File
- 2 233, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "hunting," the following: "bird-watching,".
- 6 2. Page 1, line 9, by inserting after the word
- 7 "fishing," the following: "jogging,".

OSTERBERG of Linn

H-3982

- 1 Amend the amendment, H-3964, to the Senate
- 2 amendment, H-3707, to House File 233, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 8, by inserting after the word
- 5 "stand" the following: "on their heads".

KREMER of Buchanan

H-3991

- 1 Amend Senate File 542 as passed by the Senate as
- 2 follows:
- 3 1. Page 2, by inserting after line 14, the
- 4 following:
- 5 "Sec. 100. CONDITIONAL APPROPRIATION. If Senate
- 6 File 508 is enacted by the Seventy-fourth General
- 7 Assembly, 1991 Session, and following the initial
- 8 appropriation of \$150,000 to the department of natural
- 9 resources from the energy research and development
- 10 fund, the remaining moneys shall be used and are
- 11 appropriated for the purposes designated pursuant to
- 12 section 601K.102."
- 13 2. Page 2, by inserting after line 34, the
- 14 following:
- 15 "Sec. 101. Section 601K.102, subsection 2,
- 16 paragraph b, Code 1991, is amended to read as follows:
- 17 b. Moneys credited to the fund under section
- 18 ~~556.18~~ 93.14.
- 19 Sec. 102. CONDITIONAL EFFECTIVE DATE. Section 100
- 20 and 101 of this Act are effective only if Senate File
- 21 508 is enacted by the Seventy-fourth General Assembly,
- 22 1991 Session."
- 23 3. Title page, line 2, by inserting after the
- 24 word "purposes" the following: ", and providing an
- 25 effective date".
- 26 4. By renumbering as necessary.

SHEARER of Louisa

H-3995

- 1 Amend Senate File 515, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 3, by inserting after the word
- 4 "section." the following:
- 5 "This section shall not be construed to compel a
- 6 patient or an impregnator to disclose any information
- 7 which the patient or impregnator refuses to disclose."

SPEAR of Lee

H—3999

1 Amend the amendment, H—3923, to Senate File 294, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

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

6 "Within sixty days following adoption of the rules
 7 by the natural resource commission pursuant to this
 8 subsection, the department of natural resources shall
 9 file with the county recorder of each county affected
 10 by the rules, a map illustrating the boundaries of
 11 each designated public use area located in the county.
 12 The map shall also illustrate buffer areas located in
 13 the county which have been established pursuant to
 14 subsection 4. The department shall file an amended
 15 map with the county recorder within thirty days after
 16 the boundaries of a designated public use area or
 17 buffer area have changed. However, the map is not
 18 required to contain information relating to variances
 19 granted pursuant to subsection 5."

PLASIER of Sioux

H—4021

1 Amend Senate File 539, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 31, by inserting after the word
 4 "list." the following: "All pharmacists employed by
 5 the nonresident pharmacy who deliver, dispense, or
 6 distribute by any method prescription drugs to an
 7 ultimate user in this state shall submit evidence to
 8 the board of completion of continuing education
 9 requirements substantially equivalent to those
 10 required pursuant to chapter 258A for pharmacists
 11 licensed in this state."

TYRRELL of Iowa

H—4025

1 Amend House File 703 as follows:

2 1. Page 2, by inserting after line 26 the
 3 following:

4 "g. Location permit for resident fur dealers
 5 \$ 25.00
 6 h. Location permit for nonresident fur dealers
 7 \$ 50.00".

SPEAR of Lee

H-4029

- 1 Amend the amendment, H-4007, to House File 703 as
 2 follows:
 3 1. Page 1, by inserting after line 46 the
 4 following:
 5 "g. Location permit for resident
 6 fur dealers\$ 25.00
 7 h. Location permit for nonresident
 8 fur dealers\$ 50.00".

SPEAR of Lee

H-4031

- 1 Amend House File 699 as follows:
 2 1. Page 1, line 13, by inserting after the word
 3 "municipalities" the following: "and for the
 4 provision of housing and residential development".
 5 2. Page 1, by striking line 17 and inserting the
 6 following: "or housing and residential".
 7 3. Page 1, lines 29 and 30, by striking the words
 8 "except that such enterprises shall not include" and
 9 inserting the following: "or housing and".
 10 4. Page 1, by striking lines 34 and 35 and
 11 inserting the following:
 12 "Sec. _____. Section 403.17, Code 1991, is amended
 13 by adding the following new subsection:
 14 NEW SUBSECTION. 21. "Housing and residential
 15 development" means single or multifamily dwellings to
 16 be constructed in an area with respect to which the
 17 local governing body of the municipality determines
 18 that there is an inadequate supply of affordable,
 19 decent, safe, and sanitary housing and that providing
 20 such housing is important to meeting any or all of the
 21 following objectives: retaining existing industrial
 22 or commercial enterprises; attracting and encouraging
 23 the location of new industrial or commercial
 24 enterprises; meeting the needs of special elements of
 25 the population, such as the elderly or handicapped;
 26 and providing housing for various income levels of the
 27 population which may not be adequately served.
 28 Sec. _____. Section 404.3, subsection 6, Code 1991,
 29 is amended to read as follows:
 30 6. The tax exemption schedule specified in
 31 subsection 1, 2, 3 or 4 shall apply to every
 32 revitalization area within a city unless a different
 33 schedule is adopted in the city plan as provided in
 34 section 404.2. However, a city shall not adopt a
 35 different schedule unless every revitalization area
 36 within the city has the same schedule applied to it
 37 and the, except in areas of the city which have been
 38 designated as both urban renewal and urban

39 revitalization areas. In an area designated for both
40 urban renewal and urban revitalization, a city may
41 adopt a different schedule than has been adopted for
42 revitalization areas which have not been designated as
43 urban renewal areas. The different schedule adopted
44 does shall not provide for a larger tax exemption in a
45 particular year than is provided for that year in the
46 schedule specified in the corresponding subsection of
47 this section.

48 Sec. _____. This Act shall not apply to such
49 projects where a governing body has adopted a
50 resolution designating an economic development area

Page 2

1 prior to July 1, 1991."

2 5. Title page, by striking lines 1 and 2 and
3 inserting the following: "An Act relating to housing
4 and residential development within certain urban
5 renewal areas and to tax exemption schedules for
6 revitalization areas and providing an applicability
7 date."

BARTZ of Worth
JESSE of Jasper
BROWN of Lucas

H-4038

1 Amend Senate File 330, as passed by the Senate, as
2 follows:
3 1. Page 1, line 29, by striking the word "may"
4 and inserting the following: "shall".

TYRRELL of Iowa

H-4039

1 Amend Senate File 330, as passed by the Senate, as
2 follows:
3 1. Page 2, line 7, by inserting after the word
4 "a" the following: "nonreflective".

WEIDMAN of Cass

H-4043

1 Amend Senate Concurrent Resolution 24, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 4, line 7, by striking the word "who" and
4 inserting the following: "one of whom".
5 2. Page 4, line 8, by striking the words "boards
6 and" and inserting the following: "boards of
7 directors of school corporations and one of whom shall
8 be appointed by an organization which represents".

- 9 3. Page 4, line 9, by striking the word
 10 "administrations" and inserting the following:
 11 "administrators".

DAGGETT of Adams

H-4046

- 1 Amend Senate Concurrent Resolution 24, as amended,
 2 passed, and reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 17, the
 4 following:
 5 "The legislative council shall monitor the
 6 appointments of the members of the task force to
 7 ensure that the task force membership is balanced as
 8 provided under sections 69.16 and 69.16A and reflects
 9 the ethnic, demographic, and geographic
 10 characteristics of Iowa's population. The legislative
 11 council may reject any appointments which would cause
 12 the task force not to meet the gender, political
 13 affiliation, ethnicity, demographic, and geographic
 14 requirements imposed in this subsection. The
 15 legislative council shall appoint, from the task force
 16 membership, two persons who shall serve as the
 17 temporary co-chairpersons of the task force until the
 18 first task force meeting, when permanent co-
 19 chairpersons shall be selected. The legislative
 20 council shall also be responsible for setting, and
 21 notifying the task force members of, the time, date,
 22 and location of the first meeting of the task force."

OLLIE of Clinton
 WISSING of Scott
 HANSON of Black Hawk
 BAKER of Polk
 SHEARER of Louisa
 SHOULTZ of Black Hawk
 ADAMS of Hamilton
 SIEGRIST of Pottawattamie
 NIELSEN of Linn

HAMMOND of Story
 WISE of Lee
 NEUHAUSER of Johnson
 COHOON of Des Moines
 DAGGETT of Adams
 KISTLER of Jefferson
 IVERSON of Wright
 CORBETT of Linn
 LAGESCHULTE of Bremer
 HURLEY of Fayette

H-4052

- 1 Amend the amendment, H-4046, to Senate Concurrent
 2 Resolution 24, as amended, passed, and reprinted by
 3 the Senate, as follows:
 4 1. Page 1, line 9, by striking the word "ethnic"
 5 and inserting the following: "racial".
 6 2. Page 1, line 13, by striking the word
 7 "ethnicity" and inserting the following: "racial".
 8 3. Page 1, line 14, by inserting after the word
 9 "subsection." the following: "For purposes of this
 10 subsection, Hispanics shall be considered members of a
 11 racial group."

SPEAR of Lee

H-4053

- 1 Amend Senate Concurrent Resolution 24, as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. Page 3, line 17, by striking the word "twenty-
- 4 two" and inserting the following: "twenty-three".
- 5 2. Page 4, by inserting after line 17, the
- 6 following:
- 7 "_____. One member who shall be appointed by an
- 8 organization which represents both parents and
- 9 teachers."
- 10 3. By designating and redesignating as necessary.

BRAND of Benton

H-4055

- 1 Amend the amendment, H-4046, to Senate Concurrent
- 2 Resolution 24, as amended, passed, and reprinted by
- 3 the Senate, as follows:
- 4 1. Page 1, line 9, by striking the word "
- 5 demographic,".
- 6 2. Page 1, line 13, by striking the word
- 7 "demographic,".

SPEAR of Lee

H-4059

- 1 Amend Senate File 294, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "contiguous." the following: "However, land
- 5 containing less than one thousand five hundred
- 6 contiguous acres shall not be included within an
- 7 agricultural enterprise zone."

OSTERBERG of Linn

H-4060

- 1 Amend the amendment, H-4046, to Senate Concurrent
- 2 Resolution 24, as amended, passed, and reprinted by
- 3 the Senate, as follows:
- 4 1. Page 1, line 8, by striking the words and
- 5 figure "sections 69.16 and" and inserting the follow-
- 6 ing: "section".
- 7 2. Page 1, line 10, by inserting after the word
- 8 "population." the following: "However, section 69.16
- 9 shall not apply to the membership of the task force."
- 10 3. Page 1, lines 12 and 13, by striking the words
- 11 "political affiliation,".

SPEAR of Lee

H-4062

1 Amend the amendment, H-4031, to House File 699, as
2 follows:

3 1. Page 1, line 4, by inserting after the word
4 "development" the following: "for low and moderate
5 income families".

6 2. Page 1, by inserting after line 6, the
7 following:

8 "_____. Page 1, line 18, by inserting after the
9 word "development" the following: "for low and
10 moderate income families"."

11 3. Page 1, by inserting after line 9, the
12 following:

13 "_____. Page 1, line 31, by inserting after the
14 word "development" the following: "for low and
15 moderate income families"."

16 4. Page 1, by inserting after line 27, the
17 following:

18 "Sec. _____. Section 403.17, Code 1991, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 22. "Low or moderate income
21 families" means low or moderate income families as
22 defined in section 220.1."

BARTZ of Worth

H-4073

1 Amend House File 554 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Sec. 100. Section 422.42, subsections 3 and 5,
5 Code 1991, are amended to read as follows:

6 3. "Retail sale" or "sale at retail" means the
7 sale to a consumer or to any person for any purpose,
8 other than for processing, for resale of tangible
9 personal property or taxable services, or for resale
10 of tangible personal property in connection with
11 taxable services; and includes the sale of gas,
12 electricity, water, and communication service to
13 retail consumers or users; but does not include
14 agricultural breeding livestock and domesticated fowl;
15 and does not include commercial fertilizer,
16 agricultural limestone, herbicide, pesticide,
17 insecticide, food, medication, or agricultural drain
18 tile, including installation of agricultural drain
19 tile, any of which are to be used in disease control,
20 weed control, insect control, or health promotion of
21 plants or livestock produced as part of agricultural
22 production for market; and does not include
23 electricity, steam, or any taxable service when
24 purchased and used in the processing of tangible

25 personal property intended to be sold ultimately at
26 retail.

27 PARAGRAPH DIVIDED. When used by a manufacturer of
28 food products, carbon dioxide in a liquid, solid, or
29 gaseous form, electricity, steam, and other taxable
30 services are sold for processing when used to produce
31 marketable food products for human consumption,
32 including but not limited to, treatment of material to
33 change its form, context, or condition, in order to
34 produce the food product, maintenance of quality or
35 integrity of the food product, changing or maintenance
36 of temperature levels necessary to avoid spoilage or
37 to hold the food product in marketable condition,
38 maintenance of environmental conditions necessary for
39 the safe or efficient use of machinery and material
40 used to produce the food product, sanitation and
41 quality control activities, formation of packaging,
42 placement into shipping containers, and movement of
43 the material or food product until shipment from the
44 building of manufacture.

45 PARAGRAPH DIVIDED. Tangible personal property is
46 sold for processing within the meaning of this
47 subsection only when it is intended that the property
48 will, by means of fabrication, compounding,
49 manufacturing, or germination become an integral part
50 of other tangible personal property intended to be

Page 2

1 sold ultimately at retail; or will be consumed as fuel
2 in creating heat, power, or steam for processing
3 including grain drying, or for providing heat or
4 cooling for livestock buildings, or for generating
5 electric current, or in implements of husbandry
6 engaged in agricultural production; or the property is
7 a chemical, solvent, sorbent, or reagent, which is
8 directly used and is consumed, dissipated, or
9 depleted, in processing personal property which is
10 intended to be sold ultimately at retail or consumed
11 in the maintenance or repair of fabric or clothing,
12 and which may not become a component or integral part
13 of the finished product. The distribution to the
14 public of free newspapers or shoppers guides is a
15 retail sale for purposes of the processing exemption.

16 5. "Retailer" includes every person engaged in the
17 business of selling tangible goods, wares, merchandise
18 or taxable services at retail, or the furnishing of
19 gas, electricity, water, and communication service,
20 and tickets or admissions to places of amusement and
21 athletic events as provided in this division or
22 operating amusement devices or other forms of
23 commercial amusement from which revenues are derived;

24 provided, however, that. However, when in the opinion
25 of the director it is necessary for the efficient
26 administration of this division to regard any
27 salespersons, representatives, truckers, peddlers, or
28 canvassers, as agents of the dealers, distributors,
29 supervisors, employers, or persons under whom they
30 operate or from whom they obtain tangible personal
31 property sold by them irrespective of whether or not
32 they are making sales on their own behalf or on behalf
33 of such dealers, distributors, supervisors, employers,
34 or persons, the director may so regard them, and may
35 regard such dealers, distributors, supervisors,
36 employers, or persons as retailers for the purposes of
37 this division."

38 2. Page 4, by inserting after line 3, the
39 following:

40 "Sec. 101. Section 422.45, subsection 20, as
41 amended by 1991 Iowa Acts, House File 487, section 4,
42 Code 1991, is amended to read as follows:

43 20. The gross receipts from sales or services
44 rendered, furnished, or performed by a county or city.
45 This exemption does not apply to the tax specifically
46 imposed under section 422.43 on the gross receipts
47 from the sales, furnishing, or service of gas,
48 electricity, water, heat, pay television service, and
49 communication service to the public by a municipal
50 corporation in its proprietary capacity and does not

Page 3

1 apply to fees paid to cities and counties for the
2 privilege of participating in any athletic sports.

3 Sec. 102. Section 422.45, subsection 34, Code
4 1991, is amended by striking the subsection.

5 Sec. 103. Section 422.45, subsection 44, Code
6 1991, is amended to read as follows:

7 44. The gross receipts from the sale of tangible
8 personal property or the sale, furnishing, or
9 servicing of electrical energy, natural or artificial
10 gas, or communication service to another state or
11 political subdivision of another state if the other
12 state provides a similar reciprocal exemption for this
13 state and political subdivisions of this state."

14 3. Page 5, by inserting after line 4, the
15 following:

16 "Sec. 104. Section 422.58, subsection 2, Code
17 1991, is amended to read as follows:

18 2. a. Any person who knowingly sells tangible
19 personal property, tickets or admissions to places of
20 amusement and athletic events, or gas, water,
21 electricity, and communication service at retail, or
22 engages in the rendering, furnishing, or performing of

23 services enumerated in section 422.43, in this state
24 without procuring a permit, as provided in section
25 422.53, or who violates section 422.49, and the
26 officers of any corporation who so acts is guilty of a
27 serious misdemeanor.

28 b. A person who knowingly sells tangible personal
29 property, tickets or admissions to places of amusement
30 and athletic events, or gas, water, electricity, and
31 communication service at retail, or engages in the
32 rendering, furnishing, or performing of services
33 enumerated in section 422.43, in this state after the
34 person's license has been revoked and before it has
35 been restored as provided in section 422.53,
36 subsection 5 and the officers of any corporation who
37 so act are guilty of an aggravated misdemeanor."

38 4. Page 5, by inserting after line 18, the
39 following:

40 "Sec. 105. Section 423.1, subsection 4, Code 1991,
41 is amended to read as follows:

42 4. "Tangible personal property" means tangible
43 goods, wares, merchandise, optional service or
44 warranty contracts, vulcanizing, recapping, or
45 retreading services, and engraving, photography,
46 retouching, printing, or binding services; and gas,
47 electricity, and water when furnished or delivered to
48 consumers or users within this state."

49 5. Page 6, by striking lines 2 through 10 and
50 inserting the following:

Page 4

1 "However, for the period beginning July 1, 1991,
2 and ending September 30, 1992, the tax is four percent
3 upon the purchase price for the sale, furnishing, or
4 service of gas, electricity, and water, including the
5 purchase price for such sale by any municipal
6 corporation furnishing gas, electricity, and water to
7 the public in its proprietary capacity when sold at
8 retail in the state to consumers or users, except as
9 otherwise provided in this division."

10 6. Page 7, by inserting after line 6, the
11 following:

12 "Sec. _____. Sections 100, 101, 102, 103, 104, and
13 105 of this Act take effect October 1, 1992."

SPEAR of Lee

H-4075

1 Amend Senate Concurrent Resolution 24, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. Page 3, line 17, by striking the word "twenty-
4 two" and inserting the following: "twenty-five".

- 5 2. Page 4, by inserting after line 17, the
6, following:
7 "_____. One member who shall be appointed by an
8 organization which represents both parents and
9 teachers.
10 _____. One member who shall be appointed by an
11 organization which represents area education agency
12 administrators in Iowa.
13 _____. One member who shall be appointed by an
14 organization which represents community college
15 presidents."
16 3. By designating and redesignating as necessary.

BRAND of Benton

H-4079

- 1 Amend Senate File 330, 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 321.438, subsection 2, Code
6 1991, is amended to read as follows:
7 2. a. A Except as provided in paragraph "b", a
8 person shall not operate on the highway a motor
9 vehicle equipped with a front windshield, a side
10 window to the immediate right or left of the driver,
11 or a side-wing sidewing forward of and to the left or
12 right of the driver which is excessively dark or
13 reflective so that it is difficult for a person
14 outside the motor vehicle to see into the motor
15 vehicle through the windshield, window, or sidewing.
16 The department shall adopt rules establishing a
17 minimum measurable standard of transparency which
18 shall apply to violations of this subsection.
19 b. A person who operates a motor vehicle equipped
20 with a front windshield, a side window, or sidewing
21 which exceeds the minimum transparency standards
22 established by rule by the department, is not in
23 violation of paragraph "a" if that person is driving a
24 motor vehicle which is properly registered in another
25 state and if that state allows the transparency level
26 which is exhibited on the motor vehicle."

SPEAR of Lee

H-4082

- 1 Amend House File 435 as follows:
2 1. Page 1, lines 1 and 2, by striking the words
3 "HEAD AND SPINAL INJURY TRUST FUND" and inserting the
4 following: "HEAD INJURY AND SPINAL CORD INJURY
5 SERVICE PROVISION PROGRAM".
6 2. Page 1, line 5, by striking the word

7 "evaluation" and inserting the following:

8 "evacuation".

9 3. Page 1, by inserting after line 15 the
10 following:

11 "_____. "Program" means the head injury and spinal
12 cord injury service provision program."

13 4. Page 1, line 21, by inserting after the word
14 "a" the following: "treatment,".

15 5. Page 1, by striking lines 24 through 30 and
16 inserting the following:

17 "2. The head injury and spinal cord injury service
18 provision program is established".

19 6. Page 2, line 1, by striking the word

20 "evaluation" and inserting the following:
21 "evacuation".

22 7. Page 2, line 2, by inserting after the word
23 "rehabilitation" the following: "center, or post
24 acute brain injury treatment".

25 8. Page 2, by striking lines 4 through 6 and
26 inserting the following:

27 "b. Prosthetic or orthotic devices, wheelchairs,
28 or other assistive devices determined to be necessary
29 and appropriate by appropriate licensed or certified
30 care providers."

31 9. Page 2, by striking lines 17 through 20 and
32 inserting the following: "an individual's eligibility
33 for payment from the program for the care listed in
34 subsection 2. Expenses for administrative, case
35 management, and medical consultation services shall
36 not exceed ten percent of the funds appropriated to
37 the program each year. The".

38 10. Page 2, line 24, by striking the words "trust
39 fund" and inserting the following: "program".

40 11. Page 4, by striking lines 17 through 21 and
41 inserting the following: "the surcharge to the
42 treasurer of state by the fifteenth day of the
43 following month for deposit into the general fund of
44 the state. Ninety percent of this amount is
45 appropriated to the head injury and spinal cord injury
46 service provision program within the division of
47 persons with disabilities of the department of human
48 rights. The remaining ten percent is appropriated to
49 the judicial department to be used for the
50 administration of the surcharge under section 911.2,

Page 2

1 subsection 2."

2 12. Title page, lines 1 and 2, by striking the
3 words "and payment from a trust fund", and inserting
4 the following: "a head injury and spinal cord injury
5 service provision program as a payor of last resort".

- 6 13. Title page, line 3, by inserting after the
7 word "injuries" the following: "and making
8 appropriations".
9 14. By renumbering and relettering as necessary.

GRUHN of Dickinson

H-4083

- 1 Amend Senate Concurrent Resolution 24, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 3, line 17, by striking the word "twenty-
4 two" and inserting the following: "twenty-three".
5 2. Page 4, by inserting after line 17 the
6 following:
7 "_____. One member who possesses expertise or
8 training in the attributes of the Judeo-Christian
9 religious philosophies, who shall be appointed by the
10 governor."
11 3. By numbering and renumbering as necessary.

SVOBODA of Tama

H-4085

- 1 Amend Senate File 294, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 13, by inserting after the word
4 "livestock." the following: " "An agricultural
5 activity" includes an intensive agricultural activity
6 as defined in section 358A.33."
7 2. Page 1, by striking lines 27 through 31 and
8 inserting the following:
9 "_____. The board of supervisors of a county may
10 include any portion of the eligible land in the county
11 within the agricultural enterprise zone, except land
12 which is located in proximity to one of the
13 following:"
14 3. Page 2, by striking lines 8 through 10 and
15 inserting the following: "agricultural enterprise
16 zone within sixty days after the board of supervisors
17 receives a petition requesting".
18 4. Page 2, line 14, by inserting after the word
19 "county." the following: "The receipt of the petition
20 shall be conditioned upon payment by the petitioners
21 of all expenses related to establishing the
22 agricultural enterprise zone. The payment may be made
23 at a time and in a manner determined by the board of
24 supervisors."
25 5. Page 2, by striking lines 15 through 17.
26 6. Page 2, line 24, by inserting after the figure
27 "358A.6." the following: "However, the notice shall
28 be published in a newspaper in the county having a
29 general circulation within each affected township.

30 The notice shall also be posted in at least three
31 public places located in each county, but not less
32 than at least one public place in each city in the
33 county. The notice shall include a description of the
34 land proposed to be included in the agricultural
35 enterprise zone. The published or posted notice shall
36 be printed in at least ten point boldface type.
37 However, the description of the land proposed to be
38 included in the agricultural enterprise zone is not
39 required to be printed in at least ten point boldface
40 type."

41 7. Page 3, line 5, by striking the words
42 "NUISANCE RESTRICTIONS" and inserting the following:
43 "INTERFERENCE WITH A NEIGHBOR'S COMFORTABLE AND
44 REASONABLE USE AND ENJOYMENT OF THE NEIGHBOR'S
45 PROPERTY".

46 8. Page 3, by striking lines 10 through 12 and
47 inserting the following: "found to be an interference
48 with a neighbor's comfortable and reasonable use and
49 enjoyment of the neighbor's property."

50 9. Page 3, by striking line 14 and inserting the

Page 2

1 following:

2 "a. An interference with a neighbor's comfortable
3 and reasonable use and enjoyment of the neighbor's
4 property, which is the result of an".

5 10. Page 3, by inserting after line 24 the
6 following:

7 "_____. The right of a person to bring an action or
8 proceeding arising from or based upon a nuisance
9 affecting property or the enjoyment of the property,
10 if the property includes a residence owned or occupied
11 by the person, and the residence existed prior to the
12 establishment of the agricultural activity. As used
13 in this paragraph, an agricultural activity is deemed
14 to be established when it is first performed. An
15 agricultural activity which changes its character
16 shall be deemed to be established at the time when the
17 change in character occurs."

18 11. Page 4, by inserting after line 1 the
19 following:

20 "Sec. _____. NEW SECTION. 358A.33 RESTRICTIONS
21 UPON INTENSIVE AGRICULTURAL ACTIVITIES WITHIN
22 AGRICULTURAL ENTERPRISE ZONES.

23 1. As used in this section, unless the context
24 otherwise requires:

25 a. "Agricultural activity" means the same as
26 defined in section 358A.31.

27 b. "Intensive agricultural activity" means an
28 agricultural activity directly connected to one of the

29 following:

30 (1) A confinement feeding facility. A confinement
31 feeding facility is a building and any appurtenances
32 which are used to produce more than five hundred head
33 of cattle, eight hundred head of swine, or five
34 thousand head of poultry.

35 (2) A feedlot as defined in section 172D.1, other
36 than a confinement feeding facility, which is used to
37 produce more than two hundred fifty head of cattle,
38 four hundred head of swine, or two thousand five
39 hundred head of poultry.

40 (3) A site used to dispose of waste material
41 generated by animals contained in a confinement
42 feeding facility or in a feedlot.

43 (4) A site used to produce animals other than
44 domesticated animals.

45 c. "Residence" means a place where a natural
46 person resides either permanently or temporarily.

47 2. An intensive agricultural activity within an
48 agricultural enterprise zone shall not be established
49 within thirteen hundred and twenty feet from a
50 residence existing prior to the establishment of the

Page 3

1 intensive agricultural activity, unless one of the
2 following applies:

3 a. The residence is owned or leased by the person
4 who carries out the intensive agricultural activity.

5 b. The board of supervisors adopts an ordinance
6 which establishes a separation distance requirement
7 between the intensive agricultural activity and the
8 residence. The board may establish various separation
9 requirements. The ordinance shall be adopted as part
10 of the ordinance establishing the agricultural

11 enterprise zone or as part of an ordinance adopted
12 pursuant to chapter 358A. An ordinance shall not
13 interfere with the right of persons to contract for
14 separate conditions as provided in paragraph "c".

15 c. The person owning the residence and the person
16 owning land where the intensive agricultural activity
17 is carried out are parties or successors in interest
18 to a written contract which includes a waiver of any
19 separation distance requirement provided for in this
20 section. The terms of the contract relating to the
21 waiver may be enforced in law or equity by either
22 party or any successor in interest to the affected
23 property subject to the contract.

24 d. A site is used to dispose of waste material
25 generated by animals connected to the intensive
26 agricultural activity, if all of the following apply:

27 (1) The disposal is made at the site not more than

28 once each sixty days.

29 (2) The site is located five hundred feet or more
30 from a residence.

31 (3) The waste material must be incorporated into
32 soil within twenty-four hours from the date of
33 disposal."

34 12. By renumbering and relettering as necessary.

HIBBARD of Madison
BRAND of Benton
SVOBODA of Tama
JESSE of Jasper
BLACK of Jasper

H-4086

1 Amend Senate File 294, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting before line 35, the
4 following:

5 "6A. a. The board of supervisors shall conduct a
6 referendum upon receiving a petition. The petition
7 may request that all or part of the land be excluded
8 from an agricultural enterprise zone to be established
9 pursuant to subsection 5. The petition may request a
10 modification in any proposed amendment of boundaries,
11 rezoning of areas, or elimination of the agricultural
12 enterprise zone pursuant to subsection 6. However,
13 the petition shall not seek to include land which is
14 ineligible or which the board has excluded, in
15 establishing the agricultural enterprise zone pursuant
16 to subsections 2 through 4.

17 b. The petition must be delivered to the board
18 within thirty days after the board conducts a public
19 hearing as provided in subsection 6. The petition
20 must be signed by at least one hundred eligible
21 electors who are residents of the county. The
22 petition must include a description of land subject to
23 exclusion from or inclusion in the agricultural
24 enterprise zone. If the board receives several
25 petitions, the board shall consider the petitions
26 together as a single petition.

27 c. The board shall canvass the petition and order
28 a referendum to be held at a convenient place in the
29 county not later than the next general election.

30 d. The board shall provide notice of the
31 referendum, including the time and place of holding
32 the referendum and the hours when the polls will open
33 and close. The notice shall be published for two
34 consecutive weeks in a newspaper in which the official
35 proceedings of the board are published in the county.
36 The final notice shall be published not less than ten
37 days before the date of the referendum.

38 e. A map of the county illustrating land subject
39 to exclusion from or inclusion in the agricultural
40 enterprise zone shall be posted at the place of the
41 referendum. The question to exclude the land
42 illustrated on the map shall be printed on the
43 ballots.

44 f. On the day designated for the referendum the
45 polls shall open at 8:00 a.m. and remain open until
46 8:00 p.m. All eligible electors whose residence would
47 be included within the agricultural enterprise zone
48 may vote in the referendum. The referendum must be
49 approved by a majority of electors casting votes. The
50 judges of the referendum shall canvass the vote and

Page 2

1 certify the result, and deposit with the county
2 auditor the ballots cast, together with the pollbooks
3 showing the names of the voters.

4 g. The board of supervisors shall canvass returns
5 on the next Monday following the referendum. The
6 board shall make a return of the results available to
7 the county auditor who shall publish the results in
8 the newspaper providing notice of the referendum."

9 2. By renumbering as necessary.

BERNAU of Story

H-4088

1 Amend Senate Concurrent Resolution 24, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. Page 3, line 17, by striking the word "twenty-
4 two" and inserting the following: "twenty-three".

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

7 "_____. One member who will serve as a resource
8 person for ethical issues in education, who shall be
9 appointed by the governor."

10 3. By numbering and renumbering as necessary.

SVOBODA of Tama

H-4089

1 Amend Senate File 537, as passed by the Senate, as
2 follows:

3 1. Page 1, lines 26 and 27, by striking the words
4 "in the manner provided by the general assembly" and
5 inserting the following: "of the department of
6 natural resources".

BENNETT of Ida

H-4092

1 Amend the amendment, H-4079, to Senate File 330, as
2 passed by the Senate, as follows:

3 1. Page 1, line 11, by striking the word "or" and
4 inserting the following: "or".

5 2. Page 1, line 12, by inserting after the word
6 "driver" the following: ", or a rear windshield".

7 3. Page 1, by striking lines 16 through 18 and
8 inserting the following: "The department shall adopt
9 rules establishing a minimum measurable standard of
10 transparency which shall apply to violations of this
11 subsection. In no instance shall the net light
12 transmittance allowed on any window be less than
13 seventy percent."

SHEARER of Louisa
SPEAR of Lee

H-4095

1 Amend Senate File 537, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 29 through 31, and
4 inserting the following: "available for expenditure
5 under this section, the department shall not purchase
6 any additional new property until the property tax
7 liabilities due have been satisfied."

MUHLBAUER of Crawford
FOGARTY of Palo Alto
MAULSBY of Calhoun
PETERSEN of Muscatine

H-4099

1 Amend Senate Concurrent Resolution 24, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 3, line 17, through page 5,
4 line 5, and inserting the following:

5 "2. The legislative council is also requested to
6 appoint as members of the task force persons who are
7 members of the general assembly and persons who are
8 members of the general public who have a demonstrated
9 interest or experience in early childhood, primary, or
10 secondary education or experience with research at the
11 early childhood, primary, or secondary education
12 level. The legislative council is further requested
13 to ensure, to the extent practicable, that the
14 appointments of the members of the task force are
15 balanced as provided under sections 69.16 and 69.16A
16 and reflect the ethnic, demographic, and geographic
17 characteristics of Iowa's population. The legislative
18 council shall designate, from the task force

19 membership, two persons to serve as the temporary co-
20 chairpersons of the task force until the first task
21 force meeting, when the permanent co-chairpersons
22 shall be selected. The task".

OLLIE of Clinton

H-4102

1 Amend the amendment, H-4079, to Senate File 330, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 12, by inserting after the word
5 "driver" the following: "or a window to the rear of
6 the driver".

7 2. Page 1, by striking lines 16 through 18 and
8 inserting the following: "The department shall adopt
9 rules establishing a minimum measurable standard of
10 transparency which shall apply to violations of this
11 subsection. In no instance shall the net light
12 transmittance allowed on any window be less than
13 seventy percent."

SHEARER of Louisa
WEIDMAN of Cass
SPEAR of Lee

H-4109

1 Amend House File 87 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "activities" the following: ", but only for the
4 purpose of the child day care resource and referral
5 agency performing the prescribed duty of determining
6 whether or not to list the person to whom the
7 information applies on its roster of child care
8 referrals. However, the child day care resource and
9 referral agency may only receive the information if
10 the person to whom the information applies executes a
11 written waiver of any right of confidentiality".

12 2. Page 1, by striking lines 8 through 27.

13 3. Page 1, line 33, by inserting after the word
14 "activities" the following: ", but only for the
15 purpose of the child day care resource and referral
16 agency performing the prescribed duty of determining
17 whether or not to list the person to whom the infor-
18 mation applies on its roster of child care referrals.
19 However, the child day care resource and referral
20 agency may only receive the information if the person
21 to whom the information applies executes a written
22 waiver of any right of confidentiality".

23 4. By striking page 1, line 34, through page 2,
24 line 23.

25 5. By renumbering as necessary.

HIBBARD of Madison

H-4111

1 Amend House File 87 as follows:

2 1. Page 1, by inserting after line 27, the
3 following:

4 "Sec. _____. Section 237A.3, subsection 1, Code
5 1991, is amended to read as follows:

6 1. A person who operates or establishes a family
7 day care home may apply to the department for
8 registration under this chapter. The department shall
9 issue a certificate of registration upon receipt of a
10 statement from the family day care home that the home
11 complies with rules adopted by the department. The
12 registration certificate shall be posted in a
13 conspicuous place in the family day care home, shall
14 state the name of the registrant, the number of
15 individuals who may be received for care at any one
16 time, and the address of the home, and shall include a
17 check list of registration compliances. No greater
18 number of children than is authorized by the
19 certificate shall be kept in the family day care home
20 at any one time. However, a registered or
21 unregistered family day care home may provide care for
22 more than six but less than twelve children at any one
23 time for a period of less than two hours, but shall
24 not do so unless the home does not provide care at any
25 one time for more than six children who are not
26 attending school full-time on a regular basis. In
27 determining the number of children cared for at any
28 one time in a registered or unregistered family day
29 care home, if the person who operates or establishes
30 the home is a child's parent, guardian, relative, or
31 custodian and the child is not attending school full-
32 time on a regular basis, the child shall be considered
33 to be receiving child day care from the person and
34 shall be counted as one of the children cared for in
35 the home. Notwithstanding the limitations established
36 regarding the number of children for which care may be
37 provided under this subsection, a registered or
38 unregistered family day care home may provide care to
39 a greater number of children during inclement weather
40 following the cancellation of classes at a school
41 which the child attends. The registration process may
42 be repeated on an annual basis. A child day care
43 provider or program which is not a family day care
44 home by reason of the definition of child day care in
45 section 237A.1, subsection 7, but which provides care,
46 supervision, or guidance to a child may be issued a
47 certificate of registration under this chapter."

48 2. Page 1, by inserting after line 27, the
49 following:

50 "Sec. _____. Section 237A.3, subsection 1, Code

Page 2

1 1991, is amended by adding the following new
2 unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
4 limitations established regarding the number of
5 children for which care may be provided under this
6 subsection, a family day care home for which a
7 registration certificate has been issued and effective
8 during at least a period of two consecutive years and
9 during which time no adverse action has been initiated
10 and during which time no unresolved complaint has been
11 filed may provide care for eight children at any one
12 time."

13 3. Page 1, by inserting before line 28, the
14 following:

15 "Sec. _____. Section 237A.3, subsection 2, Code
16 1991, is amended to read as follows:

17 2. A person shall not operate or establish a group
18 day care home unless the person obtains a certificate
19 of registration under this chapter. In order to be
20 registered, the group day care home shall have at
21 least one responsible individual, age ~~fourteen~~ twelve
22 or older, on duty to assist the group day care home
23 provider when there are more than six children present
24 for more than a two-hour period. All other
25 requirements of this chapter for registered family day
26 care homes and the rules adopted under this chapter
27 for registered family day care homes apply to group
28 day care homes. In addition, the department shall
29 adopt rules relating to the provision in group day
30 care homes for a separate area for sick children. In
31 consultation with the state fire marshal, the
32 department shall adopt rules relating to the provision
33 of fire extinguishers, smoke detectors, and two exits
34 accessible to children."

35 4. Title page, line 1, by inserting after the
36 word "to" the following: "child day care facilities,
37 to".

38 5. Title page, line 2, by inserting after the
39 word "agencies" the following: ", and to personnel
40 age criteria for child day care providers".

41 6. By renumbering as necessary.

BARTZ of Worth

H-4114

1 Amend Senate File 543, as passed by the Senate, as
2 follows:

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

5 "The department shall install a bench on "Coleman

- 6 Corner" with a sign stating "Smoking Permitted".
7 "Sec. _____. NEW SECTION. 314.26A COLEMAN MILE.
8 The board of supervisors of Webster county shall
9 designate an unimproved mile-long stretch of road in
10 Webster county to be known as "Coleman Mile" and shall
11 post a sign which states "No Seat Belt Required."
12 "Coleman Mile" shall be exempt from the seat belt
13 requirements of section 321.445."
14 2. By renumbering as necessary.

LAGESCHULTE of Bremer

H-4115

- 1 Amend Senate File 543, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 12 the
4 following:
5 "Sec. _____. NEW SECTION. 314.28 HARBOR LAKE.
6 The lake commonly known as "Carter Lake" shall be
7 renamed "Harbor Lake" in honor of William Harbor, who
8 was elected to the Iowa House of Representatives in
9 1954, 1966, 1968, 1970, 1976, 1978, 1980, 1982, 1984,
10 1986, 1988, and in 1990, was elected to the Iowa
11 Senate in 1956, and served as chief clerk of the Iowa
12 House of Representatives in 1973 and 1974."
13 2. By renumbering as necessary.

DE GROOT of Lyon
RENKEN of Grundy
KREBSBACH of Mitchell

H-4118

- 1 Amend Senate File 543, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 12, the
4 following:
5 "Sec. _____. NEW SECTION. 314.31 BEJE CLARK
6 CORNER.
7 The intersection of highway 65 and county road B60
8 in Cerro Gordo county shall be known as "Beje Clark
9 Corner" in honor of Betty Jean (Beje) Clark who served
10 in the Iowa general assembly."

JESSE of Jasper
BROWN of Lucas
BEATTY of Warren
HIBBARD of Madison
DODERER of Johnson
CARPENTER of Polk

H-4124

- 1 Amend Senate File 548, as amended, passed, and
2 reprinted by the Senate, as follows:

1. Page 10, by inserting after line 24 the following:

"Sec. 100. Section 2.10, subsections 1 and 3, Code 1991, are amended to read as follows:

1. Every member of the general assembly except the presiding officer of the senate, the speaker of the house, and majority and minority floor leader of each house shall receive an annual salary of eighteen ~~seventeen~~ thousand ~~one~~ eight hundred sixty dollars for the year 1991 and subsequent years while serving as a member of the general assembly. The minority floor leader of each house shall receive an annual salary of twenty-seven thousand nine ~~six~~ hundred sixty dollars for the year 1991 and subsequent years while serving in the capacity. In addition, each such member shall receive the sum of fifty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive thirty-five dollars per day. Each member shall receive a seventy-five dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

3. The speaker of the house, presiding officer of the senate, and majority floor leader of each house shall receive an annual salary of twenty-seven

Page 2

1 thousand nine six hundred sixty dollars for the year
2 1991 and subsequent years while serving in that
3 capacity. The president pro tempore of the senate and
4 the speaker pro tempore of the house shall receive an
5 annual salary of ~~nineteen eighteen~~ thousand ~~one eight~~
6 hundred sixty dollars for the year 1991 and subsequent
7 years while serving in that capacity. Expense and
8 travel allowances shall be the same for the speaker of
9 the house and the presiding officer of the senate, the
10 president pro tempore of the senate and the speaker
11 pro tempore of the house, and the majority and
12 minority leader of each house as provided for other
13 members of the general assembly.

14 Sec. _____. Section 100 of this Act is repealed on
15 January 1, 1993."

16 2. By renumbering as necessary.

SPEAR of Lee

H-4144

1 Amend House File 713, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 1 through 13.

4 2. Page 1, by inserting before line 14, the
5 following:

6 "Sec. _____. Section 8.23, unnumbered paragraph 1,
7 Code 1991, is amended to read as follows:

8 1. On or before September 1, next prior to each
9 legislative session, all departments and
10 establishments of the government shall transmit to the
11 director, on blanks to be furnished by the director,
12 estimates of their expenditure requirements, including
13 every proposed expenditure, for the ensuing fiscal
14 year, classified so as to distinguish between
15 expenditures estimated for administration, operation,
16 and maintenance, and the cost of each project
17 involving the purchase of land or the making of a
18 public improvement or capital outlay of a permanent
19 character, together with supporting data and
20 explanations as called for by the director. The
21 budget estimates shall include for those agencies
22 which pay for energy directly a line item for energy
23 expenses itemized by type of energy and location. The
24 For those designated departments and establishments of
25 the government and for the designated fiscal years as
26 provided in subsection 2, the estimates of expenditure
27 requirements shall be based upon seventy-five zero
28 percent of the funding provided for the current fiscal
29 year accounted for by program and the remainder of the
30 estimate of expenditure requirements prioritized by

31 program. The estimates shall be accompanied with
32 performance measures for evaluating the effectiveness
33 of the program. The expenditure estimates required
34 under this section shall be organized so as to provide
35 a performance budget line item for each program under
36 the authority of the department or establishment
37 submitting the estimate. Each line item shall be
38 accompanied by documentation providing measurements
39 concerning the program's demand, employee workload,
40 productivity, effectiveness, and other relevant
41 information concerning the program's performance. If
42 a department or establishment fails to submit
43 estimates within the time specified, the governor
44 shall cause estimates to be prepared for that
45 department or establishment as in the governor's
46 opinion are reasonable and proper. The director shall
47 furnish standard budget request forms to each
48 department or agency of state government.
49 Sec. _____. Section 8.23, Code 1991, is amended by
50 adding the following new subsection:

Page 2

1 NEW SUBSECTION. 2. The following departments and
2 establishments of the government, beginning with the
3 designated fiscal year and for every sixth fiscal year
4 thereafter, shall provide budget estimates under
5 subsection 1 based upon zero percent of the funding
6 provided for the current fiscal year:
7 a. For the fiscal year beginning July 1, 1992, the
8 state departments of agriculture and land stewardship,
9 economic development, education, and human rights, and
10 the office of auditor of state.
11 b. For the fiscal year beginning July 1, 1993, the
12 state departments of commerce, elder affairs, human
13 services, and public health, and the offices of
14 governor's substance abuse prevention coordinator,
15 secretary of state, and state-federal relations.
16 c. For the fiscal year beginning July 1, 1994, the
17 state departments for the blind, inspections and
18 appeals, public defense, and public safety, campaign
19 finance disclosure commission, public employment
20 relations board, and state board of regents.
21 d. For the fiscal year beginning July 1, 1995, the
22 state departments of general services, justice, and
23 revenue and finance, the college student aid
24 commission, the office of governor, and the board of
25 parole.
26 e. For the fiscal year beginning July 1, 1996, the
27 state departments of cultural affairs, employment
28 services, natural resources, and transportation, Iowa
29 state civil rights commission, and the Iowa law

30 enforcement academy.

31 f. For the fiscal year beginning July 1, 1997, the
32 state departments of corrections, management, and
33 personnel, executive council, judicial department, and
34 office of treasurer of state."

35 3. Page 1, line 33, by striking the words "in
36 December".

37 4. Page 2, line 18, by inserting after the word
38 "expenditures" the following: ", or for transfer to
39 the GAAP deficit reduction fund under section 8.56".

40 5. Page 3, line 27, by striking the words "in
41 December".

42 6. Page 3, line 33, by striking the figure "1992"
43 and inserting the following: "1993".

44 7. Page 3, line 35, by striking the word
45 "December".

46 8. By striking page 5, line 31, through page 7,
47 line 14, and inserting the following:

48 "Sec. _____. LEGISLATIVE STUDY. The legislative
49 council shall create an interim committee, prior to
50 July 1, 1991, to study and make recommendations to the

Page 3

1 general assembly on methods to address Iowa's chronic
2 budgetary problems. The study committee's charge
3 shall include, but not be limited to, review of the
4 state revenue projection process, state budgetary and
5 spending limitation procedures, state adherence to
6 generally accepted accounting principles, other
7 budgetary reforms, and tax equity issues. The
8 committee shall be composed of ten citizens, three
9 members of the senate, three members of the house of
10 representatives, the auditor of state, and the
11 treasurer of state. The committee shall issue a
12 preliminary report to the legislative council on
13 December 1, 1991, with its recommendations, and prior
14 to February 1, 1992, shall hold a series of public
15 hearings to gather citizen input on the recommend-
16 ations prior to submission of its final report to the
17 general assembly, which shall be submitted no later
18 than February 1, 1992."

19 9. Title page, by striking lines 3 through 6, and
20 inserting the following: "capitals fund."

21 10. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-fourth General Assembly, 1991 Session, not otherwise printed in the House Journal.

House Concurrent Resolution 15

By Doderer, Carpenter, Adams, Hammond, Nielsen,

Gruhn, Teaford, 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.

Whereas, the Convention on the Elimination of All

Forms of Discrimination against Women was adopted by

the United Nations General Assembly on December 18,

1979, became an international treaty on September 3,

1981, and by 1991, 104 nations have agreed to be bound

by the Convention's provisions; and

Whereas, the United States supports and has a

position of leadership in the United Nations, and has

been an active participant and signatory to the

Convention; and

Whereas, the spirit of the Convention is rooted in

the goals of the United Nations to affirm faith in

fundamental human rights, in the dignity and worth of

the human person, and in the equal rights of men and

women; and

Whereas, the Convention provides a comprehensive

framework for challenging the various forces that have

created and sustained discrimination based on sex and

the nations in support of the present Convention have

agreed to follow Convention prescriptions; and

Whereas, although women have made major gains in

the struggle for equality in social, business,

political, legal, educational, and other fields in

this century, there is much yet to be accomplished and

Page 2

through its support and leadership, the United States

can help create a world where women are no longer

discriminated against and have achieved one of the

most fundamental of human rights, equality; *Now*

Therefore,

Be It Resolved By The House Of Representatives, The

Senate Concurring, That the Iowa General Assembly

strongly urges President George Bush and Secretary of

State James Baker to place this treaty, the United

Nations' Convention on the Elimination of All Forms of

Discrimination against Women, in the highest category

of priority in order to accelerate the treaty's

passage through the Senate Foreign Relations

Committee; and

15 *Be It Further Resolved*, That the Iowa General
16 Assembly exhorts the Senate Foreign Relations
17 Committee to pass this treaty favorably out of
18 committee; and

19 *Be It Further Resolved*, That the Iowa General
20 Assembly strongly urges the Congress of the United
21 States to ratify the United Nations' Convention on the
22 Elimination of All Forms of Discrimination against
23 Women and supports the Convention's continuing work.

24 *Be It Further Resolved*, That the Chief Clerk of the
25 House of Representatives send a copy of this
26 resolution to the President of the United States, the
27 Secretary of State of the United States, the President
28 of the United States Senate, the chair of the Senate
29 Foreign Relations Committee, Claiborne Pell, and to
30 all members of the Iowa congressional delegation.

HCR 15 filed March 18, 1991; House adopted March 25, 1991;
Senate adopted April 22, 1991.

1 House Concurrent Resolution 18
2 By Committee On Transportation
3 (Successor To HSB 281)

4 A Concurrent Resolution naming a highway route and urging
5 the United States House Public Works and Transportation
6 Committee and the United States Senate Environment and Public
7 Works Committee to establish priority funding measures
8 for development of a four-lane highway in Missouri, Iowa,
9 and Minnesota to connect the cities of St. Louis,
10 Missouri, and St. Paul, Minnesota, more commonly referred
11 to as "The Avenue of the Saints".

12 *Whereas*, the 1989 Transportation Appropriations Act
13 provided funds for a study, to be done in cooperation
14 with the states of Missouri, Iowa, and Minnesota, of
15 the feasibility and necessity of developing a four-
16 lane highway from St. Louis, Missouri, to St. Paul,
17 Minnesota; and

18 *Whereas*, the Federal Highway Administration in its
19 May 15, 1990, report to Congress recommended the
20 highway be developed and recommended a route; and

21 *Whereas*, the recommended corridor between St.
22 Louis, Missouri, and St. Paul, Minnesota, is an
23 important link in the nation's highway network; *Now*
24 *Therefore*,

25 *Be It Resolved By The House Of Representatives, The*
26 *Senate Concurring*, That the route generally following
27 U.S. Highway 61 from St. Louis, Missouri, to Wayland,
28 Missouri, then following County Road B to the Iowa
29 state line, then following Iowa Highway 394 to U.S.
30 Highway 218, then following U.S. Highway 218 to Iowa

Page 2

1 City, Iowa, then following Interstate 380 to Waterloo,
2 Iowa, then following U.S. Highway 218 to Floyd, Iowa,
3 then following U.S. Highway 18 to Interstate 35, then
4 following Interstate 35 to St. Paul, Minnesota, be
5 named "The Avenue of the Saints"; and
6 *Be It Further Resolved*, That the General Assembly
7 of the State of Iowa, calls upon the United States
8 House Public Works and Transportation Committee and
9 the United States Senate Environment and Public Works
10 Committee to develop priority funding measures to
11 ensure the rapid development of a four-lane highway in
12 the corridor between St. Louis, Missouri, and St.
13 Paul, Minnesota, to be known as "The Avenue of the
14 Saints"; and
15 *Be It Further Resolved*, That the Chief Clerk of the
16 House of Representatives transmit copies of this
17 Resolution to the chairperson of the United States
18 House Public Works and Transportation Committee and
19 the United States Senate Environment and Public Works
20 Committee and the members of the Iowa Congressional
21 Delegation for their consideration and to the
22 presiding officers of the legislatures of the states
23 of Minnesota and Missouri for their endorsement.

HCR 18 filed March 20, 1991; House adopted April 5, 1991; Senate
adopted April 17, 1991.

1 House Concurrent Resolution 19
2 By Nielsen, Ollie, Murphy, Connors, Adams, Hibbard,
3 Blanshan, Fogarty, Hester, Kistler, Shoning, Koenigs,
4 Baker, Dickinson, Jesse, Poncy, Shultz, Svoboda,
5 Halvorson of Webster, Plasier, Doderer, Pavich,
6 Bisignano, Renaud, Muhlbauer, Hatch, Brand, Dvorsky,
7 Carpenter, Hammond, Mertz, Burke, Teaford, Haverland,
8 Jay, Spear, Sherzan, Osterberg, Brammer, Knapp,
9 Jochum, Beatty, Gill, Shearer, Neuhauser, Wissing,
10 Black, Peterson of Carroll, Holveck, Groninga,
11 Bernau, and Gruhn
12 A Concurrent Resolution urging the United States
13 Congress and the President of the United States
14 to establish a health care coverage system for
15 all persons in the United States.
16 *Whereas*, more than 32 million Americans are without
17 health care coverage and many more are inadequately
18 covered; and
19 *Whereas*, a large proportion of the uninsured
20 population are children whose lack of health care
21 coverage may result in chronic debilitating conditions
22 which could have been prevented with early
23 intervention; and

24 *Whereas*, most uninsured persons have a link to the
25 work force but are still unable to afford health care
26 coverage; and
27 *Whereas*, the health care system in the United
28 States is fragmented, beset with administrative
29 inefficiencies, and threatened by uncontrolled cost
30 increases; and

Page 2

1 *Whereas*, the current mixture of public, employer,
2 and individual financing inevitably creates coverage
3 gaps for some people; and
4 *Whereas*, it is believed that correction of the
5 current inefficiencies can be achieved by developing a
6 universal health care system; *Now Therefore*,
7 *Be It Resolved By The House Of Representatives, The*
8 *Senate Concurring*, That the General Assembly of the
9 State of Iowa respectfully urges the President and the
10 Congress of the United States to establish a universal
11 system of health care coverage for all persons in the
12 United States.
13 *Be It Further Resolved*, That the Chief Clerk of the
14 House of Representatives send a copy of this
15 Resolution to the President, to the presiding officers
16 of the United States Senate and House of
17 Representatives, and to the members of Iowa's
18 congressional delegation.

HCR 19 filed March 22, 1991; House adopted May 8, 1991.

1 House Concurrent Resolution 20
2 By Committee On Local Government
3 (Successor To HSB 271)
4 A Concurrent Resolution proclaiming National County
5 Government Week and Iowa Local Government Week.
6 *Whereas*, county government is the oldest form of
7 local government in the United States; and
8 *Whereas*, 98 percent of the nation's population
9 resides in counties; and
10 *Whereas*, county governments employed over 1,900,000
11 people and spent almost \$103,000,000,000 last year to
12 provide a wide range of services for the benefit of
13 the people of the United States; and
14 *Whereas*, county governments are often the last
15 available resource for providing emergency and long-
16 term services for the poor, the homeless, immigrants,
17 refugees, and the disadvantaged; and
18 *Whereas*, county governments own and operate 1,000
19 health care facilities and over 2,000 health
20 departments; and
21 *Whereas*, almost 1,200 counties are now managed by
22 appointed administrators or elected executives; and

23 *Whereas*, county governments have assumed increasing
24 responsibility for the administration and financing of
25 health, welfare, justice, transportation, housing, and
26 community development programs; and

27 *Whereas*, county governments have been assigned a
28 greater role in solving problems dealing with air and
29 water pollution, solid waste disposal, airports,
30 transit systems, and regional parks; *Now Therefore*,

Page 2

1 *Be It Resolved By The House Of Representatives, The*
2 *Senate Concurring*, That the week of April 7 through
3 13, 1991, is designated as National County Government
4 Week and Iowa Local Government Week; and

5 *Be It Further Resolved*, That the Governor is
6 requested to issue a proclamation calling upon the
7 people of Iowa to observe National County Government
8 Week and Iowa Local Government Week with appropriate
9 ceremonies and activities.

HCR 20 filed March 25, 1991; House adopted April 3, 1991; Senate
adopted April 9, 1991.

1 House Concurrent Resolution 22

2 By Bernau, Teaford, Gill, Wise, Ollie, Dickinson,
3 Neuhauser, Connors, Baker, Doderer, Shultz, Burke,

4 Pavich, Renaud, Peterson of Carroll, Hansen of
5 Woodbury, Cohoon, Halvorson of Webster, Blanshan,

6 Poncy, Wissing, Jay, Jesse, Sherzan, Brammer,

7 Hammond, Schrader, Murphy, Knapp, Fogarty,

8 Svoboda, Daggett, Osterberg, Dvorsky, Brand, Koenigs,

9 Hatch, Hibbard, Adams, Brown, Gruhn, Muhlbauer,

10 Branstad, Mertz, and De Groot

11 A Concurrent Resolution to request that Iowa's congressional
12 delegation support measures to protect America's vital
13 interests and to review and amend procedures to ensure
14 that Congress retains its constitutional authority to
15 amend trade agreements affecting the traditional rights
16 of states and the citizens of the United States.

17 *Whereas*, the United States is currently involved in
18 negotiations with foreign nations to enter into
19 significant treaties relating to this nation's trading
20 position; and

21 *Whereas*, statements in negotiations concerning
22 agricultural trade with nations of the European
23 Community during the Uruguay Round of the General
24 Agreement on Tariffs and Trade evidence the importance
25 of thoughtful deliberations and the careful drafting
26 of any agreement resulting from such negotiations to
27 ensure that our nation's economic vitality is
28 preserved and protected from unfair trade practices;
29 and

30 *Whereas*, negotiations between the United States and

Page 2

1 the Republic of Mexico and Canada relating to a
2 hemisphere free trade agreement must be thoroughly
3 deliberated and any agreement must be carefully
4 drafted to ensure that the United States does not
5 sacrifice economic interests; and
6 *Whereas*, the effect of a treaty resulting from the
7 General Agreement on Tariffs and Trade negotiations
8 may be to reshape domestic agricultural policy,
9 severely restrict the ability of states to establish
10 food safety and environmental standards by preempting
11 states' traditional power to protect the health and
12 safety of their citizens, and subject states to
13 disproportionate environmental and economic impacts;
14 and

15 *Whereas*, the effect of a free hemisphere trade
16 agreement may result in the loss of American jobs and
17 a decline in the American standard of living resulting
18 from cheap labor supplies in foreign markets; and

19 *Whereas*, under current "fast track" procedures,
20 Congress is prohibited from amending certain
21 agreements, including the General Agreement on Tariffs
22 and Trade and any free trade agreement between the
23 United States and the Republic of Mexico and Canada;
24 and

25 *Whereas*, under these procedures Congress may be
26 faced with the dilemma of either voting to disapprove
27 an entire agreement or to approve measures that may
28 weaken vital interests of the United States; and

29 *Whereas*, thirty-seven United States senators have
30 introduced a resolution to eliminate the "fast track"

Page 3

1 procedures applied to any agreement produced from the
2 General Agreement on Tariffs and Trade negotiations to
3 preserve state legislative authority; *Now Therefore*,
4 *Be It Resolved By The House Of Representatives, The*
5 *Senate Concurring*, That members of Iowa's
6 congressional delegation are urged to immediately act
7 to ensure that United States interests are protected
8 from unfair trade practices.

9 *Be It Further Resolved*, That the "fast track"
10 procedures adopted by Congress be reexamined and
11 eliminated in order to restore congressional authority
12 to fully deliberate provisions affecting the rights of
13 states and the welfare of America's citizenry.

14 *Be It Further Resolved*, That copies of this
15 resolution be mailed by the Chief Clerk of the House

16 of Representatives to members of Iowa's congressional
17 delegation.

HCR 22 filed April 1, 1991; House adopted May 8, 1991.

1 House Concurrent Resolution 25

2 By McKinney and Van Maanen

3 A Concurrent Resolution relating to honoring members
4 of the Iowa national guard and reserve units called to
5 active duty for Operation Desert Shield and Desert
6 Storm.

7 *Whereas*, the members of the armed forces national
8 guard and reserve component units who have been
9 mobilized as a result of military operations occurring
10 in the Persian Gulf area have now or will soon fulfill
11 their obligation of active duty service; and

12 *Whereas*, they have served with valor and
13 distinction, contributing measurably to the success of
14 military operations to free the people of Kuwait and
15 return control of that country to its legitimate
16 government; and

17 *Whereas*, they are now returning to their civilian
18 responsibilities; and

19 *Whereas*, the quality of this service reflects great
20 credit, not only on the national guard and reserve
21 component units, but also on the State of Iowa; and

22 *Whereas*, Wayne H. McKinney, Jr., majority leader of
23 the House of Representatives, Harold G. Van Maanen,
24 minority leader of the House of Representatives, and
25 members of each party of the House of Representatives
26 believe that these members of the national guard and
27 reserve component units deserve the recognition and
28 application of the General Assembly; *Now Therefore*,

29 *Be It Resolved By The House Of Representatives, The*
30 *Senate Concurring*, That the General Assembly commends

Page 2

1 the members of those units for having exhibited all
2 the virtues of good citizenship; thanks them for their
3 devotion to duty, country, and upholding the
4 principles of justice, freedom, and liberty;
5 understands the hardships and disruptions to careers
6 and families that have been created upon them from the
7 result of this period of recall to active duty; and is
8 grateful for their discipline, conduct, and
9 accomplishments which greatly increased the respect
10 for the State of Iowa throughout the nation; and

11 *Be It Further Resolved*, That the Chief Clerk of the
12 House of Representatives is directed to prepare a
13 certificate in substantially the following form on the
14 letterhead of the General Assembly, for inclusion in
15 the permanent personnel file of each member of an Iowa

16 national guard or reserve component unit called to
17 active duty as a result of military operations in the
18 Persian Gulf area, with the sincere gratitude,
19 appreciation, heartfelt thanks, and best wishes from
20 the members of the General Assembly for each national
21 guard or reserve member's future endeavors.

22 Whereas, (Rank and Name), of the (Unit
23 Designation), (Branch of Service), having
24 been mobilized as a result of military operations
25 occurring in the Persian Gulf area has now fulfilled
26 that person's obligation of service during the period
27 of recall to active duty, serving from (mobilization
28 date) to (demobilization date); and

29 Whereas, (Rank and Name) has served with
30 valor and distinction, contributing measurably to the

Page 3

1 success of military operations to free the people of
2 Kuwait and return control of that country to its
3 legitimate government; and

4 Whereas, the quality of this service reflects great
5 credit, not only on the national guard and reserve
6 component units, but also on the State of Iowa;

7 The General Assembly hereby commends (Rank and
8 Name) for having exhibited all the virtues of good
9 citizenship; thanks (Rank and Name) for devotion
10 to duty, country, and upholding the principles of
11 justice, freedom, and liberty; understands the
12 hardships and disruptions to the career and family
13 that has been created upon (Rank and Name) as a
14 result of this period of recall to active duty; and is
15 grateful for the discipline, conduct, and
16 accomplishments of the (Unit Designation),
17 (Branch of Service) which greatly increased the
18 respect for the State of Iowa throughout the nation;
19 and requests that this certificate be signed by the
20 Speaker of the House of Representatives and the
21 President of the Senate and be included in the
22 permanent personnel file of (Rank and Name) with
23 the sincere gratitude, appreciation, heartfelt thanks,
24 and best wishes of the members of the General
25 Assembly.

HCR 25 filed April 12, 1991; House adopted April 23, 1991; Senate adopted, as amended, May 11, 1991; House concurred and adopted May 11, 1991. (See page 2428 of the House Journal for text of amendment.)

1 House Concurrent Resolution 28

2 By Gruhn

3 A Concurrent Resolution expressing congratula-
4 tions to the Iowa State Horticultural Society

5 on the occasion of the Society's 125th
6 Anniversary.

7 *Whereas*, the Iowa State Horticultural Society has,
8 since 1866, provided support for the development of
9 organizations that further the knowledge and skill of
10 our citizens in the area of horticultural production;
11 and

12 *Whereas*, the Society, in times of need, has acted
13 as a conduit for encouraging increased commercial
14 production and self-reliance by expanding home gardens
15 for food production; and

16 *Whereas*, the Society has encouraged and assisted
17 communities throughout our state to beautify Iowa by
18 planting countless trees, shrubs, and flowers; and

19 *Whereas*, the Society maintains a stance to promote
20 the environmental integrity of our land and water
21 resources; and

22 *Whereas*, the Society promotes the development of
23 parks, arboreta, and botanical gardens which add
24 lasting beauty to our landscape; and

25 *Whereas*, the Society continues to fulfill its
26 mandate to promote the production and utilization of
27 horticultural crops and improve the standard of living
28 for our citizens; and

29 *Whereas*, the Society will celebrate its 125th
30 Anniversary on June 26, 1991; *Now Therefore*,

Page 2

1 *Be It Resolved By The House Of Representatives, The*
2 *Senate Concurring*, That the General Assembly of the
3 State of Iowa applauds this milestone in Iowa history
4 and extends appreciation for the efforts and many
5 contributions made by the membership of the Iowa State
6 Horticultural Society in its 125 years toward the
7 betterment of our state.

HCR 28 filed May 8, 1991; House adopted May 10, 1991; Senate
adopted May 11, 1991.

1 House Concurrent Resolution 29
2 By Shoultz, Dvorsky, Osterberg, Jesse, Brown, Wise,
3 Schrader, Lundby, Adams, Bernau, Siegrist, and
4 Neuhauser

5 A Concurrent Resolution relating to the establishment
6 of a solid waste and recycling consortium.

7 *Whereas*, Iowans are concerned about the condition
8 of the environment; and

9 *Whereas*, the midwestern states have been targeted
10 for solid waste disposal sites by states on the east
11 coast of the United States; and

12 *Whereas*, Iowa's landfill space is almost exhausted;
13 and

14 *Whereas*, the problem of solid waste management
15 crosses state boundaries; and
16 *Whereas*, several midwestern states have taken steps
17 to encourage recycling; and
18 *Whereas*, recycling is one method of addressing
19 solid waste management; and
20 *Whereas*, recycling saves energy and previous
21 resources; and
22 *Whereas*, sources of virgin materials are quickly
23 being depleted; *Now Therefore*,
24 *Be It Resolved By The House Of Representatives, The*
25 *Senate Concurring*, That the governor of Iowa, in
26 cooperation with the governors of the states of
27 Nebraska, Illinois, Indiana, Missouri, Minnesota,
28 Wisconsin, South Dakota, and North Dakota, establish a
29 consortium on solid waste and recycling. The purposes
30 of the consortium shall be to establish a regional

Page 2

1 effort to combat the problem of solid waste
2 management, to safeguard the midwest from becoming the
3 solid waste dumping ground for the entire nation, to
4 encourage recycling, and to encourage the
5 manufacturing of products made from recycled
6 materials.

HCR 29 filed May 8, 1991; House adopted May 11, 1991; Senate
adopted May 11, 1991.

House Resolution 5

By Wissing

3 A Resolution recommending the issuance of a commemorative
4 stamp for the 100th anniversary of the chiropractic
5 profession.

6 *Whereas*, the chiropractic profession was
7 established in Davenport, Iowa, in 1895; and
8 *Whereas*, chiropractic is the largest drugless
9 healing art in the world; and

10 *Whereas*, the first chiropractic college was founded
11 in Iowa; and

12 *Whereas*, the chiropractic profession will be
13 holding centennial celebrations throughout the world
14 in 1995; *Now, Therefore*,

15 *Be It Resolved By The House Of Representatives,*
16 *That the United States Postal Service should issue a*
17 *commemorative stamp honoring the 100th anniversary of*
18 *the chiropractic profession in 1995; and*

19 *Be It Further Resolved, That the United States*
20 *Postal Service should allow the chiropractic*
21 *profession to be involved with the design of the*
22 *stamp; and*

23 *Be It Further Resolved*, That the Chief Clerk of the
24 House of Representatives send copies of this
25 resolution to the United States Postal Service.

HR 5 filed January 21, 1991; House adopted February 12, 1991.

1 House Resolution 11

2 By Mertz

3 A Resolution to petition the President of the
4 United States, the United States Congress, and
5 the United States Secretary of Commerce to ensure
6 that fair practices govern trade relations between
7 the United States and Canada relating to subsidies
8 paid to Canadian hog producers and duties imposed
9 on pork products.

10 *Whereas*, Iowa occupies a preeminent position as
11 this nation's supplier of agricultural products which
12 also significantly contributes to reducing the United
13 States trade deficit; and

14 *Whereas*, Iowa during the twentieth century has led
15 the nation in hog production, producing 25 percent of
16 all hogs in the United States and producing more hogs
17 than the next two leading hog production states
18 combined; and

19 *Whereas*, the pork industry represents the single
20 largest segment of Iowa's agriculture-based economy,
21 generating more than \$3,000,000,000 in annual cash
22 receipts from the marketing of hogs which has an
23 economic impact of more than \$6,000,000,000; and

24 *Whereas*, approximately 70,000 Iowans are employed
25 in positions related to the pork industry; and

26 *Whereas*, the United States and Canada have entered
27 into a free trade agreement built upon principles
28 honoring free market competition undistorted by
29 governmental policies; and

30 *Whereas*, subsidies paid to Canadian pork producers

Page 2

1 distort market forces by providing an unfair advantage
2 to Canadian producers; and

3 *Whereas*, the United States Department of Commerce
4 and the International Trade Commission have ruled that
5 government payments to Canadian pork producers are
6 subsidies to both hog and pork product shipments which
7 pose a threat of material injury to Iowa and United
8 States pork producers; and

9 *Whereas*, the binational panel authorized under the
10 United States and Canada Free Trade Agreement to
11 review the countervailing duty on pork products
12 shipments restricted the facts allowed to be
13 considered by the International Trade Commission in
14 its recent ruling on the duty; and

15 *Whereas*, this improper restriction has forced the
16 International Trade Commission to rule that
17 countervailing duties can no longer be imposed on
18 Canadian pork product imports; and
19 *Whereas*, the United States and Canada Free Trade
20 Agreement authorizes the formation of an extraordinary
21 challenge committee to review actions of the
22 binational panel when the panel departs from a
23 fundamental rule of procedure; and
24 *Whereas*, the countervailing duty remains in place
25 on live hog imports from Canada, and the excessive
26 delay in the calculation of countervailing duties by
27 the United States Department of Commerce greatly
28 reduces the effectiveness of the duty in equalizing
29 hog trade between the United States and Canada; *Now*
30 *Therefore*,

Page 3

1 *Be It Resolved By The House Of Representatives*,
2 That the United States trade representatives should
3 use the extraordinary challenge provision of the
4 United States and Canada Free Trade Agreement to
5 correct the actions of the binational panel which
6 forced the International Trade Commission to reverse
7 its opinion on the countervailing duty imposed on
8 subsidized Canadian pork products; and
9 *Be It Further Resolved*, That the President of the
10 United States, the United States Congress, and the
11 United States Department of Commerce should review the
12 entire binational panel process to ensure such panels
13 do not in the future ignore fundamental principles
14 underpinning the United States and Canada Free Trade
15 Agreement; and
16 *Be It Further Resolved*, That the President of the
17 United States, the United States Congress, and the
18 United States Department of Commerce review the
19 process by which countervailing duty levels are
20 calculated with the goal of reducing the delay between
21 subsidy payments to Canadian producers and the
22 imposition of corresponding duties at the United
23 States and Canadian border; and
24 *Be It Further Resolved*, That copies of this
25 Resolution be sent by the Chief Clerk of the House of
26 Representatives to the President of the United States,
27 the President of the United States Senate, the Speaker
28 of the United States House of Representatives, the
29 United States Secretary of Commerce, and to members of
30 Iowa's congressional delegation.

HR 11 filed March 28, 1991; House adopted April 2, 1991.

House Resolution 12

By Baker

A Resolution honoring the founders of the National Bar Association.

Whereas, black attorneys were prohibited from membership in the American Bar Association until the 1950s; and

Whereas, five black attorneys in Des Moines sent out a call to acquaintances in Kansas City and Chicago in 1924 and found support for a national professional law organization for blacks; and

Whereas, fifteen supporters met in a Polk county courthouse judge's chamber in Des Moines and established the National Bar Association on August 1, 1925; and

Whereas, the organization's purpose was to advance the science of jurisprudence, uphold the honor of the legal profession, promote social intercourse, and to protect the civil and political rights of all citizens of the several states and of the United States; and

Whereas, the National Bar Association is now the nation's oldest and largest minority bar association in the country, with 12,500 members throughout the 50 states and the Virgin Islands; *Now Therefore*,

Be It Resolved By The House Of Representatives, That James B. Morris, attorney, editor and publisher of the Iowa Bystander; Gertrude Durden Rush, first black woman attorney in Iowa; Samuel J. Brown, first black Phi Beta Kappa inductee and first black graduate of the University of Iowa Law School, attorney and

Page 2

founder of the Des Moines branch of the National Association for the Advancement of Colored People; Charles P. Howard, attorney and founder of the National Negro Publishers Association; and George H. Woodson, first black attorney to practice in Iowa, first black nominated as a candidate for state representative to the Iowa legislature, and the National Bar Association's first president, be honored posthumously for their achievement in founding the National Bar Association and for their contributions to the legal profession and their struggles to protect the rights of all citizens.

HR 12 filed April 4, 1991; House adopted, as amended, May 6, 1991. (See page 2122 of the House Journal for text of amendment.)

SUPPLEMENT TO THE HOUSE JOURNAL**BILLS APPROVED, VETOED OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 1991 Regular Session of the Seventy-fourth General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 20 — To exclude Sunday and all legal public holidays as banking days for purposes of determining a bank's midnight deadline. Approved 5-29-91.
- H.F. 109 — To prohibit the shooting of a firearm across a public highway, or the intentional obstruction of a person who is lawfully hunting, fishing, or trapping, and subjecting violators to a penalty. Approved 6-4-91.
- H.F. 182 — Relating to the annexation of land surrounded by one or more cities. Approved 5-21-91.
- H.F. 232 — Relating to the sale and furnishing of cigarettes and tobacco products to certain persons and providing penalties and an effective date. Approved 6-5-91.
- H.F. 233 — Relating to the hunter safety and ethics education program, and providing a penalty for violations. Approved 6-4-91.
- H.F. 237 — Relating to the perpetual care of cemeteries and cemetery lots and spaces. Approved 5-21-91.
- H.F. 285 — Relating to the approval of certain businesses or activities in a health care facility. Approved 6-5-91.
- H.F. 289 — Relating to the operation of snowmobiles, all-terrain vehicles, and motorcycles and limiting safety certification to certain operators on public lands and waters. Approved 6-4-91.
- H.F. 298 — Relating to the conduct of games and raffles by qualified organizations. Approved 5-14-91.
- H.F. 302 — 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, providing a severability clause, and providing an effective date. Approved 6-5-91.
- H.F. 325 — Relating to the establishment of a well contractor certification program, establishing fees, and making penalties applicable. Approved 5-30-91.
- H.F. 335 — Relating to a parent's right of action for the death of a child. Vetoed 6-6-91. See Governor's Veto Message.

- H.F. 353— Relating to the possession or use of a device or appliance to stimulate or depress a race horse or dog and providing penalties. Approved 5-22-91.
- H.F. 380— Relating to vital records by requiring the state registrar to provide a certified copy of a birth certificate when the certificate is registered and by providing for access to certain adoption records. Approved 6-5-91.
- H.F. 391— Relating to the sale of alcoholic liquor, wine, and beer on Sunday. Approved 6-6-91.
- H.F. 417— Relating to private club expense deductions for individual and corporate state income tax purposes. Approved 5-28-91.
- H.F. 423— Relating to student financial aid programs administered by the college student aid commission. Approved 5-17-91.
- H.F. 430— Relating to the crime victim assistance programs and victims' rights and the jurisdiction of the court to enter restraining orders under the victim and witness protection Act. Approved 5-17-91.
- H.F. 455— Relating to school instruction and attendance of children of compulsory school attendance age and providing for mediation of truancy issues and penalties. Approved 5-23-91.
- H.F. 479— Relating to appropriations for state departments, agencies, programs, funds, including the department of human services, education programs and agencies, the department of economic development, justice-related programs and agencies, and INTERNET, and adjusting the school foundation aid program, adjusting certain standing appropriations, increasing the cigarette and tobacco products tax, providing for certain fees, decreasing the time period for declaring certain funds unclaimed, making relating statutory changes, and providing for effective and applicability dates. Approved 5-31-91 with the exception of Section 103, subsections 8, 10, 13 and 16; Section 114, subsections 1, 6, 7, 8 and 14; Section 120, subsection 2; Section 125, subsection 4; Section 129, subsection 3; Section 130, subsection 4; Section 132, subsection 1, paragraphs c and h and subsections 2 and 3; Section 210, subsection 1, paragraph a, unnumbered and unlettered subparagraph 1 and paragraph a, unnumbered and unlettered subparagraph 2; Section 212, subsection 1 and designated portion of subsection 2; Section 214, subsection 2, unnumbered and unlettered paragraph 2 and subsection 9; Section 303, subsection 2; Section 507, subsections 9, 10, 12, 13, 15, 16, 17 and 18; Sections 105, 106, 137, 206, 213, 229, 231, 234, 250, 251, 252, 253, 255, 411, 412, 416, 417, 418, 419, 423, 505, 514, 515, 516, 525, 601 and 632. See Governor's Item Veto Message.
- H.F. 483— Relating to permit fees for highway advertising devices. Approved 5-14-91.
- H.F. 489— 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, exempting from taxation active duty military pay of certain national guard personnel and armed forces reserve personnel, and providing a retroactive applicability date and an effective date. Approved 5-22-91.

- H.F. 510— Relating to the election of a county sheriff to serve more than one county. Approved 5-21-91.
- H.F. 517— Relating to workers' compensation medical benefits and weekly benefit claims, burial expenses, and minimum benefit payments. Vetoed 6-7-91. See Governor's Veto Message.
- H.F. 556— 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. Approved 5-28-91.
- H.F. 558— Relating to child support by affecting informational requirements of the child support recovery unit and the receipt and disbursement of child support payments. Approved 5-14-91.
- H.F. 571— Relating to the advertisement and sale of wood products and making certain consumer fraud penalties applicable. Approved 5-28-91.
- H.F. 583— Relating to eligibility of school districts for the reorganization incentives and providing an effective date. Approved 5-14-91.
- H.F. 589— Relating to the administration of a voluntary shared work unemployment compensation program administered by the department of employment services, and providing an effective date. Approved 5-22-91.
- H.F. 596— Relating to the liability of certain persons rendering emergency care or assistance in good faith. Approved 5-17-91.
- H.F. 610— To create a Missouri river preservation and land use authority and fund. Approved 6-6-91.
- H.F. 614— Relating to the reapportionment of county supervisor districts. Approved 5-21-91.
- H.F. 618— Relating to real estate, by providing for the marketable title of real estate and the lapse of stale mineral interests in coal. Approved 5-17-91.
- H.F. 634— 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. Approved 5-28-91.
- H.F. 656— Relating to unfair or discriminatory practices in housing and real estate, providing civil remedies, and a criminal penalty. Approved 5-17-91.
- H.F. 662— Relating to facilities used to maintain animals, and providing penalties. Approved 5-31-91.
- H.F. 668— Relating to the certificate of need program and providing penalties. Approved 5-30-91.

- H.F. 672— 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. Vetoed 6-5-91. See Governor's Veto Message.
- H.F. 683— Relating to the establishment of a toxics pollution prevention program, establishing fees, and providing an effective date. Approved 6-10-91.
- H.F. 687— 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. Approved 5-21-91.
- H.F. 688— 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. Approved 6-5-91.
- H.F. 690— 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. Approved 5-22-91.
- H.F. 693— 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. Approved 6-10-91.
- H.F. 694— 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. Approved 5-22-91.
- H.F. 697— Relating to the collection of delinquent criminal fines and court costs by counties. Approved 5-21-91.
- H.F. 698— Relating to school bus driver education and qualifications, establishing a fund for school bus driver and passenger safety programs, and providing for a fee. Approved 5-23-91.
- H.F. 700— Raising the city transit property tax levy limit. Approved 6-6-91.
- H.F. 703— Relating to, and increasing the fees for, fishing, hunting, and related licenses, and providing effective dates. Approved 6-4-91.
- H.F. 704— Granting urban renewal and urban revitalization authority to counties. Approved 5-28-91.
- H.F. 706— Relating to solid waste, providing for the appropriation of certain solid waste tonnage fees collected, and providing a penalty. Approved 6-10-91.
- H.F. 707— Relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds or money market funds. Approved 6-7-91.

- H.F. 709— 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. Approved 6-10-91.
- H.F. 710— Creating the Iowa statehood sesquicentennial commission and fund, providing for the issuance of sesquicentennial motor vehicle registration plates, establishing fees, and providing an effective date. Approved 6-10-91.
- H.F. 712— Making appropriations from the road use tax fund of the state and the general fund of the state to certain persons in settlement of claims made against the state of Iowa. Approved 5-29-91.
- H.C.R. 30— Relating to the state board of regents ten-year building program. Approved 6-7-91.
- S.F. 4— Relating to consideration of voluntary and involuntary annexation petitions which concern the same territory or city and providing an effective date and an applicability date. Approved 6-10-91.
- S.F. 23— Relating to the teaching of American sign language in accredited schools. Approved 5-22-91.
- S.F. 42— Relating to the authority of physician assistants to prescribe and supply prescription drugs and controlled substances, and providing an effective date. Approved 6-5-91.
- S.F. 48— 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. Approved 6-4-91.
- S.F. 83— 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. Approved 5-29-91.
- S.F. 102— 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. Approved 5-21-91.
- S.F. 182— Relating to administrative rulemaking. Approved 5-17-91.
- S.F. 184— Relating to open enrollment, permitting students whose former district of residence was dissolved and merged with contiguous districts to participate immediately in athletics, and providing for the Act's applicability. Approved 5-28-91.
- S.F. 193— Relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the use of the title marital and family therapist or mental health counselor without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, and providing other properly related matters. Approved 6-4-91.

- S.F. 205— Relating to residency requirements for commercial mussel fishers and providing effective and applicability dates. Approved 5-14-91.
- S.F. 210— Relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, and providing an effective date. Vetoed 6-5-91. See Governor's Veto Message.
- S.F. 273— Relating to the packaging and sale of wine, by authorizing a class "B" wine permittee who also holds a class "E" liquor control license to sell wine to liquor control licensees and by providing for a study of license fees and surcharges. Approved 5-28-91.
- S.F. 276— Relating to financial requirements of cooperative associations, by providing for the preparation and delivery of certain statements, exempting agricultural cooperative associations from certain requirements provided under the Iowa Uniform Securities Act, providing for the retroactive application of the Act, and providing an effective date. Approved 6-4-91.
- S.F. 311— Relating to the machines and access devices utilized to perform electronic transfer of funds, requiring registration of persons located outside of this state who issue credit cards, providing for an examination fee, and providing a penalty. Approved 5-29-91.
- S.F. 317— Relating to the regulation of pay-per-call service and advertisements and providing for the applicability of established penalties. Approved 5-14-91.
- S.F. 318— Creating a statewide dual party relay service system, establishing telephone utility assessments, and authorizing distribution of telecommunications devices to the deaf. Approved 5-22-91.
- S.F. 324— Relating to authorized actions of local air pollution programs under the jurisdiction of the department of natural resources and providing penalties. Approved 6-10-91.
- S.F. 350— Relating to the franchise tax on financial institutions and providing an effective date. Approved 5-29-91.
- S.F. 362— Relating to petroleum underground and aboveground 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, making technical changes, and providing an effective date. Approved 6-10-91.

- S.F. 363— To permit advanced nurse practitioners to prescribe noncontrolled substances or devices under certain circumstances. Approved 6-5-91.
- S.F. 429— Relating to agricultural land, by providing for land use, and land held by corporations, limited partnerships, and trusts, and providing penalties. Approved 5-14-91.
- S.F. 444— Relating to law enforcement, victim services, and domestic abuse, establishing certain training requirements, establishing and increasing certain criminal penalties, imposing mandatory minimum sentences, establishing an income tax checkoff for domestic abuse, increasing certain court costs and fees, requiring batterers' treatment by offenders, and containing effective date and applicability provisions. Approved 5-29-91.
- S.F. 452— Relating to the administration of fairs, and providing for effective dates. Approved 6-7-91.
- S.F. 455— Relating to the restructuring of the codified provisions relating to dependent adult abuse, and providing penalties. Approved 6-4-91.
- S.F. 470— Relating to federal-state public assistance programs. Approved 5-14-91.
- S.F. 471— Relating to state foster care, child care, children waived to adult court, and adoption registry policies and procedures and providing an effective date. Approved 6-4-91.
- S.F. 476— 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, restricting the uses of campaign funds, providing for the transfer of campaign funds, providing for the ownership and disposition of campaign property, making penalties applicable, prohibiting certain accounts by officeholders, and providing for a civil penalty for violations regarding placement of political signs. Approved 5-30-91.
- S.F. 478— To establish a parent education program and making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program. Vetoed 6-6-91. See Governor's Veto Message.
- S.F. 491— 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. Approved 5-28-91.
- S.F. 496— Relating to persons convicted of public offenses, relating to the department of corrections and its programs and facilities, relating to treatment, prevention, prosecution, and sentencing concerning domestic abuse cases, and establishing additional public offenses and criminal penalties. Approved 5-29-91.
- S.F. 501— Relating to collective bargaining by delineating certain duties and powers of the public employment relations board and modifying certain collective bargaining procedures for teachers. Approved 5-14-91.

- S.F. 505— Providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties. Vetoed 5-30-91. See Governor's Veto Message.
- S.F. 507— Relating to 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, providing certain regulatory authority over certain persons associated with a state bank, suspending certain laws, authorizing certain investments by a state bank, and providing an effective date. Approved 5-29-91.
- S.F. 508— 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 and establishing various energy efficiency-related programs and projects. Approved 6-10-91.
- S.F. 519— 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. Approved 5-28-91.
- S.F. 529— Relating to and making appropriations to state departments, agencies, funds, and certain other entities, making related statutory changes, and providing effective dates. Approved 6-7-91 with the exception of Section 201, subsection 6, paragraph d; Section 207, subsection 12; Section 403, subsection 2, unnumbered and unlettered paragraph 2; Section 504, subsection 1, unnumbered and unlettered paragraph 2; Section 504, subsection 6; Section 505, subsection 2; Section 508, subsection 2; Sections 122, 204, 218, 226, 227, 232, 234, 236, 239, 422, 604 and 605. See Governor's Item Veto Message.
- S.F. 533— Relating to the rate of the Shelby Tennant community school district income surtax and the refund of any excess income surtax paid and providing effective and applicability dates. Approved 5-28-91.
- S.F. 535— Relating to increasing the fees for issuance or replacement or renewal of a permit to carry weapons. Approved 5-28-91.
- S.F. 536— Relating to the limitation period for filing for an Iowa income tax credit or refund. Approved 5-29-91.
- S.F. 539— Relating to the Iowa pharmacy practice Act and assessing fees. Approved 6-4-91.
- S.F. 541— Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing effective dates. Approved 6-7-91.

- S.F. 542 — Relating to and making appropriations from the energy conservation trust for weatherization purposes. Approved 6-7-91.
- S.F. 544 — To legalize the proceedings of the board of directors of the Pleasant Valley Community School District concerning voter approval of the levy of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date. Approved 5-28-91.
- S.F. 545 — Relating to fuel, by providing for the production and consumption of renewable fuel, and providing for the imposition of taxes upon certain fuel. Approved 6-10-91.
- S.F. 546 — Providing for congressional and legislative redistricting effective for the 1992 general election and providing an effective date. Approved 5-30-91.
- S.F. 547 — Relating to housing and residential development within certain urban renewal areas and to tax exemption schedules for revitalization areas and providing an applicability date. Approved 5-21-91.
- S.F. 548 — Relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates. Approved 5-31-91 with the exception of Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, and 20; the designated portion of Section 9, subsection 1; Section 9, subsections 2, 3, and 4; and the designated portion of Section 10. See Governor's Item Veto Message.
- S.F. 549 — Relating to appropriations from the lottery fund. Approved 6-7-91 with the exception of Section 1, subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15. See Governor's Item Veto Message.
- S.F. 550 — Relating to transportation provided by motor carriers. Approved 5-28-91.

GOVERNOR'S VETO MESSAGES

June 6, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

House File 335, an act relating to a parent's right of action for the death of a child, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 335 would amend Section 613.15 of the Code to provide a cause of action for a parent for loss of companionship and society of an adult child who has been wrongfully or negligently injured or killed. The bill would not require the parent to show that a dependency relationship exists between the parent and the adult child in order to recover damages for the injury or death.

Section 613.15 currently allows recovery for damages resulting from the injury or death of a spouse or minor child. Recovery in either case is a departure from common law where there was no right of action for wrongful or negligent injury or death.

While important, the relationship between a parent and an adult child is different than the relationship between spouses or a parent and a minor child. Once emancipated, an adult child typically does not live with the parent, depend on the parent for basic needs, nor interact significantly with the parent on a daily basis. Given this change in the relationship, the current law denying parents a cause of action when their adult children are wrongfully or negligently injured or killed is reasonable and should not be changed. The law does provide the spouse and the children of the adult child with a cause of action, and it appropriately inheres in them.

For the above reasons, I hereby respectfully disapprove House File 335.

Sincerely,
Terry E. Branstad
Governor

June 7, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

House File 517, an act relating to workers' compensation medical benefits and weekly benefit claims, burial expenses, and minimum benefit payments, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 517 increases minimum benefit payments for permanent partial disability and permanent total disability and to surviving dependents, provides penalties and interest for the delayed payment of benefits, and increases the payment for burial

expenses. These changes, with the exception of the increased payment for burial expenses, are similar to provisions which were included in Senate File 2249 approved by the Seventy-third General Assembly. That act was disapproved, in part, because it would have increased costs to Iowa employers, and because the minimum benefit amount would no longer have been linked to the actual earnings of the employee. This reasoning is also applicable to House File 517.

Additionally, concerns have been expressed about the status of the workers' compensation law as the exclusive remedy for handling disputes with regard to an unreasonable delay or denial of compensation or medical benefits. While House File 517 would enhance workers' compensation benefits, it fails to resolve the issue of exclusive remedy.

For the above reasons, I hereby respectfully disapprove House File 517.

Sincerely,
Terry E. Branstad
Governor

June 5, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

House File 672, 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, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 672 makes a number of changes to Chapter 147 of the Code relating to the examining boards in the Department of Public Health. Many are non-substantive and merely "clean up" language in the chapter, which I support. The bill also expands the membership of the Board of Medical Examiners and the Board of Podiatry Examiners, and removes the authority of the Department of Public Health to regulate members of medical professions. I cannot support these changes in the law and, therefore, must disapprove the bill.

The composition of the Medical Examiners Board currently includes five members licensed to practice medicine and surgery, five members licensed to practice osteopathic medicine and surgery, and two public members. The bill would add one more public member to the board for a total of ten. The procedure of the board in making policy decisions, is to approve or disapprove matters based on a majority vote when a quorum is present.

With a membership of ten it would be quite possible for votes on important policy matters to result in ties. Though procedural rules would hold that the question has failed, good policy is not made when matters are decided in this way.

The board of podiatry examiners is composed of three members licensed to practice podiatry and two members to represent the public. The composition of the board is the same as a number of other boards including the cosmetology examiners, the

dietetic examiners, and the mortuary science examiners. The bill would add two podiatrists and one public member to the board, for a total of eight.

The Board of Podiatry Examiners provides examinations to applicants for licensing and reviews the licenses of 153 persons practicing podiatry in the state. The Board of Cosmetology Examiners with the same number of board members examines applicants and reviews the licenses of 15,563 cosmetologist in the state. Similarly, the Board of Dietetic Examiners and mortuary science examiners, whose responsibilities are the same have licensed members totalling 736 and 863, respectively. In fact, the Board of Podiatry Examiners has the fewest number of licensees of all of the five member boards in the Department of Public Health, yet this bill would expand the board by sixty percent. The relatively small number of licensees does not support this kind of expansion of the board.

The bill also would transfer the authority to enforce the provisions regulating members of the medical professions from the Department of Public Health to the Board of Medical Examiners. The Board of Medical Examiners is one of approximately twenty examining boards whose statutory provisions are found in Chapter 147. The Department of Public Health was given authority to enforce the provisions regulating all professions licensed under Chapter 147 during the reorganization of state government in 1986. If this change were to become law the Medical Examiners Board would be unique among the boards located in the Department of Public Health with respect to the responsibility for enforcement of its regulatory provisions. This would be in violation of the goals of reorganization and therefore cannot be approved.

For the above reasons, I hereby respectfully disapprove House File 672.

Sincerely,
Terry E. Branstad
Governor

June 5, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 210, an act relating to agreements by physicians restricting professional practices, providing that such agreements violate public policy, 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.

Senate File 210 prohibits a physician from entering into an agreement with another physician that restricts the physician's right to practice after terminating the relationship created by the agreement. The bill applies broadly to prohibit all restrictions on the right to practice "except as a condition to the payment of retirement benefits."

A restrictive covenant which imposes time and geographic restraints on a departing employee is not an unusual type of agreement entered into between members of professions, including physicians. When challenged in court, this type of an agreement is subject to a reasonableness standard. The party seeking enforcement of a noncompetitive provision in an employment contract must prove it is reasonably necessary

for the protection of the employer and is not unreasonably restrictive of the employee's rights nor prejudicial to the public interest. Under this standard, the parties as well as the public are assured of fair protection. Because an Iowa court will not enforce a restrictive covenant that is unreasonable, including such agreements between physicians, no justification exists to treat physicians differently than other professionals. They should not be restricted in their ability to determine their own legal rights and responsibilities.

A prohibition against restrictive covenants between physicians may impair our ability to recruit new physicians to practice in the state. Iowa is currently experiencing a severe shortage of physicians, particularly in the rural areas. Some 165 communities are attempting to recruit general practitioners at this time. Medical groups which employ new physicians to practice in communities throughout Iowa often include restrictive covenants in their employment contracts. These groups incur considerable costs when they take in a new physician, including search fees, moving expenses, and training during a period of time in which the new physician's salary exceeds his or her earnings. Many of these medical groups have indicated they would be reluctant to take a chance on employing a new physician without the assurance a restrictive covenant provides in recouping the costs of their investment.

Only two other states, Delaware and Colorado, have enacted legislation that singles out physicians for special treatment in this area. However even those states have not gone as far as this legislation would. Both states allow money damages upon termination of the employment relationship to compensate for any injury suffered due to the termination or as a result of competition.

In sum, this legislation is not only unnecessary, it could inhibit our efforts to recruit new physicians in the state, and it unfairly singles out physicians by restricting them in their ability to freely contract.

For the above reasons, I hereby respectfully disapprove Senate File 210.

Sincerely,
Terry E. Branstad
Governor

June 6, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 478, an act to establish a parent education program and making teachers participating in the program eligible for receipt of funds under Phase III of the Educational Excellence Program, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 478 would authorize local school districts to implement programs for expectant parents and parents of children through age three, and would direct the Department of Education to establish programs to prepare individuals who would provide instruction to parents. Parents play a vital role in the development of their children, and in many ways they can help to assure a child's educational success.

Regrettably, I am unable to approve Senate File 478 because of the methods of funding which this act provides for parent education. The principal source of funding for these programs is local property taxes generated through additional allowable growth. Up to 75 percent of the cost of the program may be funded from this source. Currently, 332 school districts use a similar funding mechanism for talented and gifted and dropout prevent programs with nearly \$19 million generated from property taxes. While Senate File 478 includes provisions which contemplate future state funding for parent education programs, the possibility that the property taxes would be replaced with state aid in the foreseeable future is small given the present condition of the state budget. Consequently, this could result in a \$19 million increase in property taxes. Furthermore, I am concerned about provisions which would encourage the use of Phase III funds as a source of funding. While current law may allow Phase III moneys to be used for this purpose, it is inappropriate to provide the incentive of additional Phase III funds in order to encourage the establishment of parent education programs.

For the above reasons, I hereby respectfully disapprove Senate File 478.

Sincerely,
Terry E. Branstad
Governor

May 30, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 505, an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 505 would create restricted campaigns calling for candidates to voluntarily agree to limit campaign expenditures. A candidate who does not agree to a restricted campaign must receive notarized signatures of at least ten percent of the total number of votes cast in the last general election for the same office. Political advertisements and printed ballots would indicate under the name of each candidate whether the candidate agreed or did not agree to a restricted campaign.

This bill also establishes expenditure limits for statewide state offices and legislative races. In-kind contributions must be included within the expenditure limits. The Campaign Disclosure Commission would biannually adjust the expenditure limitations to reflect the consumer price index.

This bill not only does not reduce the influence of special interests, it actually enhances the influence of large political action committees (PAC's). It makes it more difficult for candidates who refuse special interest money and who rely on individual small contributions to finance their campaigns.

There are no limits on PAC contributions even though some PAC's have contributed as much as \$100,000 in a single contribution. A candidate who relies on few special interests could raise all of his or her campaign funds with little cost, therefore, having all that money available for advertising and other campaign expenses.

On the other hand, the candidate that raises his or her money from thousands of small individual contributors must by necessity spend thousands of dollars traveling to events and on direct mail and telephone solicitation.

Because campaign limits apply to costs of raising money as well as advertising and other expenses, this bill actually provides an incentive to rely on a few special interest PAC's and discourages building a broad base of public support from individual Iowans. I believe that would be bad public policy.

The "scarlet letter" on the ballot is unfair. The ballot needs to be completely free from any kind of favoritism or attempts to influence voters for or against a particular candidate.

Requiring some candidates to have signatures for nominating petitions notarized is an unnecessary burden. We don't even require absentee ballots to be notarized anymore.

One good thing can be said about this bill; it does not shift the burden of campaigns to Iowa taxpayers. Yet, we can do better than this. I sincerely ask the General Assembly to consider the recommendations made by my 1990 bipartisan task force on campaign reform.

For the above reasons, I hereby respectfully disapprove Senate File 505.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 31, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 479, an act relating to appropriations for state departments, agencies, programs, funds, including the department of human services, education programs and agencies, the department of economic development, justice-related programs and agencies, and INTERNET, and adjusting the school foundation aid program, adjusting certain standing appropriations, increasing the cigarette and tobacco products tax, providing for certain fees, decreasing the time period for declaring certain funds unclaimed, making relating statutory changes, and providing for effective and applicability dates.

This act appropriates funds for a significant share of the entire state budget. I have several significant concerns with this bill, and have tried to address them to the extent of my authority. Spending reductions achieved by my action on this act total \$16.8 million.

I am disappointed that the General Assembly failed to come to grips with the magnitude of the financial circumstances we face. In addition to appropriating moneys for a salary increase which the state of Iowa cannot afford, the General Assembly has deliberately underfunded several human services entitlements and has provided funding

for new programs which is not available. If enacted in its current form, House File 479 would result in at least \$12 million in known future supplemental appropriations. Where possible, the language that creates these deficits has been disapproved, thus in some cases freezing the amounts for reversion to the general fund and in others preventing future supplementals. These savings amount to \$6.1 million.

Furthermore, this act does not provide sufficient funding to adequately fund some standing appropriations. Most standing unlimited appropriations exist because they are legal obligations of the state that occur in amounts that are not predictable.

The state is still liable for the expense unless the statutory requirements which create those expenses are changed. Therefore, the amount "saved" through this budget practice may not materialize. I have disapproved these items where appropriate and necessary to return them to the status of standing unlimited appropriations.

The total amount spent in this act and its companion, Senate File 529, far exceeds the resources available for fiscal year 1992. Given the revised revenue estimates for fiscal years 1991 and 1992, an adjustment which the General Assembly was forewarned of prior to adjournment, it will be necessary to employ an across-the-board cut to balance the budget in fiscal year 1992. Because of the certainty of an across-the-board cut, I have also disapproved several provisions in order to assure that funding for education will not be reduced disproportionately.

House File 479 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 103, subsection 8, in its entirety. This provision would provide medical assistance coverage for adult pancreas and liver transplants. Similar language which was included in Senate File 532 was disapproved earlier this year. As stated in the message to Senate File 532, the safety, effectiveness and reasonableness of adult liver transplants is clearly established and recognized by Medicare while pancreas transplants are still considered investigational. House Joint Resolution 10 provides for the payment of adult liver transplants, therefore, the effect of this item veto is to only disallow coverage of adult pancreas transplants.

I am unable to approve the item designated as Section 103, subsection 10, in its entirety. This provision would appropriate \$28,000 to fund the Prevention of Disabilities Council established in Senate File 342. This funding would duplicate the appropriation contained in Senate File 342 which I have already approved.

I am unable to approve the item designated as Section 103, subsection 13, in its entirety. Copayments were recommended and approved beginning in fiscal year 1991 to apply to all mandatory provider groups under the Medicaid program. This provision would eliminate copayments for services from all mandatory provider groups except physicians. Requiring copayments for services provides an incentive to Medicaid recipients not to overuse services. The copayment requirement should not be limited to physicians.

I am unable to approve the item designated as Section 103, subsection 16, in its entirety. This section would provide \$25,000 to study the efficacy of providing nurse midwife services to Medicaid recipients. Federal law currently requires payment for certified nurse midwife services under the Medicaid program, therefore, the state's limited resources should not be used to study a service that is already being provided.

I am unable to approve the items designated as Sections 105 and 106, in their entirety. These provisions would create new programs to provide health insurance continuation assistance and other support services for persons with HIV and AIDS at a total cost of \$120,000. While there is merit in both of these programs, state funds are not available to start new programs at this time. I have directed the Department of Public Health to consider including both programs in its next grant application for federal HIV/AIDS funding. This would add to the medical and support services available to persons with HIV/AIDS through the Medicaid and community based waiver program.

I am unable to approve the designated portion of Section 114, subsection 1. This provision would require the department to establish thirty additional enhanced residential treatment beds for children in foster care. The estimated cost for this proposal may exceed \$1 million, which would create further deficits in the foster care program.

I am unable to approve the item designated as Section 114, subsection 6, in its entirety. This provision would authorize the expansion of services available under Medicaid for day treatment services provided by psychiatric medical institutions for children. I cannot support adding new services to the Medicaid program, particularly when no additional dollars were provided to fund them.

I am unable to approve the items designated as Section 114, subsections 7 and 8, in their entirety. These provisions would require the Department of Human Services to develop a therapeutic foster care pilot program at a total cost of nearly \$515,000 including evaluation. Again, this is a new program which the state simply cannot afford at this time.

I am unable to approve the designated portion of Section 114, subsection 14. This provision would apportion to providers any excess federal dollars received as a result of changes in the group foster care maintenance and service definitions. This provision would be difficult to implement since the federal funds received would not be known until late in the year or possibly next year. In any event, should a surplus occur, the funding that remains should revert and be subject to the regular appropriation process.

I am unable to approve the item designated as Section 120, subsection 2, in its entirety. This provision would transfer \$40,000 from the Veterans Home appropriation to the Veterans Affairs Division of Public Defense to computerize Veterans Affairs records. Given the fiscal constraints at this time, spending for this purpose cannot be approved.

I am unable to approve the item designated as Section 125, subsection 4, in its entirety. This provision directs the Department of Human Services to adopt rules providing for reimbursement of supervised apartment living and cooperative housing arrangements under state supplementary assistance effective July 1, 1992. While the language in this provision suggests that the supplemental per diem would be available only in situations involving certain populations of persons receiving state supplementary services, it would have to be extended to all supplemental security income eligible persons receiving services in those facilities. Estimates of providing supplemental payments to all who would be eligible are as high as \$11.7 million, far beyond the state's ability to fund.

I am unable to approve the designated portion of Section 129, subsection 3. This provision authorizes the Department of Human Services to hire additional field staff regardless of the budget impact. The department should fill field staff positions as

the need arises and in accordance with the process that applies to all agencies of state government. I cannot approve provisions which would cause the department to exceed its authorized spending level.

I am unable to approve the item designated as Section 130, subsection 4, in its entirety. This provision would authorize the Developmental Disabilities Council to spend \$30,000 of state funds on a computerized information and referral project. This program has been funded with federal dollars in the past. Given the current fiscal constraints, spending for this purpose cannot be approved.

I am unable to approve the item designated as Section 132, subsection 1, paragraph c, in its entirety. This section would provide a differential per diem for new short-term services provided by psychiatric medical institutions for children at up to 120 percent of the current level of reimbursement. The estimated cost of providing this higher level of payment is approximately \$286,000 for which no appropriation is provided.

I am unable to approve the designated portion of Section 132, subsection 1, paragraph h. This provision would allow the rate of reimbursement to nursing facilities to range up to the 74th percentile if funds are available. Since the availability of "excess" funds to increase the reimbursement rate cannot be determined until the end of the fiscal year, any adjustment would be more appropriately handled in the budget for next year.

I am unable to approve the items designated as Section 132, subsections 2 and 3, in their entirety. These provisions would provide a two percent increase for state supplementary assistance providers. The estimated cost of providing this increase is \$2,900,000, for which no appropriation was provided.

I am unable to approve the item designated as Section 137, in its entirety. This provision would rescind a rule requiring the Department of Human Services to reimburse vendors directly for the cost of providing transportation to nursing residents who utilize their services to obtain medical care. These costs can be and are included by most nursing facilities in their costs which are submitted to the department and which are used to determine their reimbursement from the state.

I am unable to approve the item designated as Section 206, in its entirety. This provision would reduce the educational excellence program by \$6,118,962. This program is the most important initiative for improving the quality of education in Iowa and it would be a mistake to significantly reduce the level of funding to it.

I am unable to approve the item designated as Section 210, subsection 1, paragraph a, unnumbered and unlettered subparagraph 1. This provision would prohibit the Board of Regents from seeking reimbursement from the institutions to finance critical leadership activities by the board.

I am unable to approve the item designated as Section 210, subsection 1, paragraph a, unnumbered and unlettered subparagraph 2. This provision would require the Board of Regents to permit KUNI to broadcast in the Central Iowa area. This proposal should be submitted to the Board of Regents for consideration and the board should determine whether the proposal is appropriate for the entire public radio network in the state.

I am unable to approve the item designated as Section 212, subsection 1, in its entirety, and the designated portions of Section 212, subsection 2, which contain salary

policy for professional and scientific staff and faculty under the Board of Regents. The language requires payment of the arbitrator's award to the United Faculty at the University of Northern Iowa, while providing a lesser salary increase to faculty at the University of Iowa and Iowa State University. I am unable to approve these provisions for the same reasons indicated in the veto message for Senate File 548. By disapproving these provisions, the Regents will revert \$10.6 million to the general fund of the state at the end of fiscal year 1992.

I am unable to approve the item designated as Section 213, in its entirety. This provision requires the Board of Regents to borrow funds to finance energy conservation projects which have an average payback period of six years. The Board of Regents should not be required to bond for these projects when they have other options available for this purpose.

I am unable to approve the item designated as Section 214, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This provision would appropriate \$10,000 to the State Historical Society to operate and maintain Plum Grove. Plum Grove is a property of the Department of Natural Resources. While I support a transfer of this responsibility to the Department of Cultural Affairs, given the state's fiscal condition, I cannot approve this appropriation.

I am unable to approve the item designated as Section 214, subsection 9, in its entirety. This provision appropriates \$30,000 to the Danish Heritage Museum. The museum has received \$99,000 in the past four years from the Historic Resource Development Program and state cultural grants. Both of these funding sources will be available to the museum in fiscal year 1992.

I am unable to approve the item designated as Section 229, in its entirety. This provision requires the Iowa College Student Aid Commission to reduce the amount of subvention paid for the Osteopathic Subvention Program. The amount of the reduction would be twice as much as provided under current law when the Osteopathic School does not meet a specified level of resident enrollment. This creates an unfair, double penalty.

I am unable to approve the items designated as Sections 231 and 601, in their entirety. These provisions would allow the State Treasurer to invest up to forty percent of the Loan Reserve Fund of the Iowa College Student Aid Commission in tax exempt investments issued by an agency of the state for the construction or improvement of state facilities and would allow the Department of General Services to establish fee schedules for the use of those facilities. The State Treasurer already has full authority to make prudent investments of the Loan Reserve Funds. With the recent collapse of the nation's largest student loan guarantor, the financial community has become extremely sensitive about the solvency of loan reserve funds.

I am unable to approve the item designated as Section 234, in its entirety. This provision would require the Board of Regents to develop and adopt a policy to govern the sale of WOI-TV. Governance of Iowa State University should properly remain with the State Board of Regents and should not be prescribed by the legislature.

I am unable to approve the items designated as Sections 250, 251 and 252, in their entirety. These sections require that \$500,000 of Phase III, Educational Excellence moneys, be used for supplemental pay plans in districts which provide for additional work assignments relating to college bound student support programs for minority students. Plans for the expenditure of Phase III are developed by a committee appointed

by the board of directors of a school district. The committee is encouraged to develop plans which include performance-based and supplemental pay plans. These provisions would circumvent the locally-controlled plan development process by identifying a specific Phase III activity.

I am unable to approve the item designated as Section 253, in its entirety. This provision would allow Cultural Grant funds to carryover through August of the following fiscal year. This is in conflict with a provision which I have already approved in House File 639 which allows the funds to carryover for a full fiscal year.

I am unable to approve the item designated as Section 255, in its entirety. This provision specifies the duties of a Patent Librarian. Neither the funds nor the position were included in the State Library's budget, therefore, a delineation of the duties of a patent librarian is unnecessary.

I am unable to approve the item designated as Section 303, subsection 2, in its entirety. This provision would provide funding to community colleges for apprenticeship programs. I support the establishment of apprenticeship programs and would encourage trade associations to sponsor such programs. Given the current financial condition of the state, I cannot approve new funding for this purpose.

I am unable to approve the items designated as Sections 411, 416, 417, 418 and 419, in their entirety. These provisions would create a new Farm Assistance Fund and establish new \$60 fees to file and record various documents relating to agricultural land. The fees would be placed in a fund separate from the general fund and earmarked to support the program. This practice is inconsistent with our goal to move toward GAAP (generally accepted accounting principles) and imposes excessive new fees on the recording of certain agricultural documents.

I am unable to approve the item designated as Section 412, in its entirety. This provision would reverse action taken earlier in the session which transferred odometer fraud receipts into the general fund. The effect would be to undo the progress that has recently been made in reducing the number of special funds.

I am unable to approve the item designated as Section 423, in its entirety. This provision would limit the authority of the Department of Corrections to determine the use of new beds planned for the women's facility at Mitchellville. The Department of Corrections should retain the flexibility to decide whether the new beds may be used for male or female offenders.

I am unable to approve the items designated as Sections 505, 514, 515 and 516, in their entirety. These sections change the current standing appropriations for the mental health commission of inquiry and non-resident mentally ill transfer and commitment to regular appropriations. While I support a review of all standing unlimited appropriations and eliminating them whenever possible, if a fixed amount is appropriated, it must be sufficient to cover the costs of the program. The appropriations provided are seriously underfunded based on the current year's expenditures for the programs.

I am unable to approve the designated portions of Section 507, which would convert a number of other standing unlimited appropriations to fixed appropriations. Section 507, subsection 9, provides funds for court costs incurred by or on behalf of the state; Section 507, subsection 10, provides funds for emergency repairs or in the event of natural disaster relief for state citizens; Section 507, subsection 12, provides funds for cost of habeas corpus proceedings; Section 507, subsection 13, provides funds for payment of claims and awards against the state; Section 507, subsection 15, provides

funds for compensation of officers and enlisted men in the National Guard called up when there is a disaster declared by the Governor; Section 507, subsection 16, provides funds for worker's compensation claims due to employees of the state. Again, I support the elimination of standing unlimited appropriations wherever possible, however, in all of these instances, the costs to the state cannot be controlled nor can they be fully anticipated. For example, it is impossible to anticipate the number of times The Iowa National Guard will be called up for disasters or emergencies. We cannot be limited in our ability to call on the Guard to provide assistance.

I am unable to approve the item designated as Section 507, subsection 17, in its entirety. This provision would eliminate the funding in fiscal year 1992 for the Telecommunications Network. This project is an important investment in the education system of Iowa that will pay dividends in economic development for years to come. This is a commitment that has already been made; a contract has been signed and federal funds secured. Only \$3 million of the \$5 million standing appropriation will be expended in fiscal year 1992.

I am unable to approve the item designated as Section 507, subsection 18, in its entirety. This provision would reduce by one-half of one percent the state aid appropriated to Iowa schools under the school foundation program. While future action may be necessary to reduce state spending, including spending for state aid to Iowa schools, education remains a top priority. I am unable to approve a reduction in basic school budgets at this time.

I am unable to approve the item designated as Section 525, in its entirety. This language would shift the cost of extraditing prisoners who have escaped across state lines from a specific appropriation to the Governor's office operating budget. These expenses are uncontrollable and cannot be anticipated, therefore, they should remain in a separate appropriation.

I am unable to approve the item designated as Section 632, in its entirety. This language provides for the continuation of health insurance benefits as an incentive for early retirement. Individuals between ages 55 and 65 who retire over the next two years would continue to receive health insurance benefits until age 65.

While I support the concept of early retirement as a voluntary means of reducing the workforce, this program is extremely costly and without clear result. There would be savings associated with the positions vacated through early retirement; however, many of these retirements would have occurred in any case. The state would then be paying for benefits unnecessarily. Moreover, with health care costs escalating so rapidly, the future cost of this program is unknown but potentially extreme. The program would continue to drain state resources for twelve years in the future. This is a risk the state cannot assume at this time.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 479 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 7, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 529, an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, making related statutory changes, and providing effective dates.

In order to assure a balanced budget in fiscal year 1992, it is necessary to item veto excessive spending wherever possible and employ an across-the-board cut in spending. My actions on this bill move us closer to a balanced budget in fiscal year 1992 by reducing spending by a total of \$1.3 million.

Senate File 529 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 122, in its entirety. This provision would require the Governor to use the Department of Personnel recruitment process when making an appointment to a full-time position in a division, department, board, commission, or council of the state. The current appointment process includes adequate oversight. In most cases, the qualifications of appointees to fill full-time positions are specified in the Code and the selection made by the Governor must be confirmed by a two-thirds vote of the Iowa Senate. An appointee's service is limited to a term of years and all must be reappointed and reconfirmed to continue in their positions.

I am unable to approve the item designated as Section 201, subsection 6, paragraph d, in its entirety. This provision would appropriate \$250,000 for a stream degradation pilot project. Given the state's fiscal condition, funding for this new program cannot be approved. By disapproving this item, the Department of Agriculture will revert this \$250,000 at the end of the fiscal year 1992.

I am unable to approve the item designated as Section 204, in its entirety. This provision would appropriate \$25,000 to research the multiflora rose virus. Sufficient funding currently exists within the Regents' budget to continue this research at Iowa State University, therefore, this additional funding is unnecessary.

I am unable to approve the item designated as Section 207, subsection 12, in its entirety. This provision would appropriate \$216,000 for programs supported from the Energy Research and Development Fund and administered by the Energy and Geological Resources Division of the Department of Natural Resources. Funding is available for this program through a standing appropriation and from other sources. Given the state's fiscal condition, this additional funding cannot be approved.

I am unable to approve the item designated as Section 218, in its entirety. This provision would transfer funds granted under the Council of Great Lakes Governors Regional Bio Mass Energy Program from the Department of Natural Resources to the Department of Agriculture and Land Stewardship. This grant is appropriately placed in the Energy Bureau of the Department of Natural Resources and should not be transferred.

I am unable to approve the item designated as Section 226, in its entirety. This provision requires the Department of Natural Resources to charge a fee, based upon production costs, for stocking fish in private ponds. The current program was designed to increase fishing opportunities all over the state and has been quite successful. Over 600 pond acres are stocked with fish each year through this program which is funded with the revenues received from fishing license sales. This provision would discourage owners of private ponds from stocking ponds and making them available for fishing to the public.

I am unable to approve the items designated as Sections 227 and 236, in their entirety. These provisions specify procedures for reports filed by the Departments of Natural Resources and Agriculture and Land Stewardship with the General Assembly if a procedure regarding a specific report is not otherwise provided. The procedure would require the automatic distribution of multiple reports to legislative staff who have not indicated an interest in receiving them. This requirement would result in unnecessary costs to the department and waste of state government resources.

I am unable to approve the item designated as Section 232, in its entirety. This provision would change the word "divisions" to "administrative units" in the Department of Natural Resources. The reference to subunits of departments as "divisions" was established during reorganization in 1986 to apply across state government. This change is unnecessary and would result in costly changes to Iowa statutes and rules to conform the provisions where the word "divisions" is used.

I am unable to approve the item designated as Section 234, in its entirety. This item would eliminate the deputy director position in the Department of Natural Resources. This department is one of the largest and most complex in state government, and the director should retain the flexibility to employ a deputy director and to delegate responsibilities as needed.

I am unable to approve the item designated as Section 239, in its entirety. This provision amends the Code to transfer \$250,000 annually from the Grain Indemnity Fund to the Regulatory Division of the Department of Agriculture and Land Stewardship to supplement the general fund appropriation for grain dealer/warehouse inspections. The Grain Indemnity Fund was created to cover qualified losses of depositors and sellers of grain. It should not be used to pay for inspection activities.

I am unable to approve the item designated as Section 403, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This provision would appropriate \$45,396 to fund an additional word processor III position in the Division of Industrial Services. Given the current fiscal condition, I cannot approve funding for this purpose. By disapproving this item, the Department of Employment Services will revert this \$45,396 at the end of the fiscal year 1992.

I am unable to approve the item designated as Section 422, in its entirety. This provision would appropriate up to \$238,389 from the balance remaining in the Insurance Revolving Fund at the end of the fiscal year 1991 to the Department of Employment Services. Given the state's current fiscal condition, funding for this purpose cannot be approved. Any balance remaining in the fund should be transferred to the general fund at the end of this fiscal year.

I am unable to approve the item designated as Section 504, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This provision would prohibit the

Department of Public Safety from providing security services to the Lieutenant Governor of Iowa. With the changed nature of the position and expanded duties, it is appropriate to provide security to the holder of the office, therefore, I cannot approve this provision.

I am unable to approve the item designated as Section 504, subsection 6, in its entirety. This provision would appropriate \$50,000 from the Road Use Tax Funds for land acquisition for a new state patrol post. With the state's present fiscal condition, we should not commit the state to expensive capital projects.

I am unable to approve the item designated as Section 505, subsection 2, in its entirety. This provision would appropriate \$38,000 from use tax receipts to design three new armories. I have approved the construction of armories at Corning, Council Bluffs and Oskaloosa in order to avoid the loss of \$6 million in federal funds. However, it is inappropriate to plan for additional armories out of the road use tax fund.

I am unable to approve Section 508, subsection 2, in its entirety. This provision appropriates \$500,000 for air service programs. This amount of funding would result in a significant expansion in spending for this purpose. Given the state's fiscal condition, it cannot be approved. By disapproving this item, the Department of Transportation will revert this \$500,000 at the end of fiscal year 1992.

I am unable to approve the item designated as Section 604, in its entirety. This section would require the Board of Regents to obtain the approval of the Director of the Legislative Fiscal Bureau to implement a uniform budget and accounting system, and provides for a June 30, 1991 deadline. Approval of budgeting and accounting system used by the Board of Regents should remain with the executive branch.

I am unable to approve the item designated as Section 605, in its entirety. This section would require the Governor's final budget recommendations to be transmitted to the Legislative Fiscal Bureau no later than January 1, rather than the date the budget document is sent to the printer. Over the past several years, the Governor's budget has been transmitted to the legislature well before the February 1 statutory deadline. A further acceleration is unnecessary and would impair the decision-making process in the executive branch.

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 529 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 31, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 548, an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, and making appropriations, and providing effective dates.

Senate File 548 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, and 20 in their entirety; the designated portion of Section 9, subsection 1; Section 9, subsections 2, 3 and 4 in their entirety; and the designated portion of Section 10.

Section 8 would provide for wage increases for contract-covered state employees in variable amounts, ranging from two percent to nine percent, at a cost to the state of \$23.4 million in general funds. Sections 2, 9 and 10 would provide for a two percent increase for most non-contract covered state employees. By vetoing these sections, state employee salaries for the next fiscal year will be frozen, and \$34 million of spending on salaries that we cannot afford will be avoided.

Approval of these sections would conflict with existing statutory and Constitutional responsibilities to balance the budget and to adhere to any statutory limitations on the state's funds and spending. Further, these sections would conflict with the state's statutory responsibility to maintain the orderly and efficient operation of governmental services. And, finally, the implementation of these sections would not allow for the continuance of pay equity based upon principles of comparable worth (Iowa Constitution and Iowa Code Sections 8.3(3), 20.7(4) and 79.18, respectively).

With legislative action just completed, Iowa is already facing a known deficit of at least \$75 million for the fiscal year covered by the proposed wage increases. As Governor, it is my responsibility to make the difficult decisions necessary to balance the budget in a way that avoids major disruptions in service. Clearly, \$23.4 million for salary increases, particularly when paired with the \$10.6 million for salary increases contained in House File 479 for employees of the Board of Regents, is far beyond what the state can afford under these difficult fiscal circumstances. In fact, even after making a substantial amount of cuts through item veto, further reductions in spending will be necessary to assure a balanced budget. Thus, I have indicated my intentions to make an across-the-board cut in spending in fiscal year 1992.

Implementation of the arbitrators' decisions, without the corresponding appropriation, would likewise result in a violation of existing statutory provisions providing for the efficient and orderly provision of governmental services (Iowa Code Section 20.7(4)). In order to maintain pay equity for state employees if the arbitrators' awards are implemented, layoffs of the magnitude required to fund the wage increases provided for in Senate File 548 would significantly impair the state's ability to provide the level of services necessary to meet its statutory duties and responsibilities. In fiscal year 1992, implementation would result in over 1,500 layoffs of state employees. That number increases to over an additional 1,900 layoffs in fiscal year 1993 if the across-the-board wage increases suggested by the arbitrators were implemented.

It is important to note that the state's collective bargaining law mandates that when terms of a proposed collective bargaining agreement are inconsistent with other Code provisions, I am bound to adhere to existing statutes unless action is taken to remove the conflict (Iowa Code Section 20.28). In other words, an arbitrator's decision is final only insofar as it can be implemented without statutory conflict (Iowa Code Sections 20.22(3) and 20.17(6)). The arbitrators' decisions funded by Senate File 548 simply cannot be implemented without violating Iowa law.

Since the issuance of the arbitrators' awards, there has been a significant change of circumstance. The arbitrators' awards were premised on estimated revenue growths of a 6.1 percent increase for fiscal year 1992 and a 5 percent increase for fiscal year 1993. Those estimates have been revised downward twice by the Revenue Estimating Conference since the awards were issued resulting in a total reduction in projected revenues of over \$125 million. For this reason and because the implementation of the arbitrators' awards is inconsistent with statutory limitations on the state's funds, spending and budget, and because the implementation would substantially impair and limit the performance of our statutory duties, I have proposed that the state and the unions go back to the bargaining table and renegotiate the wage provisions for the 1991-93 labor agreements. To date, the unions have verbally declined my offer.

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 548 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 7, 1991

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 549, an act relating to appropriations from the lottery fund.

Senate File 549 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated in Section 1, subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15, in their entirety. These items appropriate a total of \$2.5 million directly ("off-the-top") from the lottery fund for programs administered by the Department of Natural Resources, the Department of Agriculture and Land Stewardship and Iowa State University.

While I support many of these items, each is either a new program or a program expansion that cannot be approved at this time, given the state's difficult fiscal circumstances.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 549 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

IN MEMORIAM

House

Memorials adopted by the House of Representatives, 1991 Regular Session of the Seventy-fourth General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

CHARLES C. AYRES August 21, 1906—June 24, 1990

LA MAR P. FOSTER April 4, 1898—January 3, 1991

LESTER L. KLUEVER ... February 29, 1920—February 18, 1991

EDWARD C. NORLAND February 9, 1922—October 12, 1990

STANLEY T. SHEPHERD ... September 15, 1903—April 26, 1990

JAMES C. WEST July 30, 1932—June 6, 1990

CHARLES C. AYRES, JR.

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Charles C. Ayres, Jr. begs leave to submit the following Memorial:

Charles C. Ayres was born on August 21, 1906 in Ottumwa, Iowa. On May 31, 1953 he married Darlene J. Pullins.

A graduate of Wheaton, Illinois High School, he returned to Ottumwa where he read law, and in June 1932, passed the state bar, practiced law, served as municipal judge and retired in 1975 as associate district judge.

An avid volleyball player, Mr. Ayres was also the best known ornithologist in Iowa. He gave hundreds of bird talks to various groups and received a "Centennial Citation" from the Iowa Academy of Science for his ornithology work and activities in the Iowa Ornithologists' Union. It was estimated that Ayres banded more than 70,000 birds through the years. He and his wife founded the Ottumwa Bird Club, of which he was president through 1987, and the club's outdoor film adventure series about twenty-five years ago.

A Democrat, Mr. Ayres represented Wapello County during the Forty-sixth General Assembly.

Charles C. Ayres died June 24, 1990. He is survived by his wife, Darlene.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Charles C. Ayres, Jr., the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CHARLES PONCY
DAN JAY
ROBERT L. KISTLER

Committee

LA MAR P. FOSTER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable La Mar P. Foster begs leave to submit the following Memorial:

La Mar P. Foster was born April 4, 1898 in Illinois. In 1920 he married Mary Thomason and they had two sons and three daughters.

Mr. Foster attended James Milliken University as a member of the student army training corp and after teaching in rural Illinois schools for three years, he came to Downey in Cedar County, Iowa as principal of the Downey Public School. He later became the manager of the Farmers' Cooperative Elevator and Exchange in Centerdale and held this position for four years; he held many elected positions within Cedar

County including Mayor of West Branch, Cedar County Supervisor and President of the West Branch School Board; he was a retired farmer, livestock buyer and trucking firm operator and was a longtime member of the Masons and the Methodist Church in West Branch.

A Democrat, Mr. Foster represented Cedar County during the Forty-fifth, Forty-fifth Extra, Forty-sixth, Forty-sixth Extra and Sixty-first General Assemblies and served as Speaker of the House during the Forty-seventh General Assembly.

La Mar P. Foster died January 3, 1991. He is survived by his wife, Mary, of West Branch; son, Derrold Foster, Iowa City; his daughter, Doris Hagen, San Antonio, Texas; daughter, Mary Jay Turnbull, Des Moines, Iowa; daughter, Audrey Rex, West Branch, Iowa; sister Mary Brinocar, Normal, Illinois; seventeen grandchildren and six great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable La Mar P. Foster, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVID OSTERBERG
ROBERT JOHNSON
ROBERT E. DVORSKY

Committee

LESTER L. KLUEVER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Lester L. Kluever begs leave to submit the following Memorial:

Lester L. Kluever was born February 29, 1920 on a farm near Atlantic, Iowa. He married Gwyn Hughes of Sac City and they had two sons and two daughters.

A graduate of Atlantic High School, he received a B.S. in Business Administration and Accounting from the University of Iowa in 1947 and a J.D. from the University of Iowa Law School in 1950.

An Air Force Captain from 1941-1946, and a prisoner of war for two years in Germany, Lester L. Kluever was Cass County Attorney from 1953-1957.

Mr. Kluever had a thriving law practice in Atlantic and belonged to a number of organizations, including: Young Republicans, of which he was Chairman; Cass County, Southwest Iowa, Iowa State, and American Bar Associations; Iowa Academy of Trial Lawyers; American Judicature Society; First United Presbyterian Church; Masonic Orders; Shrine; Elks; Rotary; American Legion; Amvets; Veterans of Foreign Wars; was a life member of both the State Historical Society and the State University of Iowa Alumni Association; was active in the Chamber of Commerce; Farm Bureau; Soil Conservation District Association; Game Conservation Club; Caterpillar Club and was past president and board member of the Atlantic YMCA.

A Republican, Mr. Kluever represented Cass County during the Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second and Sixty-third General Assemblies.

Lester L. Kluever died February 18, 1991. He is survived by his sons, Chris of Billings, Montana and Dan of Statesboro, Georgia; his daughters, Lora Leonard of Jacksonville, Florida and Jerri Harding of Morton, Illinois; two brothers, two sisters and four grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Lester L. Kluever, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DICK WEIDMAN
WILLIAM H. HARBOR
JOAN L. HESTER

Committee

EDWARD C. NORLAND

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Edward C. Norland begs leave to submit the following Memorial:

Edward C. Norland was born on February 9, 1922. On September 17, 1960, he married Beverly Hjelmervick. They had one son and one daughter.

A lifetime resident of Palo Alto County, Edward Norland graduated from Cylinder High School. After graduating from high school Edward Norland started farming and worked with his father at the Norland and Son Hog Buying Station in Cylinder. He attended Waldorf College and received his degree from Iowa State University. He also completed studies at the Graduate School of Banking at the University of Wisconsin. In 1958 he was a member of an Iowa Goodwill Farm Delegation to Russia. He began his banking career as an assistant cashier at Iowa Trust & Savings Bank in Emmetsburg in 1959.

For twenty-four years Mr. Norland served the City of Emmetsburg on the Municipal Utilities Board of Trustees; served as President of the Emmetsburg Chamber of Commerce; was a member of the Iowa State Extension Advisory Board and on the Iowa Bankers Association Board; served as Treasurer of Lakeside Lutheran Home in Emmetsburg, and was a former member of the Cylinder Lions Club.

A Republican, Mr. Norland represented Palo Alto County during the Fifty-sixth General Assembly.

Edward C. Norland died October 12, 1990. He is survived by his wife, Beverly of Emmetsburg; his son, Mark of San Francisco, California; his daughter, Mrs. Robert (April) McElwee of South Bend, Indiana; two sisters, Mrs. R. A. (Orlue) Regier of Dallas, Oregon and Mrs. Lester (Luetta) Rhodes of Grimes; and four brothers, Albert and James of Mankato, Minnesota; Howard of Lincoln, Nebraska and Charles of Davis, Illinois.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Edward C. Norland, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DANIEL FOGARTY
DOLORES M. MERTZ
JOSEPHINE GRUHN

Committee

STANLEY T. SHEPHERD

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Stanley T. Shepherd begs leave to submit the following Memorial:

Stanley T. Shepherd was born on September 15, 1903, in Bentonsport, Iowa. On July 21, 1927, he married Thelma Ione Gentry. They had one son and one daughter.

Mr. Shepherd was an executive with Sheaffer Pen Company for forty years before retiring on November 1, 1965. He was a member of St. Luke's Episcopal Church; Fort Madison Chamber of Commerce; Iowa and Missouri Historical Societies; Elks Lodge; Sons of the American Revolution; and a charter member of the Fort Madison Junior Chamber of Commerce. He managed the Junior Chamber basketball team for several years and was instrumental in getting a full block in the city of Fort Madison dedicated for sports and a playground — now called Victory Field.

A Republican, Mr. Shepherd represented Lee County during the Sixty-second and Sixty-third General Assemblies.

Stanley T. Shepherd died on April 26, 1990. He is survived by his wife, Thelma; his son, Robert of San Diego, California; his daughter, Sara Ann Johnson of Hot Springs Village, Arkansas; a brother, Donald of Fort Madison; four grandchildren and two great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Stanley T. Shepherd, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CLAY SPEAR
MINNETTE DODERER
WILLIAM H. HARBOR

Committee

JAMES C. WEST

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable James Clifford West begs leave to submit the following Memorial:

James West was born on July 30, 1932, in Des Moines, Iowa. On February 26, 1955, he married Mary Carol Nelson. They had two sons and one daughter.

James C. West graduated from State Center High School in 1950. He received his B.S. degree in Industrial Administration from Iowa State University in 1958 and his M.B.A. in Finance from Denver University in 1959. The owner of Brimhall-West Furniture of State Center, Mr. West was an elder in the Presbyterian Church; served on the Gutekunst Library's Board of Directors; was a Masonic Lodge District Lecturer; a member of the Grand Lodge of Iowa A.F. & A.M. and Eastern Star; was a member of the American Legion; the Farm Bureau and the Lions Club.

Mr. West was an Air Force Sergeant for four years, serving in Korea as a gunner in a B-26 during 1953; chaired the Marshall County Care Review Committee; was on the Board of Directors for the Iowa Taxpayers Association; was a former Secretary to the State Center Economic Development Corporation; was an Agriculture Program Specialist for the United States Department of Agriculture - Agriculture Stabilization and Conservation Service; served on the Republican State Central Committee as 4th District Chair; was the Legislative Campaign Director, G.O.P., 1980-1981; served on the Platform Committee for the Republican State Convention; was active in Congressional campaigns as the Iowa Administrator for U.S. Senator Roger Jepsen, 1980-1984, and in 1980 he ran against Cooper Evans as the candidate for Iowa's 3rd District Seat in the U.S. House of Representatives.

A Republican, Mr. West represented Marshall, Hardin, Grundy, Story and Jasper Counties during the Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra and Sixty-eighth General Assemblies.

James C. West died on June 6, 1990. He is survived by his wife, Mary Carol; sons, Guy of Cedar Rapids and Dean of West Des Moines; daughter, Raina of State Center; a brother, Richard of Lincoln, Nebraska; a sister, Margaret Johnson of Lexington, Kentucky; and two grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable James Clifford West, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DENNIS BLACK
GORDON BURKE
JANE SVOBODA

Committee

GENERAL INDEX

ADAMS, JANET L.—Representative **Hamilton-Webster Counties**, Assistant Majority Floor Leader

Amendments filed—196-197, 970, 1351, 1410, 1516, 1517, 1543, 1982-1983, 2060-2061, 2098, 2246-2247

Amendments offered—1314, 1538, 1541, 1543, 1982

Amendments withdrawn—1541, 1543

Appointed to the Legislative Council—172-173

Appointed to the Legislative Council Committees (Capitol Projects & Studies)—192

Bills introduced—23, 121, 267, 443, 575, 576, 630, 719, 720

Committee appointments—13, 29, 31, 1904, 2024, 2191

Conference committee appointment—2191

Leave of absence—267

Presentation of visitors—2194

Presided at sessions of the House—811, 1371, 1982, 2181, 2189, 2376

Remarks by—6-7

Reports—2084-2085, 2260, 2378-2398, 2440-2441

Resolutions offered—74, 718, 790, 985-986, 2195

Ruling made—2188

Subcommittee assignments—125, 126, 159, 193, 384, 395, 438, 481, 482, 550, 631, 732, 761, 762, 881, 967, 1023, 1134, 1200, 1217, 1349, 1907

ADDRESSED THE HOUSE—

(See also JOINT CONVENTION and/or SPECIAL PRESENTATION)

The Honorable Janet L. Adams—6-7

The Honorable Wayne McKinney, Jr., Majority Floor Leader—7-8, 2442

The Honorable Harold G. Van Maanen, Minority Floor Leader—8-9, 2442-2443

The Honorable Robert C. Arnould, Speaker of the House—8-9, 2443-2445

The Honorable William J. Brand—14-15

The Honorable David Osterberg—15-16

The Honorable Dorothy F. Carpenter—16

The Honorable John H. Connors, Speaker Pro Tempore—16-18

Brendan Kenneally, T.D. member of the Irish Parliament from Waterford, Ireland—643

Michael Nunn, winner of the International Boxing Federation's World Middleweight Championship—2116

Angelo Dundee, world famous boxing trainer—2116-2117

ADMINISTRATION, COMMITTEE ON—

Appointed—28

Recommendations—63, 969

Reports—44-45, 94-99, 99-102, 481, 631, 2159

Resolution relating to, HR 10—634

ADMINISTRATIVE RULES REVIEW COMMITTEE—

Appointment to—47

Bills introduced—374, 972

Recommendation—370

AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL—

Appointments to—46

AGRICULTURE, COMMITTEE ON—

Amendments filed—768, 1231, 1262

Amendments offered—1323, 1341, 1478

Appointed—29

Bills introduced—475, 758, 832, 860, 861, 883, 898, 907, 908

Recommendations—406, 484, 559-560, 717, 765, 786, 824-825, 1025-1026, 1109, 1227, 1260

Subcommittee assignments—165, 179, 194, 263, 331, 332, 420, 500, 501, 550, 551, 698, 732, 1024, 1181, 1182

AMENDMENTS—

(See also INDIVIDUAL HEADINGS)

Amendments filed, not otherwise printed during session—2468-2644

Amendments out of order—147, 652, 836, 858, 877, 886, 899, 901, 1011, 1036, 1079, 1127, 1147, 1284, 1358, 1498, 1542, 1543, 1589, 1594, 1595, 1857, 1866, 1868, 1874, 1875, 1902, 1981, 2012, 2070, 2077, 2213, 2214

Filed—64, 75, 113, 120, 148, 153, 182, 190, 196-197, 255, 266, 325, 336, 348-349, 371, 388, 397, 407, 422, 442, 458-459, 485-486, 503-504, 535, 553, 561, 574, 584, 595-596, 634-635, 702-703, 737-738, 768, 781-782, 791, 830-831, 881-882, 913, 969-970, 986-987, 1027, 1073-1074, 1110, 1135, 1160-1161, 1184, 1204-1205, 1221-1222, 1231, 1262-1263, 1300-1301, 1350-1351, 1382-1383, 1409-1410, 1443-1444, 1473-1474, 1516-1517, 1600-1602, 1870, 1907-1908, 1941-1942, 1991, 2068, 2098, 2146, 2162, 2195, 2226, 2263, 2464

Filed from the floor—144, 200-201, 201, 202, 203, 203-204, 205, 206, 207, 207-219, 219, 219-221, 222-224, 224, 224-225, 249, 250-251, 417-418, 497, 499, 519, 547, 628-629, 645, 645-647, 650-652, 654-656, 657-658, 659, 660, 660-669, 669, 670, 671, 671-672, 672, 673, 674-675, 676, 677, 677-678, 678, 678-679, 679, 680, 680-681, 682, 682-683, 683-684, 684, 684-685, 685, 686, 687, 687-688, 688-689, 689, 690, 691, 692-693, 693, 806-807, 808-809, 869-871, 874, 875, 876, 877, 890-891, 896, 940, 941, 946, 946-947, 947, 949-950, 951, 958-959, 961, 962-963, 963, 978-979, 992, 999, 1020, 1020-1021, 1056-1057, 1057, 1059, 1082-1083, 1083, 1098, 1156, 1171-1173, 1269-1270, 1290, 1290-1291, 1291, 1324, 1333, 1333-1334, 1340, 1345, 1371, 1393-1395, 1403, 1436-1438, 1439, 1462, 1468, 1469-1470, 1482-1492, 1492-1493, 1494, 1494-1497, 1534, 1540, 1543, 1544, 1546, 1549-1550, 1559-1560, 1561, 1563-1573, 1573, 1573-1574, 1574, 1575-1576, 1577, 1577-1579, 1579, 1580, 1580-1581, 1581, 1581-1582, 1583, 1583-1588, 1588, 1588-1589, 1589, 1590, 1590-1591, 1591, 1592, 1592-1593, 1593, 1593-1594, 1594, 1594-1595, 1827-1829, 1829-1830, 1830-1831, 1832-1833, 1833, 1835, 1836, 1836-1837, 1838, 1842-1843, 1844, 1844-1845, 1846, 1846-1847, 1847, 1848, 1849, 1850-1851, 1852, 1852-1854, 1854, 1856-1857, 1857, 1858, 1858-1859, 1860, 1860-1861, 1861-1864, 1887, 1887-1888, 1889-1890, 1890, 1892-1894, 1899-1900, 1903, 1933-1934, 1936, 1980, 1980-1981, 1981, 1981-1982, 1986, 1994, 2006, 2017-2018, 2034-2040, 2041-2042, 2042-2044, 2044-2045, 2050-2051, 2052-2055, 2055, 2059-2060, 2060-2061, 2061, 2087, 2092-2093, 2113, 2123-2124, 2126-2131, 2131-2132, 2132, 2133, 2149-2150, 2152-2153, 2154-2155, 2175, 2182, 2182-2188, 2188, 2212, 2213, 2217, 2236-2237, 2238, 2246, 2246-2247, 2247, 2248, 2375, 2400-2402, 2403, 2407, 2412, 2436

Lines of amendments out of order—682, 745, 809, 1037, 1120, 1336, 1543, 1911, 2042, 2044, 2222

Senate amendments considered—272, 626, 1077, 1414, 1421, 1428, 1448, 1459, 1469, 1511, 1603, 1607, 1612, 1871, 1875, 1892, 1896, 1912, 1916, 1920, 1927, 1929, 1932, 1945, 1952, 1956, 1964, 1995, 2003, 2016, 2022, 2046, 2070, 2075, 2080, 2086, 2102, 2104, 2105, 2107, 2114, 2117, 2134, 2138, 2147, 2166, 2175, 2179, 2198, 2215, 2228, 2232, 2253, 2256, 2408, 2423, 2427, 2431

Senate amendments filed—584, 1073, 1204, 1351, 1382, 1409, 1410, 1443, 1473, 1516, 1600, 1601, 1941, 1942, 1991, 2068, 2098, 2146, 2162, 2195, 2263, 2464

APPOINTMENTS—

Administrative Rules Review Committee:

Representative Maulsby (replacing Betty Jean Clark)—47

Agriculture Energy Management Advisory Council:

Representative Jesse—46

Representative Petersen of Muscatine—46

Boundary Commission:

Representative Pavich—46

Mike Peters—46

Representative Gill (replacing Mike Peters)—74

Child Support Recovery Advisory Committee:

Representative Hibbard—46

Compensation Expenses, and Salaries for Elected State Officials, Commission on:

Representative Nielsen—46

Dawn Sly-Williams—46

Criminal and Juvenile Justice Planning Advisory Council:

Representative Beatty—46

Representative Plasier—47

Economic Development Board:

Representative Groninga—46

Representative Bennett—47

Entrepreneurship Task Force:

Representative Jesse—46

Representative Corbett—47

Health Data Commission:

Representative Haverland—46

Judicial Compensation Commission:

Linda Life—47

Juvenile and Child Protection System Plan:

Representative Plasier—47

Juvenile Justice Planning Group:

Representative Nielsen—47

Legislative Council:

Representative Arnould—172

Representative McKinney, Jr.—172

Representative Van Maanen—173

Representative Adams—173

Representative Branstad—173

Representative Chapman—173

Representative Connors—173

Representative Halvorson of Clayton—173

Representative Harbor—173

Representative Jochum—173

Representative Lundby—173

Representative Peterson of Carroll—173

Legislative Fiscal Committee:

Representative Doderer (replacing David Tabor)—47

Representative Hansen of Woodbury (replacing Thomas Swartz)—47

Peace Institute, Iowa:

Representative Black—46

Representative Tyrrell (replacing Representative Plasier)—47

Statewide Fire and Police Retirement Systems:

Representative Blanshan—46

Representative Lundby—47

Status of Women, Commission on:

Representative Corbett—47

APPROPRIATIONS, COMMITTEE ON—

Amendments filed—442, 1443, 1563, 2068

Amendments offered—477, 1548, 1563, 2078, 2245

Appointed—29

Bills introduced—186, 630, 1932, 2215, 2265

Recommendations—189, 441, 633, 717, 1072, 1405, 1443, 1562-1563, 1907, 1990, 2067, 2226, 2244-2245, 2265-2266, 2407

Resolution offered—2266

Subcommittee assignments—439, 570, 571, 761, 762, 911, 1108, 1348, 1349, 1443, 1989

APPROPRIATIONS SUBCOMMITTEE—

Appointed—31-32

ARNOULD, ROBERT C.—Representative Scott County

(See SPEAKER OF THE HOUSE—Robert C. Arnould, Representative Scott County)

ASSISTANT MAJORITY FLOOR LEADERS—

Janet L. Adams, Representative Hamilton-Webster Counties

(See ADAMS, JANET L.—Representative Hamilton-Webster Counties, Assistant Majority Floor Leader)

Louis J. Muhlbauer, Representative Crawford-Shelby Counties

(See MUHLBAUER, LOUIS J.—Representative Crawford-Shelby Counties, Assistant Majority Floor Leader)

Mary C. Neuhauser, Representative Johnson County

(See NEUHAUSER, MARY C.—Representative Johnson County, Assistant Majority Floor Leader)

David Schrader, Representative Marion County

(See SCHRADER, DAVID—Representative Marion County, Assistant Majority Floor Leader)

ASSISTANT MINORITY FLOOR LEADERS—

Teresa Garman, Representative Boone-Story Counties

(See GARMAN, TERESA—Representative Boone-Story Counties, Assistant Minority Floor Leader)

Darrell R. Hanson, Representative Buchanan-Delaware-Linn Counties

(See HANSON, DARRELL R.—Representative Buchanan-Delaware-Linn Counties, Assistant Minority Floor Leader)

Mary A. Lundby, Representative Linn County

(See LUNDBY, MARY A.—Representative Linn County, Assistant Minority Floor Leader)

Brent Siegrist, Representative Pottawattamie County

(See SIEGRIST, BRENT—Representative Pottawattamie County, Assistant Minority Floor Leader)

AWARDS AND GIFTS—

Certificates of excellence presented to House Pages for serving with honor and distinction during the First Regular Session—564, 1944

BAKER, TOM—Representative Polk County

Amendments filed—196-197, 201, 407, 688-689, 703, 876, 946, 970, 1160, 1184, 1300, 1443, 1474, 1601, 1602, 1889-1890, 2098, 2246-2247

Amendments offered—492, 1187, 1889, 2122

Bills introduced—23, 150, 398, 424, 461, 565, 597, 630, 705, 722

Committee appointments—29, 30, 56, 2265

Leave of absence—1085, 1475

Report—2425

Resolutions offered—74, 790, 985, 1110

Subcommittee assignments—103, 126, 148, 160, 321, 384, 481, 482, 524, 550, 571, 582, 631, 715, 762, 1023, 1025, 1181

BANKS, BRADLY C.—Representative Plymouth-Woodbury Counties

Amendments filed—219, 442, 485, 561, 702, 881, 882, 913, 940, 970, 986, 1110, 1160, 1231, 1262, 1300, 1443, 1444, 1474, 1494-1497, 2126-2131, 2400-2402, 2407

Amendments offered—496, 518, 568, 869, 941, 1247, 1494, 1541, 1544, 2407

Amendments withdrawn—1308, 1544, 1545

Bills introduced—78, 402, 408, 424, 506, 527, 536, 630, 742

Committee appointments—29, 30, 773, 2191

Report—2446-2457

Resolutions offered—371, 1230

Subcommittee assignments—179, 194, 331, 332, 404, 549, 550, 731, 775, 1024, 1200, 1217

BARTZ, MERLIN E.—Representative Cerro Gordo-Winnebago-Worth Counties

Amendments filed—196-197, 219, 459, 485, 503, 553, 595, 645, 684, 791, 881, 882, 913, 969, 986, 1027, 1073, 1074, 1135, 1160, 1184, 1262, 1263, 1340, 1351, 1409, 1444, 1600, 1601, 1842-1843, 1850-1851, 1861-1864, 2042-2044, 2068, 2146, 2263, 2400-2402

Amendments offered—641, 684, 921, 1127, 1128, 1271, 1834, 1850, 1901, 1902

Amendments withdrawn—540, 941, 1129, 1868

Bills introduced—78, 185, 268, 327, 398, 402, 410, 424, 444, 461, 488, 506, 527, 537, 630, 759

Committee appointments—29, 30, 55-56

Leave of absence—949

Petition presented—198

Resolutions offered—128, 371, 561, 1230

Subcommittee assignments—118, 147, 159, 321, 345, 439, 571, 762, 775

BEAMAN, JACK—Representative Adair-Adams-Cass-Clarke-Union Counties

Amendments filed—1410, 1594, 1861-1864, 2400-2402

Bills introduced—23, 122, 123, 124, 129, 130, 131, 149, 154, 184, 268, 327, 373, 402, 461, 506, 575, 576, 630, 1136

Committee appointments—28, 30

Leave of absence—443, 475, 510

Resolutions offered—325, 371, 1230

Subcommittee assignments—147, 148, 193, 384, 403, 404, 481, 482, 535, 774, 1024

BEATTY, LINDA L.—Representative Warren County

Amendments filed—196-197, 584, 683-684, 1074, 1350, 1351, 1382, 1579, 1580-1581, 1581, 1827-1829, 2246-2247, 2263

Amendments offered—683, 835, 1096, 1274, 1337, 1355, 1579, 1581

Appointed to the Iowa Criminal and Juvenile Justice Advisory Council—46

Bills introduced—23, 155, 164, 178, 258, 390, 426, 460, 537, 630, 723, 740

Committee appointments—20, 29, 30

Presented to the House Mr. Hashigushi and six college students from Japan—880
Report—21-23

Resolutions offered—74, 718, 790

Subcommittee assignments—125, 151, 160, 165, 166, 193, 194, 253, 263, 332, 345, 346, 369, 394, 395, 403, 404, 420, 439, 524, 550, 571, 592, 698, 714, 762, 881, 1023, 1024, 1025, 1108, 1181, 1182, 1200

BENNETT, WAYNE—Representative Ida-Monona-Woodbury Counties

Amendments filed—485, 503, 660-669, 689, 831, 986, 1027, 1221, 1382, 1474, 2068, 2195, 2400-2402

Amendments offered—498, 689, 1059

Appointed to the Iowa Economic Development Board—47

Appointed to the Legislative Council Committee (Fiscal)—192

Bills introduced—115, 122, 123, 129, 402, 424, 488, 562, 563, 586, 598

Committee appointments—29, 30, 31

Presented to the House foreign exchange students Kyoko Yamano from Japan and Ria Kreutzmann from Greenland—457

Resolutions offered—128, 371, 1230

Subcommittee assignments—148, 194, 500, 761, 881, 967, 1024, 1348, 2067, 2161

BERNAU, BILL—Representative Story County

Amendments filed—635, 831, 882, 940, 970, 1027, 1074, 1110, 1324, 1474, 1494, 1827-1829, 2092-2093, 2195

Amendments offered—920, 921, 940, 1324, 2088

Amendment withdrawn—941

Bills introduced—23, 150, 185, 198, 257, 372, 409, 424, 426, 443, 444, 630, 719, 723, 740

Committee appointments—29, 30, 66

Leave of absence—267, 1352, 1384

Resolutions offered—74, 767, 790, 985, 2195

Subcommittee assignments—103, 148, 152, 159, 187, 331, 332, 344, 345, 384, 395, 420, 482, 714, 762, 1023, 1025, 1181, 1200

BILLS—

(See also action on HOUSE JOINT RESOLUTIONS, HOUSE FILES, SENATE JOINT RESOLUTIONS and SENATE FILES in LEGISLATIVE INDEX VOLUME)

Approved by governor—368, 383, 523, 570, 580, 697, 879, 910, 966, 1133, 1158, 1225, 1259, 1300, 1441, 1472-1473, 1515, 1905-1906, 1939, 1988-1989, 2065, 2141, 2160, 2192-2193, 2225, 2261-2262, 2460-2461

Approved, vetoed or item vetoed subsequent to adjournment—2658-2666

Consideration of—92, 156, 200, 259, 271, 343, 374, 411, 426, 447, 476, 489, 496, 508, 511, 528, 539, 556, 565, 578, 587, 627, 639, 644, 707, 723, 730, 744, 748, 770, 794, 810, 834, 886, 898, 920, 929, 975, 980, 989, 1002, 1030, 1041, 1053, 1082, 1086, 1113, 1121, 1137, 1143, 1163, 1186, 1197, 1211, 1223, 1232, 1240, 1264, 1287, 1302, 1313, 1355, 1361, 1388, 1393, 1411, 1413, 1435, 1445, 1478, 1482, 1499, 1521, 1538, 1548, 1910, 1915, 1923, 1931, 1967, 2024, 2072, 2077, 2101, 2103, 2112, 2123, 2126, 2149, 2154, 2171, 2173, 2197, 2219, 2227, 2229, 2235, 2236, 2245, 2371, 2377, 2399, 2407

Consideration of resolutions—989, 2266

Deferred—380, 480, 557, 755, 878, 893, 922, 925, 936, 989, 1070, 1084, 1087, 1115, 1121, 1166, 1170, 1171, 1187, 1192, 1198, 1213, 1214, 1223, 1224, 1243, 1280, 1340, 1368, 1389, 1420, 1499, 1896, 1982, 2074, 2151, 2153, 2268

Final disposition of motions to reconsider—2465

Introduction of—19-20, 23-24, 54-55, 65-66, 77-78, 114-116, 121-124, 129-131, 149-150, 154-156, 163-164, 171-172, 177-178, 183-185, 186, 191, 198-199, 200, 256-258, 258-259, 262, 267-269, 326-327, 337-339, 341, 350-351, 352, 372-374, 389-390, 398-401, 402-403, 408-410, 410-411, 423-426, 437, 443-445, 446, 460-461, 475, 487-488, 489, 505-506, 522, 526-527, 536-537, 554-555, 562-563, 564-565, 575-578, 585-586, 590-591, 597-599, 630, 636-638, 704-706, 711-712, 719-723, 729-730, 739-742, 758-759, 769, 783-785, 792-793, 820-822, 832-834, 859-861, 883-884, 898, 907-908, 972, 1001, 1012, 1111, 1136, 1185, 1209, 1216, 1312, 1312-1313, 1361, 1407-1408, 1417, 1445, 1537, 1547, 1919-1920, 1932, 1987, 2024, 2154, 2163, 2197, 2215, 2265

Item veto messages—381-383, 983-984, 2262-2263, 2672-2683

Motion to override governor's item veto—391-392

Placed on calendar—1312

Referred to committees—393, 786, 1219, 1239, 1258, 1260, 1261

Rereferred to committees—151, 731, 785, 1053, 1113, 1168, 1241-1242, 1380, 1562, 2161, 2465

Resolutions adopted, not otherwise printed in journal—2645-2657

Resolutions withdrawn—743, 747

Sent to the governor—320, 368, 381, 557, 580, 785-786, 879, 1106, 1180, 1224, 1380-1381, 1408, 1441, 1598, 1869, 1905, 2064, 2096, 2140, 2159-2160, 2192, 2261, 2466

Sent to the secretary of state—2466

Veto messages—1225-1226, 2065-2066, 2142, 2462, 2667-2672

Withdrawn—557, 639, 796, 995, 1045, 1132, 1139, 1146, 1165, 1166, 1169, 1174, 1176, 1178, 1192, 1199, 1215, 1253, 1256, 1257, 1265, 1295, 1299, 1308, 1337, 1380, 1507, 2074, 2114, 2121, 2215, 2372, 2426

BILLS SENT TO GOVERNOR—

(See **BILLS**, subheading, Sent to the Governor)

BISIGNANO, TONY—Representative Polk County

Amendments filed—196, 197, 219-221, 250-251, 407, 459, 485, 486, 535, 703, 881, 986, 1073, 1160, 1184, 1205, 1382, 1383, 1546, 1600, 1941, 2436

Amendments offered—250, 1086, 1342, 2436

Amendment withdrawn—905

Bills introduced—23, 77, 150, 185, 268, 327, 400, 426, 563, 575, 576, 630, 729, 740

Committee appointments—29, 30, 329, 1905

Leave of absence—154, 2225

Presentation of visitors—1258-1259

Presented to the House Dr. Maria Stoltzman, member of the Polish Parliament—199

Presented to the House Tracey Meier, "Write Women Back Into History" essay contest winner—533

Presided at sessions of the House—557, 1166, 1240, 1836

Reports—352-366, 2269-2369

Resolutions offered—74, 790

Rulings made—1171, 1173

Subcommittee assignments—118, 125, 159, 160, 166, 173, 253, 262, 322, 332, 344, 345, 394, 395, 404, 420, 550, 551, 558, 571, 592, 714, 731, 732, 761, 774, 775, 1023, 1024, 1025, 1181, 1200, 1226, 1349, 1443

BLACK, DENNIS H.—Representative Jasper-Marshall Counties

Amendments filed—196-197, 635, 913, 1291, 1443, 1474, 1589, 1870, 2133, 2195

Amendments offered—709, 1288, 1291, 1589

Appointed to the Iowa Peace Institute—46

Bills introduced—23, 77, 154, 350, 398, 399, 426, 443, 630

Committee appointments—30, 67, 508

Leave of absence—2099

Presentation of visitors—823, 2160-2161

Presented to the House Magda Hanna, "Write Women Back Into History" essay contest winner—533

Presented to the House Irena and Vladimer Basiş, Schpola, Ukraine, U.S.S.R and five Ukraine high school students—2225

Presided at sessions of the House—816, 1404, 1873, 1963, 2009, 2154, 2159

Resolutions offered—508, 767, 790, 1230

Subcommittee assignments—103, 148, 159, 166, 331, 592, 762, 773, 1023, 1159

BLANSHAN, EUGENE H.—Representative Boone-Carroll-Greene Counties

Amendments filed—255, 970, 1027, 1301, 1382, 1444, 1462, 1474, 1588-1589, 1870, 2146, 2246-2247

Amendments offered—259, 997, 1309, 1310, 1317, 1357, 1366, 1397, 1398, 1462, 1588, 2172, 2371

Amendments withdrawn—1065, 1242, 1462, 1558

Appointed to the Board of Trustees for Statewide Fire and Police Retirement Systems—46

Asked and received unanimous consent to withdraw House File 308 & House Joint Resolution 1—639

Bills introduced—23, 267, 443, 527, 630

Committee appointments—29, 30, 31, 1932, 1987, 2253

Leave of absence—1111, 1871

Presentation of visitors—1071, 1347-1348

Presided at sessions of the House—901, 1070, 1343, 2131

Reports—2177-2178, 2405

Resolutions offered—74, 767, 790, 985-986

Ruling made—2133

Subcommittee assignments—125, 126, 152, 165, 166, 173, 179, 253, 254, 262, 263, 322, 332, 346, 369, 384, 395, 403, 404, 439, 482, 550, 551, 558, 571, 582, 592, 698, 732, 761, 762, 775, 880, 881, 967, 968, 1023, 1024, 1108, 1217, 1226, 1227

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, subheading Reports and/or INDIVIDUAL HEADINGS)

BOUNDARY COMMISSION—

Appointments to—46, 74

BRAMMER, PHILIP E.—Representative Linn County

Amendments filed—82, 190, 196-197, 459, 737, 781, 1160

Amendment offered—528

Amendment withdrawn—1079

Bills introduced—23, 55, 164, 172, 257, 401, 402, 424, 426, 443, 575, 723

Committee appointments—29, 30

Leave of absence—1136

Resolutions offered—74, 767, 790, 985-986

Subcommittee assignments—151, 152, 165, 253, 254, 344, 345, 346, 438, 439, 500, 550, 571, 582, 591, 592, 698, 761, 762, 968, 1023, 1181

BRAND, WILLIAM J.—Representative **Benton-Black Hawk Counties**
Amendments filed—336, 1073, 1410, 1583-1588, 2098, 2162, 2195, 2375
Amendments offered—1130, 1341, 1583, 2375
Appointed to the Legislative Council Committee (Capitol Projects)—192
Bills introduced—23, 54, 426, 565, 576, 630, 719, 721
Committee appointments—28, 29, 30
Presented to the House Sheryl Janko, 1990-91, President of the Iowa FFA Association—391
Presided at sessions of the House—887, 2109, 2369
Remarks by—14-15
Resolutions offered—74, 119, 767, 790, 985-986
Subcommittee assignments—148, 194, 332, 439, 558, 571, 698, 1108, 1182

BRANSTAD, CLIFFORD O.—Representative **Hancock-Kossuth-Winnebagos** Counties
Amendments filed—485, 503, 553, 561, 913, 1160, 1263, 1444, 1474, 1594, 1861-1864, 2400-2402
Appointed to the Legislative Council—172-173
Appointed to the Legislative Council Committee (Studies)—192
Bills introduced—65, 78, 115, 121, 122, 123, 129, 327, 373, 402, 410, 424, 505, 506, 527, 563, 576, 598, 630
Committee appointments—30, 2466
Leave of absence—1185
Petition presented—443
Resolutions offered—128, 371, 985-986, 1230
Subcommittee assignments—165, 193, 369, 403, 558, 631, 698, 1024, 1025, 1182

BRANSTAD, GOVERNOR TERRY E.—
(See GOVERNOR BRANSTAD, TERRY E.)

BROWN, JOEL W.—Representative **Clarke-Monroe-Lucas-Wayne Counties**
Amendments filed—196-197, 485, 486, 503, 635, 645, 703, 876, 986, 1027, 1184, 1469-1470, 1494, 1561, 1579, 1827-1829, 1981, 2050-2051, 2068, 2246-2247, 2263
Amendments offered—1118, 1469, 1827
Amendments withdrawn—904, 1118
Appointed to the Ethics committee—43
Bills introduced—23, 184, 256, 257, 268, 423, 424, 426, 443, 461, 488, 537, 576, 577, 630, 723
Committee appointments—29, 30, 31
Leave of absence—2227
Presented to the House the Honorable Tom Dougherty, former member of the House—1515
Presided at sessions of the House—1087
Resolutions offered—74, 985-986, 2195
Ruling made—1090
Subcommittee assignments—148, 173, 194, 482, 501, 551, 1024, 1071

BUDGET MESSAGE—
(See STATE OF THE STATE AND BUDGET MESSAGES)

BURKE, GORDON B.—Representative **Marshall County**
Amendments filed—1110, 1160, 1474, 1941, 2068
Amendments offered—1376, 2072
Bills introduced—23, 327, 350, 424, 443, 526, 576, 598, 630, 719, 740

Committee appointments—29, 30, 31, 55-56, 508, 1193, 2191

Leave of absence—536

Report—2440-2441

Resolutions offered—767, 790, 985, 1230

Subcommittee assignments—119, 159, 160, 187, 438, 439, 571, 1159, 1348, 1599, 1907

CANVASS OF VOTES—

Certificates of election—2-4, 106

For Governor and Lieutenant Governor—24-25, 106

Report of tellers—105

Tellers and judges of—105

Resolution relating to, HCR 1—13 adopted

CARPENTER, DOROTHY F—Representative Polk County

Amendments filed—75, 595, 791, 881, 970, 986, 987, 1027, 1073, 1135, 1160, 1301, 1350, 1382, 1516, 1590, 1602, 1827-1829, 1833, 1991, 2098, 2152-2153, 2236-2237, 2238, 2263, 2400-2402

Amendments offered—1007, 1251, 2012, 2236, 2238

Amendment withdrawn—2010

Bills introduced—23, 130, 150, 400, 424, 575, 598, 721, 723, 740

Committee appointments—29, 30, 31, 75, 1932, 2123

Presented to the House Katie Eakins, "Write Women Back Into History" essay contest winner—533

Presented to the House Vincente Solis of the Philippines—1347

Remarks by—16

Reports—2177-2178, 2249-2251

Resolutions offered—718, 790, 1230

Subcommittee assignments—125, 126, 159, 160, 166, 179, 262, 322, 332, 345, 395, 439, 550, 551, 571, 592, 761, 881, 967, 985, 1023, 1024, 1108, 1159, 1181, 1226, 1348

CERTIFICATES OF ELECTION—

Of Branstad, Terry E.—106

Of State Representatives—2-4

CERTIFICATES OF RECOGNITION—

51-52, 119, 159, 186-187, 321, 383, 438, 534, 580-582, 713-714, 823-824, 984-985, 1158-1159, 1259, 1442, 1906-1907, 2143-2146, 2463-2464

CHAPLAINS—

Resolution relating to, SCR 1—54, 63, 79-91 adopted, 116

CHAPMAN, KAY—Representative Linn County

Amendments filed—672, 676, 677-678, 678, 687-688, 986, 1073, 1383, 1410, 1482-1492, 1517, 1588, 2226

Amendments offered—419, 672, 676, 677, 678, 1267, 2237

Amendment withdrawn—1545

Appointed to the Legislative Council—172-173

Appointed to the Legislative Council Committees (Fiscal & Services)—192

Bills introduced—23, 55, 115, 131, 177, 444, 630, 769, 1111

Committee appointments—28, 29, 30, 31, 107, 1194

Leave of absence—372

Report—107

Resolution offered—767

Subcommittee assignments—118, 173, 193, 321, 384, 438, 698, 731, 774, 1023, 1024, 1025, 1182, 1200, 2146

CHIEF CLERK OF THE HOUSE, Joseph O'Hern

Administered oath of office to temporary Speaker, the Honorable Charles Poncey—2
 Communications received and on file—1, 43-44, 48-51, 116-117, 124-125, 147, 151, 158,
 165, 173, 179, 186, 192-193, 253, 262, 320-321, 330-331, 344, 394, 403, 420, 438,
 534, 549, 591, 599-625, 697-698, 713, 731, 761, 773, 822, 879-880, 984, 1022, 1071,
 1106, 1107, 1180, 1300, 1408, 1906, 1989, 2096, 2160, 2193-2194

Elected acting Chief Clerk—2

Elected permanent Chief Clerk—13

Reports:

Certificates of recognition—51-52, 119, 159, 186-187, 321, 383, 438, 534, 580-582,
 713-714, 823-824, 984-985, 1158-1159, 1259, 1442, 1906-1907, 2143-2146,
 2463-2464

Committee recommendations—53, 63, 74, 127-128, 181-182, 189, 196, 265-266, 325,
 335-336, 347-348, 370-371, 387-388, 397, 405-407, 421-422, 441-442, 458,
 484-485, 502-503, 524-525, 552, 559-560, 572-574, 583-584, 594-595, 633-634,
 699-702, 717, 734-737, 765-767, 776-781, 786-790, 824-830, 912, 969,
 1025-1026, 1072-1073, 1109-1110, 1134-1135, 1182-1183, 1201-1204,
 1218-1221, 1227-1230, 1260-1262, 1349-1350, 1405-1406, 1409, 1443, 1562,
 1599-1600, 1870, 1907, 1940-1941, 1990-1991, 2067-2068, 2097, 2161-2162,
 2170, 2194-2195, 2226, 2241, 2244-2245, 2265-2266, 2376-2377, 2407

Conference committee reports filed—330, 2260

Enrolled bills—320, 368, 381, 557, 580, 785-786, 879, 1106, 1180, 1224, 1380-1381,
 1408, 1441, 1598, 1869, 1905, 2064, 2096, 2140, 2159-2160, 2192, 2261, 2466

Temporary Redistricting Advisory Commission—1938

Resolutions relating to:

House Concurrent Resolution 7—371, 384

House Concurrent Resolution 25—1230, 1459 adopted, 2413, 2429, House con-
 curred, H-4138, as amended, adopted, 2429

House Resolution 1—20 adopted

House Resolution 6—128

House Resolution 10—634

Senate Concurrent Resolution 1—54, 63, 79-91 adopted, 116

Took oath of office—2

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Arthur A. McGiverin
(See SUPREME COURT OF IOWA)**CHILD SUPPORT RECOVERY ADVISORY COMMITTEE—**

Appointment to—46

CITIZENS' AIDE/OMBUDSMAN—

Communications from—48, 984

Resolution relating to, SCR 28—2376, 2411-2412 as amended, adopted, 2440

CLAIMS—

(See CLAIMS FILED)

(See MANAGEMENT, DEPARTMENT OF)

(See STATE APPEAL BOARD)

CLAIMS FILED—

(See also MANAGEMENT, DEPARTMENT OF)

(See also STATE APPEAL BOARD)

Claims approved—604-625

Claims disapproved—599-603, 1106-1107

Claims filed—599-603, 604-625, 1106-1107

Communications from State Appeal Board—599-603, 1106-1107

Communication from Department of Management—604-625

COHOON, DENNIS M.—Representative Des Moines County

Amendments filed—685, 970, 1027, 1474, 1582, 2098

Amendments offered—685, 1368, 1582, 1910

Bills introduced—23, 122, 123, 129, 461, 720, 721

Committee appointments—29, 30

Presentation of visitors—910-911, 2096-2097

Presided at sessions of the House—905, 2094

Resolutions offered—74, 985-986

Subcommittee assignments—103, 148, 321, 331, 344, 481, 482, 524, 550, 558, 761, 763,
774, 775, 881, 911, 1023, 1024, 1025, 1181, 1200

COLLEGE STUDENT AID COMMISSION—

Communication from—880

COMMERCE, COMMITTEE ON—

Amendments filed—266, 1221, 1222

Amendments offered—419, 1267, 1533

Appointed—29

Bills introduced—337, 352, 400, 411, 705, 739, 741, 784, 785, 792, 793, 821, 832, 833,
834, 860, 898, 908

Recommendations—265, 335, 347-348, 397, 421, 572-573, 699-700, 734-735, 776-777,
825-826, 1182, 1218-1219

Resolution offered—1221

Subcommittee assignments—118, 173, 321, 344, 345, 384, 404, 481, 482, 571, 582, 583,
698, 731, 774, 775, 1024, 1025, 1071, 1182

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, subheading Reports and/or
INDIVIDUAL HEADINGS)

COMMITTEE RECOMMENDATIONS—

Administration—63

Administrative Rules Review—370, 969

Agriculture—406, 484, 559-560, 717, 765, 786, 824-825, 1025-1026, 1109, 1227, 1260

Appropriations—189, 441, 633, 717, 1072, 1405, 1443, 1562-1563, 1907, 1990, 2067, 2226,
2244-2245, 2265-2266, 2407

Commerce—265, 335, 347-348, 397, 421, 572-573, 699-700, 734-735, 776-777, 825-826,
1182, 1218-1219

Education—387, 484, 524, 560, 583, 594, 633, 700, 765-766, 786-787, 1026, 1201,
1227-1228, 2097

Energy and Environmental Protection—348, 387, 406, 442, 502, 560, 583-584, 633,
766, 787, 826-827, 1134, 1202, 1219, 1228, 1260

Ethics—370-371

Human Resources—335, 348, 397, 503, 594-595, 700-701, 735-736, 777-778, 787-788, 827,
912, 1183, 1219-1220, 1940

Judiciary and Law Enforcement—74, 189, 265, 422, 458, 503, 573, 701, 736, 778-780,
788-789, 827, 1072, 1183, 1202, 1220, 2161, 2241

- Labor and Industrial Relations—406, 560, 584, 701, 766, 1134-1135, 1203, 1220-1221, 1228-1229
- Local Government—127-128, 196, 348, 458, 503, 552, 573, 595, 701-702, 736, 780, 789, 827-828, 1072, 1183, 1203, 1260-1261
- Natural Resources and Outdoor Recreation—336, 458, 484-485, 552, 573, 584, 702, 737, 781, 790, 1072, 1183, 1221, 1261, 1870
- Rules—53, 63
- Small Business, Economic Development and Trade—181-182, 265, 266, 422, 702, 737, 781, 828
- State Government—53, 182, 196, 266, 387-388, 406, 485, 525, 560, 573-574, 633-634, 766-767, 790, 828-830, 1026, 1073, 1109, 1203-1204, 1229-1230, 1261-1262, 2068, 2170
- Transportation—182, 325, 348, 388, 406-407, 503, 560, 634, 767, 830, 1110, 1135, 1204, 1230, 2226, 2376-2377
- Ways and Means—442, 552, 634, 969, 1026, 1183, 1221, 1349-1350, 1405-1406, 1409, 1443, 1599-1600, 1941, 1990-1991, 2161-2162, 2194-2195

COMMITTEES, COMMISSIONS, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, subheading Reports and/or INDIVIDUAL HEADINGS)

COMMITTEES, SPECIAL—

- Appointments—13, 16, 23, 55-56, 56, 66, 67, 104, 107, 1193, 2466
- Arrange for Inauguration, HCR 3—14 adopted, 76
- Escorted the Honorable Robert C. Arnould to the Speaker's station—9
- Escorted the Honorable John H. Connors to the Speaker's station—16
- Escort Pioneer Lawmakers—1194
- From Senate—18, 55-56, 2466
- Notify and escort President of the Senate—56, 104, 2466
- Notify and escort Governor Terry E. Branstad—13, 56, 57, 62, 68, 73, 107, 113, 2466
- Notify Senate—13, 23, 66, 104, 1193, 2466
- Representative Connors welcomed the Pioneer Lawmakers on behalf of the House—1194
- Reports—18, 24, 56, 67, 104, 107, 2467

COMMUNICATIONS FROM—

- Appeal Board, State, Claims—599-603, 1106-1107
- Donald D. Avenson, Speaker of the House—resignation—1
- Governor—2467
- Management, Department of, Claims—604-625
- North Carolina, State of—591
- Ohio, State of—43-44
- Representative Thomas H. Fey—resignation—1
- Reports:
 - Auditor of State—48, 1071
 - Blind, Department for the—48
 - Business Council—1180
 - Citizens' Aide/Ombudsman—48, 984
 - Citizen's Foster Care Review Board—2194
 - Civil Rights Commission—2096
 - College Aid Commission—880
 - Commerce Department—48, 116
 - Conservation Corps—344

Corrections, Department of—116
 Cultural Affairs Department—158, 186
 Economic Development Department—48, 117, 394, 403, 697, 984
 Education Department—48-49, 124, 822
 Elder Affairs Department—147, 320
 Employment Services Department—330-331
 Finance Authority—549
 General Services Department—49, 192-193
 Governor's Alliance on Substance Abuse—51, 125, 262, 1408, 1906
 Health Care Expansion Task Force—158
 Health Data Commission—51, 117, 151
 Human Rights Department—49, 193, 321, 420, 731
 Human Services Department—49, 124, 534, 713, 880, 2193-2194
 Inspections and Appeals Department—1107
 International Network on Trade, Inc.—117
 Iowa State University—880
 Justice Department—49, 124
 Law Enforcement Academy—51
 Legislative Fiscal Bureau—125
 Management Department—49, 117, 1989
 Natural Resources Department—49, 117
 Parole Board—879
 Personnel Department—50, 125, 403
 Preserves Advisory Board—117
 Pseudorabies Advisory Committee—117
 Public Employment Relations Board—117
 Public Health Department—50, 125, 147, 344, 697, 761, 773, 880
 Public Safety Department—117, 698, 713
 Regents, Board of—124, 179
 Revenue and Finance Department—50, 2160
 State Library—321
 Status of Blacks, Commission on the—158
 Status of Women, Commission on the—117
 Transportation Department—50-51, 165, 186, 193, 253, 344, 1022, 1071
 Treasurer of Iowa—173
 University of Iowa—331, 438
 University of Northern Iowa—438, 1300
 Utilities Board—51
 Wallace Technology Transfer Foundation—51
 Secretary of State—43-44

COMPANION BILLS—

(See HOUSE and SENATE COMPANION BILLS listed in LEGISLATIVE INDEX VOLUME)

COMPENSATION, EXPENSES AND SALARIES FOR ELECTED STATE OFFICIALS, COMMISSION ON—

Appointments to—46

CONDITION OF THE STATE MESSAGE—

(See STATE OF THE STATE AND BUDGET MESSAGES)

CONFERENCE COMMITTEES—

Appointed—261-262, 329, 770, 1904, 1905, 1932, 1987, 2024, 2123, 2191, 2219, 2252, 2253, 2265, 2414, 2440

Reports:

House File 173—352
House File 335—2373
House File 455—2084
House File 479—2268
House File 712—2458
Senate Concurrent Resolution 2—341
Senate File 42—2177
Senate File 184—2425
Senate File 209—862
Senate File 362—2446
Senate File 471—2249
Senate File 476—2405
Senate File 496—2414
Senate File 529—2379
Senate File 536—2440

Reports filed:

Senate Concurrent Resolution 2—330
Senate File 529—2260

Reports called up:

House File 173—352
House File 335—2373
House File 335—2430 (second report)
House File 455—2084-2085
House File 479—2268
House File 712—2458
Senate Concurrent Resolution 2—341-342
Senate File 42—2177
Senate File 184—2425
Senate File 209—862
Senate File 362—2446
Senate File 471—2249
Senate File 476—2405
Senate File 496—2414
Senate File 529—2378
Senate File 536—2440
Senate File 548—2249

Reports adopted:

House File 173—352-366 adopted
House File 335—2372-2373 adopted
House File 335—2430 (second report) adopted
House File 455—2084-2085 adopted
House File 479—2269-2369 adopted
House File 712—2458-2459 adopted
Senate Concurrent Resolution 2—341-343 as amended, adopted
Senate File 42—2177-2179 adopted
Senate File 184—2425 adopted
Senate File 209—862-867 adopted

Senate File 362—2446-2457 adopted
 Senate File 471—2249-2251 adopted
 Senate File 476—2405 adopted
 Senate File 496—2414-2422 adopted
 Senate File 529—2378-2398 adopted
 Senate File 536—2440-2441 adopted

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

CONNORS, JOHN H.—Representative Polk County, Speaker Pro Tempore

Amendments filed—485, 684, 986, 1160, 1205, 1263, 1301, 1351, 1516, 1579, 1600
 Amendments offered—684, 1321, 1399, 1435, 1439, 1463
 Amendments withdrawn—1335, 1463, 2010
 Appointed to the Legislative Council—172-173
 Appointed to the Legislative Council Committee (Service)—192
 Bills introduced—19, 23, 130, 163, 268, 327, 444, 506, 711
 Committee appointments—28, 30, 79, 1987, 2466
 Elected Speaker Pro Tempore—14-18
 Escorted to the well and presented to the House Michael Nunn, winner of the International Boxing Federation's World Middleweight Championship—2116-2117
 Leave of absence—372, 1045, 1111, 2112, 2134
 Petitions presented—585, 739
 Presentation of visitors—760, 1200, 1300, 1381
 Presented to the House State Representative Richard Voke from Massachusetts—351
 Presented to the House Rachel Knock, 1991 Muscular Dystrophy State of Iowa Poster Child—351
 Presented to the House John Schulibe, Arnis Steinbloom and Modris Steinbloom from Republic of Latvia—2066
 Presided at sessions of the House—62, 144, 248, 428, 508, 653, 739, 855, 971, 980, 1000, 1197, 1266, 1287, 1371, 1411, 1533, 1550, 1889, 1892, 1920, 1950, 1999, 2046, 2059, 2163, 2169, 2173, 2175, 2196, 2212, 2213, 2214
 Remarks by—16-18
 Resolutions offered—190, 790, 985
 Rulings made—748, 1270, 1377, 1535, 1558, 2165
 Subcommittee assignments—103, 125, 126, 159, 166, 179, 187, 193, 263, 332, 369, 394, 395, 439, 523, 524, 550, 592, 631, 715, 732, 762, 1023, 1024, 1025, 1108, 1181, 1200, 1226
 Welcomed Pioneer Lawmakers on behalf of the House—1194

CORBETT, RON J.—Representative Linn County

Amendments filed—75, 202, 203, 203-204, 205, 206, 407, 504, 553, 561, 595, 635, 672, 673, 702, 874, 876, 913, 970, 1160, 1263, 1350, 1444, 1474, 1494-1497, 1517, 1594, 1836-1837, 1861-1864, 2098, 2400-2402
 Amendments offered—203, 248, 249, 252, 416, 639, 672, 707, 874, 1371, 1550, 1836
 Amendments withdrawn—206, 250, 513, 514, 890, 1372
 Appointed to the Commission on the Status of Women and the Entrepreneurship Task Force—47
 Bills introduced—327, 373, 389, 402, 424, 460, 506, 554, 722
 Committee appointments—29, 2024
 Leave of absence—709, 719, 988, 1302, 1871, 2094, 2163
 Report—2084-2085

Resolutions offered—128, 371, 767

Subcommittee assignments—173, 254, 345, 384, 481, 482, 571, 582, 698, 881, 1108

CREDENTIALS, COMMITTEE ON—

Appointed—2

Report—2-5 adopted

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL—

Appointments to—46, 47

DAGGETT, HORACE C.—Representative Adams-Decatur-Ringgold-Taylor Counties
Amendments filed—75, 875, 881, 913, 970, 1516, 1838, 1848, 1849, 1861-1864, 2098,
2400-2402

Amendments offered—875, 1838, 1848, 1849

Bills introduced—65, 77, 78, 122, 123, 124, 130, 131, 149, 154, 184, 268, 373, 399, 402,
409, 410, 424, 506, 555, 575, 576, 586, 630, 712, 719, 720, 721, 784, 1136

Committee appointments—29, 31, 2191

Leave of absence—475, 1179

Petitions presented—398, 423

Report—2440-2441

Resolutions offered—325, 371, 985-986

Subcommittee assignments—159, 160, 187, 438, 439, 481, 482, 524, 631, 698, 762, 763,
967, 985, 1200, 1348, 1599, 2146

DE GROOT, KENNETH R.—Representative Lyon-O'Brien-Osceola-Sioux Counties
Amendments filed—669, 670, 781, 831, 913, 941, 1135, 1444, 1582-1583, 2263, 2400-2402
Amendments offered—669, 670, 940

Bills introduced—20, 122, 123, 129, 130, 269, 402, 424, 630, 740

Committee appointments—20, 29, 30, 31, 79, 773

Leave of absence—475, 487

Presented to the House the Honorable Juel Johnson, State Representative from South
Dakota—549

Report—21-23

Resolutions offered—371, 985-986, 1230

Subcommittee assignments—194, 384, 438, 774, 775, 967, 1024, 1159, 1217

DICKINSON, RICK—Representative Dubuque-Jackson Counties

Amendments filed—1263, 1351, 1409, 1827-1829, 1870, 1991

Amendments offered—427, 1446, 2156

Bills introduced—23, 154, 327, 426, 630, 723, 785

Committee appointments—23, 30, 31

Leave of absence—372, 792, 904

Presided at sessions of the House—643, 691, 896, 1305

Resolutions offered—790, 985, 1184, 1230, 1382

Subcommittee assignments—165, 404, 438, 439, 592, 761, 967, 1348, 1869, 2067

DIEMER, MARVIN E.—Representative Black Hawk County

Amendments filed—962-963, 1474, 1600, 1601, 2400-2402

Amendment offered—1837

Bills introduced—23, 65, 66, 78, 114, 115, 116, 121, 122, 123, 150, 154, 164, 171, 186,
268, 327, 372, 389, 399, 402, 425, 505, 527, 575, 630

Committee appointments—30

Leave of absence—475, 1232

Petition presented—597

Resolution offered—1230

Subcommittee assignments—148, 165, 174, 263, 331, 346, 384, 404, 439, 592, 714, 762, 773, 774, 775, 1025, 1159, 1181

DODERER, MINNETTE—Representative Johnson County

Amendments filed—422, 574, 595, 628-629, 970, 986, 987, 1027, 1073, 1098, 1184, 1601, 1887, 1908, 2087, 2182, 2182-2188, 2188, 2248, 2263

Amendments offered—628, 710, 1011, 1043, 1128, 1256, 1859, 1887, 1923, 2087, 2181, 2182, 2188, 2248

Amendment withdrawn—2189

Asked and received unanimous consent to withdraw House File 151—639

Appointed to the Legislative Fiscal Committee—47

Bills introduced—23, 54, 66, 129, 178, 267, 269, 327, 338, 398, 399, 424, 554, 562, 720, 740

Committee appointments—29, 30, 31, 508

Leave of absence—154, 1232

Presented to the House the Honorable Howard Sokel, former member of the House—580

Presided at sessions of the House—1036

Resolutions offered—718, 790, 985, 1184, 1230

Subcommittee assignments—173, 404, 438, 481, 535, 571, 731, 774, 967, 985, 1025, 1217, 1599, 1907, 2067, 2161

DVORSKY, ROBERT E.—Representative Iowa-Johnson Counties

Amendments filed—196-197, 422, 519-520, 574, 688-689, 946, 1073, 1184, 1350, 1382, 1403, 1474, 1482-1492, 1543, 1546, 1574, 1827-1829, 1860-1861, 2092-2093, 2126-2131, 2132, 2152-2153

Amendments offered—519, 1190, 1367, 1391, 1401, 1403, 1546, 2078, 2092, 2132

Bills introduced—23, 150, 185, 372, 426, 461, 723, 740

Committee appointments—9, 29, 30, 507

Conference committee appointments announced—2414

Leave of absence—971, 1075, 2218

Presided at sessions of the House—1323, 1494, 2150, 2412

Resolutions offered—74, 790, 985-986, 2195

Ruling made—1334

Subcommittee assignments—119, 160, 194, 332, 394, 395, 481, 482, 549, 550, 731, 763, 775, 1024, 1108, 1181, 1348, 1989

ECONOMIC DEVELOPMENT BOARD—

Appointments to—46, 47

EDDIE, RUSSELL J.—Representative Buena Vista-Pocahontas Counties

Amendments filed—348, 673, 1300, 1382, 1574, 1594-1595, 1846, 1861-1864, 2400-2402

Amendments offered—1594, 1846

Bills introduced—23, 77, 115, 116, 121, 122, 123, 129, 131, 150, 171, 183, 257, 268, 269, 402, 424, 461, 506, 575

Committee appointments—29, 30

Leave of absence—475, 704, 719

Petition presented—149

Resolutions offered—128, 371, 1230

Subcommittee assignments—103, 148, 159, 187, 404, 535, 558, 762, 1023, 1181, 1217

EDUCATION, COMMITTEE ON—

Amendments filed—388, 485, 634, 768, 791, 1204, 1231

Amendments offered—511, 799, 1211, 1233, 1303, 1314, 1370, 1897, 2056

Appointed—29

Bills introduced—390, 475, 506, 562, 578, 636, 711, 712, 758, 769, 783, 834, 859, 908, 1209

Recommendations—387, 484, 524, 560, 583, 594, 633, 700, 765-766, 786-787, 1026, 1201, 1227-1228, 2097

Subcommittee assignments—125, 126, 159, 160, 165, 166, 187, 253, 254, 345, 384, 481, 482, 523, 524, 582, 631, 698, 761, 762, 763, 881, 1023, 1024, 1025, 1134, 1200

ELDER AFFAIRS, DEPARTMENT OF—

Communications from—147, 320

EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

ENERGY AND ENVIRONMENTAL PROTECTION, COMMITTEE ON—

Amendments filed—791, 1205, 1222, 1231, 1262

Amendments offered—938, 1277, 1367, 1538, 2025

Appointed—29

Bills introduced—341, 401, 411, 437, 506, 590, 712, 784, 832, 833, 834, 859, 860, 861

Recommendations—348, 387, 406, 442, 502, 560, 583-584, 633, 766, 787, 826-827, 1134, 1202, 1219, 1228, 1260

Subcommittee assignments—119, 152, 193, 194, 331, 332, 344, 394, 395, 481, 482, 549, 550, 731, 732, 775, 1023, 1024, 1108, 1200, 1217

ENROLLED BILLS—

(See BILLS, subheading, Sent to Governor and/or CHIEF CLERK OF THE HOUSE, Joe O'Hern, subheading, Reports and/or SPEAKER OF THE HOUSE, Robert C. Arnould, subheading, Bills signed by)

ENTREPRENEURSHIP TASK FORCE—

Appointments to—46, 47

ETHICS, COMMITTEE ON—

Appointed—31, 42, 43

Recommendations—370, 371

Resolutions offered—371, 431, 448

Resolutions relating to:

House Resolution 8, rules governing lobbyists—431-437, as amended, adopted

House Resolution 9, amend House code of ethics—448-457, as amended, adopted

EXPLANATIONS OF VOTE—

House Concurrent Resolution 15—Representative Wise—879

House Concurrent Resolution 19, H-3582—Representative Corbett—2225

House Concurrent Resolution 22—Representative Corbett—2225

House File 4—Representative Rafferty—158

House File 20—Representative Ollie—437

House File 39—Representative Rafferty—158

House File 73—Representatives Adams & Spenner—381

House File 73—Representative Dickinson—394

House File 73—Representative Ollie—437

House File 91—Representative Eddie—760

House File 109—Representative Wissing—457

House File 110—Representatives Adams & Spenner—381

House File 110—Representatives Daggett & Dickinson—394

- House File 110—Representative Ollie—437
- House File 167—Representative Dickinson—878
- House File 173, item veto override—Representative Groninga—403
- House File 173, item veto override—Representative Ollie—437
- House File 198—Representatives Adams & Spenner—381
- House File 198—Representative Dickinson—394
- House File 198—Representative Ollie—437
- House File 200—Representatives Adams & Spenner—381
- House File 200—Representative Dickinson—394
- House File 201—Representative Siegrist—910
- House File 220—Representative Ollie—437
- House File 231—Representative Ollie—437
- House File 232—Representative Dickinson—966
- House File 233—Representative Wissing—457
- House File 237—Representative Dickinson—878
- House File 237—Representative Wise—879
- House File 237—Representative Wissing—1938
- House File 252—Representative Ollie—437
- House File 253—Representative Ollie—437
- House File 254—Representative Wissing—457
- House File 260—Representatives Maulsby & Renaud—523
- House File 260—Representatives De Groot & Royer—534
- House File 285—Representative Dickinson—878
- House File 285—Representative Wise—879
- House File 288—Representatives De Groot & Royer—534
- House File 294—Representatives Maulsby & Renaud—523
- House File 294—Representatives De Groot & Royer—534
- House File 297—Representative Renaud—523
- House File 297—Representatives De Groot & Royer—534
- House File 302—Representatives De Groot & Royer—534
- House File 306—Representatives De Groot & Royer—534
- House File 307—Representatives Maulsby & Renaud—523
- House File 307—Representatives De Groot & Royer—534
- House File 309—Representative Eddie—760
- House File 324—Representatives De Groot & Royer—534
- House File 325—Representatives De Groot & Royer—534
- House File 334—Representative Dickinson—878
- House File 334—Representative Wise—879
- House File 335—Representative Corbett—2225
- House File 343—Representatives De Groot & Royer—534
- House File 343—Representative Branstad—1472
- House File 344—Representatives De Groot & Royer—534
- House File 353—Representative Eddie—760
- House File 375—Representative Dickinson—966
- House File 384—Representative Dickinson—878
- House File 384—Representative Wise—879
- House File 392—Representative Dickinson—878
- House File 392—Representative Wise—879
- House File 417—Representative Eddie—760
- House File 420—Representative Dickinson—878
- House File 420—Representative Wise—879

- House File 423—Representative Dickinson—878
House File 423—Representative Wise—879
House File 426—Representative Eddie—760
House File 430—Representative Eddie—760
House File 438—Representative Adams—1133
House File 449—Representatives Murphy, Peterson of Carroll, Royer & Wissing—1022
House File 455, H-3179 & H-3200 Representative Iverson—879
House File 469—Representative Spenner—982
House File 479, H-3220—Representative Baker—697
House File 479—Representatives Gruhn & Royer—713
House File 479, H-3239—Representative Royer—713
House File 479—Representative Spenner—1905
House File 479, H-3942 to H-3873—Representative Spenner—1905
House File 479, H-3832 to H-3734—Representative Spenner—1905
House File 480—Representatives Murphy, Ollie, Peterson of Carroll, Royer & Wissing—1022
House File 483—Representative Spenner—773
House File 486—Representative Spenner—773
House File 489—Representative Dickinson—878
House File 489—Representative Wise—879
House File 489—Representative Ollie—1938
House File 491—Representatives Murphy, Peterson of Carroll, Royer & Wissing—1022
House File 497—Representatives Lundby & Spenner—982
House File 500—Representative Dickinson—878
House File 500—Representative Wise—879
House File 502—Representative Dickinson—878
House File 502—Representative Wise—879
House File 506—Representative Dickinson—966
House File 518—Representative Dickinson—878
House File 518—Representative Wise—879
House File 556—Representative Dickinson—878
House File 556—Representative Wise—879
House File 558—Representatives Lundby & Spenner—982
House File 565—Representative Dickinson—878
House File 565—Representative Wise—879
House File 567—Representative Dickinson—878
House File 567—Representative Wise—879
House File 569—Representative Adams—1133
House File 569, motion to defer—Representative Adams—1133
House File 571—Representative Dickinson—878
House File 571—Representative Wise—879
House File 575—Representative Dickinson—878
House File 575—Representative Wise—879
House File 589—Representative Dickinson—878
House File 589—Representative Wise—879
House File 592—Representatives Lundby & Spenner—982
House File 593—Representative Adams—1133
House File 594—Representatives Lundby & Spenner—982
House File 596—Representatives Lundby & Spenner—982

- House File 598—Representatives Peterson of Carroll & Wissing—1022
House File 599—Representatives Lundby & Spenner—982
House File 612—Representative Adams—1133
House File 614—Representatives Lundby & Spenner—982
House File 616—Representatives Lundby & Spenner—982
House File 616, H-3414 to H-3373—Representative Lundby—982
House File 619—Representatives Lundby & Spenner—982
House File 623—Representatives Murphy, Peterson of Carroll, Royer & Wissing—1022
House File 625—Representative Spenner—982
House File 626—Representative Adams—1133
House File 627—Representative Adams—1133
House File 634—Representative Adams—1133
House File 639—Representatives Murphy, Peterson of Carroll, Royer & Wissing—1022
House File 648—Representative Adams—1133
House File 656—Representative Adams—1133
House File 668—Representative Adams—1133, 2140
House File 672—Representative Adams—2140
House File 675—Representative Adams—1105
House File 675, motion to reconsider—Representative Adams—1105
House File 689—Representative Corbett—1347
House File 690—Representative Bernau—1440
House File 690—Representative Lundby—1472
House File 691—Representative Bernau—1440
House File 691—Representative Lundby—1472
House File 693—Representative Bernau—1440
House File 693—Representative Lundby—1472
House File 700—Representative Corbett—2225
House File 709—Representative Corbett—2225
House File 710—Representative Corbett—2225
House File 710—Representative Tyrrell—2261
House File 711, H-4116C—Representative Spenner—2460
House File 711—Representative Spenner—2460
House File 712—Representative Tyrrell—2261
House File 712—Representatives Daggett & Metcalf—2460
House Joint Resolution 4—Representatives Adams & Spenner—381
House Joint Resolution 4—Representative Dickinson—394
House Joint Resolution 4—Representative Ollie—437
House Joint Resolution 5—Representative Daggett—1258
House Joint Resolution 10—Representative Spenner—2460
House Resolution 2, H-3018—Representative Spenner—262
Senate Concurrent Resolution 1—Representative Ollie—116
Senate File 2—Representative Branstad—1472
Senate File 4—Representative Spenner—2460
Senate File 33—Representative Corbett—1347
Senate File 42—Representative Bernau—1440
Senate File 42—Representative Corbett—2225
Senate File 48—Representative Corbett—1347
Senate File 83, H-4093, motion to suspend rules—Representative Corbett—2225
Senate File 83—Representative Corbett—2225

- Senate File 87—Representative Eddie—760
- Senate File 89—Representative Ollie—437
- Senate File 101—Representative Corbett—1347
- Senate File 111—Representative Eddie—760
- Senate File 112—Representative Bernau—1440
- Senate File 116—Representatives Maulsby & Renaud—523
- Senate File 116—Representatives De Groot & Royer—534
- Senate File 138—Representative Corbett—1347
- Senate File 141—Representatives De Groot & Royer—534
- Senate File 150—Representatives De Groot & Royer—534
- Senate File 151—Representative Spenner—773
- Senate File 166—Representative Bernau—1440
- Senate File 174—Representative Eddie—760
- Senate File 180—Representative Eddie—760
- Senate File 188—Representatives Garman & Renaud—523
- Senate File 188—Representatives De Groot & Royer—534
- Senate File 209—Representative Iverson—879
- Senate File 209, conference cmte. report—Representative Iverson—879
- Senate File 221—Representative Bernau—1440
- Senate File 257—Representative Branstad—1200
- Senate File 269—Representative Bernau—1440
- Senate File 276—Representative Wissing—2159
- Senate File 313—Representative Daggett—1258
- Senate File 331—Representative Bernau—1440
- Senate File 336—Representative Bernau—1440
- Senate File 346—Representative Bernau—1440
- Senate File 346—Representative Lundby—1472
- Senate File 363—Representative Bernau—1440
- Senate File 382—Representative Branstad—1200
- Senate File 412—Representative Bernau—1440
- Senate File 470—Representative Daggett—1258
- Senate File 471—Representative Spenner—2460
- Senate File 473—Representative Bernau—1440
- Senate File 478, H-4009—Representative Adams—2140
- Senate File 491—Representative Corbett—1347, 2225
- Senate File 492—Representative Bernau—1440
- Senate File 502—Representative Bernau—1440
- Senate File 502—Representative Ollie—1938
- Senate File 503—Representative Bernau—1440
- Senate File 505—Representative Fogarty—2064
- Senate File 524, motion to suspend Rule 60—Representative Adams—1133
- Senate File 529, H-3903—Representative Knapp—1598
- Senate File 529—Representative Brown—1598
- Senate File 533—Representative Tyrrell—2261
- Senate File 533—Representatives Daggett & Metcalf—2460
- Senate File 542—Representative Corbett—2225
- Senate File 544—Representative Spenner—2460
- Senate File 545—Representative Corbett—2225
- Senate File 548—Representative Spenner—2460
- Senate Joint Resolution 1—Representative Ollie—116

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FINAL DISPOSITION OF MOTIONS TO RECONSIDER—2465

FOGARTY, DANIEL P.—Representative Clay-Palo Alto Counties

Amendments filed—196, 442, 485, 561, 574, 913, 1056-1057, 1382, 1474, 1601, 1842-1843, 1861-1864, 2195, 2246-2247

Amendments offered—1056, 1359

Bills introduced—23, 78, 122, 123, 129, 198, 257, 268, 269, 426, 443, 506, 527, 630, 722

Committee appointments—29, 30, 104, 507-508, 2440

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—643

Presentation of visitors—1158

Presented to the House Danny Wagener, "Write Women Back Into History" essay contest winner—533

Presided at sessions of the House—1148

Report—2458

Resolutions offered—74, 371, 507, 561, 790, 985-986

Rulings made—1150, 1151

Subcommittee assignments—147, 148, 159, 187, 263, 331, 344, 384, 404, 482, 558, 582, 762, 773, 775, 1024, 1159, 1181

GARMAN, TERESA—Representative Boone-Story Counties, Assistant Minority Floor Leader

Amendments filed—485, 682-683, 737, 882, 913, 970, 1204, 1301, 1350, 1474, 1577-1579, 1591, 1861-1864, 1980, 2400-2402

Amendments offered—494, 682, 1531

Bills introduced—78, 122, 123, 129, 149, 150, 155, 258, 327, 398, 402, 408, 410, 424, 425, 505, 506, 536, 563, 630

Committee appointments—30

Presented to the House the Honorable Virgil Corey, former member of the House—500

Resolutions offered—128, 371, 1230

Subcommittee assignments—125, 126, 160, 263, 332, 394, 439, 550, 592, 732, 1024, 1181, 1227

GENERAL ASSEMBLY—HOUSE—

(See also ADMINISTRATION, and RULES, COMMITTEE ON and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

Final adjournment—2467

Resolutions relating to:

House Concurrent Resolution 1, condition of the state message—13 adopted, 14, 76

House Concurrent Resolution 2, condition of the Judicial department message—14 adopted, 76

House Concurrent Resolution 3, joint inaugural committee—14 adopted, 76

House Concurrent Resolution 4, urge a minute of silence for peace, support of troops in Kuwait—53

House Concurrent Resolution 7, printed legislative materials—371, 384

- House Concurrent Resolution 9, petition United States Navy, return the battleship USS Iowa's silver service—561, 595, 743 w/d.
- House Concurrent Resolution 12, pioneer lawmakers—595, 747 adopted, 1179
- House Concurrent Resolution 25, honor national guard & reserve units, active duty, Operation Desert Shield & Desert Storm—1230, 1459 adopted-2413, 2429, house concurred, H. 4138, as amended, adopted, 2429
- House Concurrent Resolution 26, oppose proposed coast guard annual fees on recreational vehicles operated on the Missouri & Mississippi rivers—1382
- House Concurrent Resolution 28, state horticultural society, 125th anniversary—2195, 2230 adopted, 2439
- House Resolution 1, appointment of clerks, secretaries & pages—20 adopted
- House Resolution 2, permanent rules of the House—53, 75, 148, 153, 182, 196, 226-253, as amended, adopted, 262
- House Resolution 6, daily operations & expenses of the House—128
- House Resolution 8, rules governing lobbyists—371, 431-437 as amended, adopted
- House Resolution 9, code of ethics—371, 442, 448-457 as amended, adopted
- House Resolution 10, secretarial pool, aid in discharge of clerical work of the House—634
- House Resolution 12, honor founders of the National Bar Association—1110, 1202, 1443, 2122 adopted
- House Resolution 14, intent of House, state communications network (fiber optics)—1230-1231
- Senate Concurrent Resolution 1, compensation of chaplains, officers & employees—54, 63, 79-91 adopted, 116
- Senate Concurrent Resolution 2, joint rules—54, 63, 64, 75, 113, 120, 131-147, 172, 261-262, 271, 330, 340, 341-343 as amended, adopted
- Senate Concurrent Resolution 4, protest withholding FUTA funds by federal government—538, 553, 564, 746-747 adopted
- Senate Concurrent Resolution 7, biennial memorial session—587, 595, 747-748 adopted
- Senate Concurrent Resolution 13, assistive technology—707, 718, 775, 2172 adopted, 2176
- Senate Concurrent Resolution 23, oppose proposed graduated annual fees for recreational vessels operated on navigable waters of the United States, coast guard present—1478, 1516, 1870, 1914-1915 adopted
- Senate Concurrent Resolution 28, appointment of citizens' aide—2376, 2411-2412 as amended, adopted, 2440
- Senate Concurrent Resolution 29, final adjournment—2460 adopted

GIFTS—

(See AWARDS AND GIFTS)

GILL, PATRICK F.—Representative Woodbury County

Amendments filed—913, 1073, 1382, 1986

Amendments offered—1079, 1986, 2000

Bills introduced—23, 154, 256, 268, 327, 630, 719

Committee assignments—13, 29, 30

Presided at sessions of the House—1355, 2402

Resolutions offered—74, 790, 985

Ruling made—2403

Subcommittee assignments—118, 173, 193, 369, 384, 403, 482, 550, 571, 1024, 1025, 1071, 1182

GIPP, CHUCK—Representative Allamakee-Winneshiek Counties

Amendments filed—75, 645, 1074, 1171-1173, 1410, 1861-1864, 2400-2402

Bills introduced—23, 115, 116, 122, 123, 124, 129, 267, 398, 402, 424, 445, 460, 487,
506, 563, 630

Committee assignments—29, 30, 2440

Leave of absence—372

Reports—105, 2458

Resolutions offered—128, 1230

Subcommittee assignments—148, 187, 193, 384, 394, 395, 481, 550, 558, 763, 911, 1023,
1108, 1348

GOVERNOR BRANSTAD, TERRY E.—

Addressed joint conventions—57-62, 109-113

Bills signed by—368, 383, 523, 570, 580, 697, 879, 910, 966, 1133, 1158, 1225, 1259,
1300, 1441, 1472-1473, 1515, 1905-1906, 1939, 1988-1989, 2065, 2141, 2160,
2192-2193, 2225, 2261-2262, 2460-2461, 2658-2666

Canvass of election—106

Closing Message—2467

Committees to escort—57, 62, 68, 73, 113

Committees to notify—13, 56, 107, 2466

Communication from—2467

Delivered the Condition of the State and Budget Messages—57-62

Inaugural address—109-113

Item veto messages—381-383, 983-984, 2262-2263, 2672-2683

Resolution relating to Inauguration, HCR 3—14 adopted, 76

Resolution relating to the Condition of the State Message, HCR 1—13 adopted, 14, 76

Resolutions relating to:

House Concurrent Resolution 1—13 adopted, 14, 76

House Concurrent Resolution 3—14 adopted, 76

House Concurrent Resolution 20—830, 1041 adopted, 1179

House Concurrent Resolution 29—2439

House Concurrent Resolution 30—2266, 2268, 2375 as amended, adopted, 2413,
2466

House Resolution 13—1184

Senate Concurrent Resolution 5—1179, 1184, 2174 adopted, 2176

Took oath of office—108

Veto messages—1225-1226, 2065-2066, 2142, 2462, 2667-2672

GRONINGA, JOHN—Representative Cerro Gordo County

Amendments filed—485, 486, 553, 574, 660-669, 687-688, 1073, 1074, 1135, 1184, 1205,
1231, 1474, 1870, 2034-2040, 2042-2044, 2044-2045, 2068, 2087

Amendments offered—565, 1089, 1090, 1500, 2025, 2044

Amendment withdrawn—1499

Appointed to the Economic Development Board—46

Bills introduced—23, 150, 163, 409, 630

Committee appointments—29, 30, 31, 1905

Leave of absence—389

Presided at sessions of the House—1446

Report—2269-2369

Resolution offered—790

Subcommittee assignments—345, 384, 404, 482, 571, 731, 774, 881, 967, 985, 1348,
1349, 2067, 2146, 2161

GRUBBS, STEVEN E.—Representative Scott County

Amendments filed—349, 535, 574, 876, 881, 999, 1074, 1110, 1160, 1184, 1222, 1262, 1263, 1300, 1301, 1351, 1382, 1444, 1474, 1492-1493, 1494-1497, 1516, 1600, 1857, 1861-1864, 1870, 2400-2402

Amendments offered—999, 1123, 1423, 1492, 1543, 1857, 1972, 2009, 2044

Amendments withdrawn—905, 1427, 2009, 2044

Bills introduced—116, 122, 123, 130, 327, 337, 398, 402, 424, 444, 460, 461, 506, 554, 720, 723, 759

Committee appointments—29, 104, 2191

Leave of absence—597, 971, 1136, 1344

Report—2446-2457

Resolutions offered—371, 1230, 1941

Subcommittee assignments—119, 125, 159, 160, 187, 394, 395, 439, 482, 549, 571, 591, 631, 732, 762, 774, 985, 1023, 1025

GRUHN, JOSEPHINE—Representative Dickinson-Emmet Counties

Amendments filed—458, 485, 913, 1110, 1382, 1573, 1577, 2162, 2246-2247

Amendments offered—932, 1478, 1479

Amendment withdrawn—494

Bills introduced—23, 78, 122, 123, 129, 198, 269, 327, 399, 400, 409, 426, 575, 630, 719

Committee appointments—29, 30, 507-508, 2440

Leave of absence—597, 644

Report—2458

Resolutions offered—74, 718, 790, 985-986, 2195

Subcommittee assignments—125, 159, 166, 194, 331, 403, 404, 438, 698, 762, 774, 967, 1134, 1182, 1200

HAHN, JIM—Representative Louisa-Muscatine Counties

Amendments filed—75, 1160, 1263, 1444, 2400-2402

Bills introduced—23, 115, 116, 121, 122, 123, 129, 327, 398, 402, 424, 461, 487, 598, 630, 719

Committee appointments—29, 30, 107

Leave of absence—556

Petition presented—350

Report—107

Resolutions offered—371, 1230

Subcommittee assignments—103, 321, 384, 395, 550, 762, 911, 1023, 1108

HALVORSON, RODNEY N.—Representative Webster County

Amendments filed—196-197, 200-201, 206-207, 207-219, 250-251, 553, 584, 596, 688-689, 737, 806, 913, 1110, 1204, 1205, 1301, 1350, 1351, 1382, 1383, 1410, 1444, 1462, 1474, 1942, 1981, 2098

Amendments offered—200, 206, 207, 802, 803, 805, 931, 1116, 1306, 1417, 1463, 1466, 1499, 1505, 1972, 1981

Bills introduced—23, 150, 178, 184, 257, 326, 398, 400, 598

Committee appointments—29, 30, 107, 2253

Reports—105, 107, 2405

Resolutions offered—74, 790, 985-986, 1184, 1230-1231

Subcommittee assignments—125, 166, 193, 194, 263, 321, 331, 384, 404, 481, 524, 571, 714, 774, 881, 1025, 1182

HALVORSON, ROGER A.—Representative Allamakee-Clayton Counties

Amendments filed—196-197, 197, 205, 219-221, 485, 645-647, 654-656, 674-675, 680-681, 690, 913, 1161, 1574, 1600, 1852-1854, 1858-1859, 2400-2402, 2403

Amendments offered—204, 205, 540, 645, 654, 674, 680, 690, 954, 1151, 1574, 1606, 1852, 1858, 2400, 2403
 Amendment withdrawn—1854
 Appointed to the Legislative Council—172-173
 Appointed to the Legislative Council Committee (Capitol Projects & Fiscal)—192
 Bills introduced—23, 54, 122, 123, 124, 129, 131, 171, 177, 199, 267, 327, 402, 424, 575, 630, 742
 Committee appointments—29, 329, 1904, 1905, 2466
 Leave of absence—1, 487, 971, 1129
 Report—352-366
 Resolutions offered—128, 371, 1230
 Subcommittee assignments—173, 263, 322, 332, 345, 404, 439, 570, 571, 582, 731, 761, 774, 775, 968, 1025, 1348, 1349, 1443

HAMMOND, JOHNIE—Representative Story County

Amendments filed—196, 222-224, 224, 485, 678-679, 679, 882, 970, 987, 1073, 1135, 1160, 1205, 1580, 1580-1581, 1588, 1601, 1827-1829, 1830-1831, 1832-1833, 1858, 1860, 1907, 1908, 1982-1983, 2017-2018, 2059-2060, 2060-2061, 2098
 Amendments offered—222, 224, 679, 929, 975, 1069, 1166, 1250, 1580, 1588, 1826, 1827, 1830, 1858, 1860, 2017, 2059, 2060, 2165
 Bills introduced—23, 123, 150, 257, 372, 398, 424, 426, 526, 577, 578, 598, 630, 706, 720, 723, 740
 Committee appointments—29
 Leave of absence—1239, 1446, 1525, 2218
 Presented to the House Angie Kim, Iowa's Young Woman of the Year—638-639
 Presided at sessions of the House—1492
 Resolutions offered—74, 718, 767, 790, 985-986, 1184, 1230
 Subcommittee assignments—118, 125, 159, 253, 254, 345, 439, 481, 482, 571, 631, 762, 774, 911, 985, 1989

HANSEN, STEVEN D.—Representative Woodbury County

Amendments filed—485, 486, 781, 969, 1027, 1083, 1110, 1160, 1184, 1474, 1516, 1534
 Amendments offered—999, 1002, 1083, 1148, 1170, 1533, 1534, 1535
 Amendment withdrawn—1535
 Appointed to the Legislative Fiscal Committee—47
 Bills introduced—23, 178, 191, 575
 Committee appointments—28, 29, 30
 Presided at sessions of the House—924
 Resolutions offered—74, 985-986, 1230
 Subcommittee assignments—151, 152, 173, 253, 322, 345, 384, 482, 550, 558, 571, 582, 968, 1182

HANSON, DARRELL R.—Representative Buchanan-Delaware-Linn Counties, Assistant Minority Floor Leader

Amendments filed—75, 196-197, 553, 584, 596, 808-809, 831, 913, 949-950, 970, 1135, 1160, 1184, 1301, 1350, 1351, 1382, 1444, 1462, 1468, 1494, 1574, 1980, 1991, 2098, 2152-2153, 2154-2155, 2195, 2400-2402
 Amendments offered—252, 807, 1305, 1462, 1466, 1468, 1950, 1967, 1980, 1982, 2007, 2152, 2154, 2220
 Amendments withdrawn—2008, 2154
 Bills introduced—23, 78, 150, 163, 269, 398, 424, 445, 488, 554, 562, 563, 598, 722
 Committee appointments—29, 30, 31, 2253
 Leave of absence—1511

Presented to the House the Honorable Jim Nussle, United States Congressman—367
Presented to the House eleven students from the Institute of Leningrad and Moscow
University of Foreign Language, U.S.S.R.—880

Report—2405

Resolutions offered—128, 371, 1230

Subcommittee assignments—125, 126, 152, 166, 179, 193, 194, 263, 332, 404, 524, 550,
571, 714, 881, 967, 1023, 1024, 1025, 1182, 1349, 1907

HANSON, DONALD E.—Representative Black Hawk County

Amendments filed—913, 970, 1516, 1600, 1601, 1861-1864, 2098, 2400-2402

Amendment offered—1237

Bills introduced—77, 115, 116, 122, 123, 129, 150, 154, 164, 171, 268, 327, 372, 398,
399, 402, 409, 424, 444, 506, 563, 598, 630

Committee appointments—30, 67, 2265

Leave of absence—389, 883

Report—2425

Resolution offered—1230

Subcommittee assignments—103, 126, 148, 165, 166, 263, 345, 404, 481, 592, 715, 761,
1023, 1025, 1181

HARBOR, WILLIAM H.—Representative Mills-Montgomery-Pottawattamie Counties

Amendments filed—75, 120, 196-197, 197, 205, 219-221, 407, 660-669, 680-681, 692-693,
1594, 1601, 2400-2402, 2403

Amendments offered—692, 1842

Appointed to the Legislative Council—172-173

Appointed to the Legislative Council Committee (Administration)—192

Bills introduced—23, 115, 116, 121, 122, 123, 124, 129, 131, 155, 184, 268, 402, 424,
577, 630, 832

Committee appointments—29, 30, 507, 508, 770, 2219, 2414, 2466

Leave of absence—341, 475, 575, 626, 704, 719, 872, 914, 1094, 1121, 1397, 2132

Petition presented—256

Report—2430

Resolutions offered—53, 128, 371, 1230

Subcommittee assignments—151, 152, 166, 193, 254, 331, 345, 403, 438, 500, 558, 582,
591, 592, 698, 775, 968, 1023, 1024, 1181, 1200, 1348, 1443

HATCH, JACK—Representative Polk County

Amendments filed—196-197, 519, 881, 882, 946, 986, 1073, 1082-1083, 1110, 1160, 1474,
1482-1492, 1601, 1602, 2034-2040, 2041-2042, 2042-2044, 2044-2045

Amendments offered—924, 1068, 1069, 1070, 1082, 1146, 1482, 1839, 2034, 2041, 2042

Bills introduced—23, 150, 183, 185, 257, 268, 338, 390, 424, 554, 575, 577, 740

Committee appointments—29, 30, 2191

Presided at sessions of the House—497, 1114

Report—2446-2457

Resolutions offered—74, 790, 985-986

Subcommittee assignments—148, 160, 187, 194, 331, 384, 439, 535, 549, 550, 558, 570,
571, 631, 714, 731, 761, 775, 967, 1023, 1024, 1025, 1108, 1348, 1349, 1989

HAVERLAND, MARK A.—Representative Polk County

Amendments filed—1262, 1350, 1579, 1982-1983, 1994

Amendments offered—1269, 1411, 1579, 1994

Amendment withdrawn—1411

Appointed to the Health Data Commission—46

Bills introduced—23, 156, 398, 598
Committee appointments—29, 30, 31, 2123
Leave of absence—372, 1312, 1475, 1518, 2245
Presentation of visitors—1022-1023
Presided at sessions of the House—1013, 1469, 1575
Report—2249-2251
Resolutions offered—74, 790
Rulings made—1017, 1470
Subcommittee assignments—159, 160, 187, 263, 321, 345, 384, 438, 439, 591, 761, 774,
911, 985, 1217, 1348, 1907

HEALTH DATA COMMISSION—

Appointment to—46
Communications from—51, 117, 151

HESTER, JOAN L.—Representative Harrison-Pottawattamie Counties

Amendments filed—75, 485, 503, 1601, 1832-1833, 2059-2060, 2400-2402
Amendments offered—539, 1832
Bills introduced—23, 78, 115, 116, 121, 122, 123, 129, 150, 257, 258, 327, 398, 400, 402,
410, 424, 461, 505, 527, 630
Committee appointments—29, 30, 507, 770, 1193
Leave of absence—372, 475, 1411
Resolutions offered—128, 371, 767, 790, 1230
Subcommittee assignments—118, 148, 187, 344, 345, 439, 482, 582, 631, 715, 762, 774,
911, 1348, 1989

HIBBARD, DAVID—Representative Adair-Dallas-Guthrie-Madison Counties

Amendments filed—336, 348, 574, 670, 671-672, 684, 684-685, 703, 737, 869-871, 876,
882, 969, 986, 1027, 1110, 1263, 1351, 1473, 2034-2040, 2042-2044, 2195, 2226,
2246-2247, 2263
Amendments offered—670, 671, 837, 869, 887, 888, 891, 978, 1124, 1318, 2246
Appointed to the Child Support Recovery Advisory Committee—46
Bills introduced—23, 116, 121, 130, 154, 164, 257, 338, 426, 443, 488, 526, 537, 575,
577, 630, 719, 723, 740, 759
Committee appointments—29, 30, 31, 2191, 2219, 2414
Leave of absence—1871, 1972
Reports—2372-2373, 2430, 2446-2457
Resolutions offered—74, 718, 790, 985-986
Subcommittee assignments—151, 152, 166, 174, 179, 253, 263, 322, 331, 332, 345, 384,
403, 404, 439, 482, 550, 558, 582, 592, 698, 715, 761, 967, 968, 1181, 1200, 1348

HOLVECK, JACK—Representative Polk County

Amendments filed—913, 970, 1110, 1135, 1171-1173, 1205, 1301, 1382, 1383, 1833,
2123-2124
Amendments offered—923, 1045, 1139, 1313, 1335, 1446, 1833, 2123
Bills introduced—23, 338, 536, 598, 721
Committee appointments—20, 29, 31
Leave of absence—575, 636, 971, 988, 2020, 2147, 2170
Report—21-23
Resolutions offered—74, 790
Subcommittee assignments—173, 384, 550, 571, 591, 592, 732, 761, 1023, 1025, 1159,
1907

HOUSE COMMITTEE ASSIGNMENTS—32-42

HOUSE CONCURRED—

House Concurrent Resolution 25, H-4138—2429
House File 109, H-3815—1936
House File 152, H-3742—1434
House File 220, H-3472—1077
House File 232, H-4045—2110
House File 237, H-3816—1877
House File 252, H-3760—1460
House File 296, H-3706—1414
House File 297, H-3743—1451
House File 302, H-4010, as amended—2051
House File 325, H-3817—1611
House File 335, H-4071, as amended—2175
House File 343, H-3744—1456
House File 353, H-4058—2102
House File 375, H-3745—1470
House File 380, H-3886, as amended—1994
House File 385, H-3564—1422
House File 417, H-4015, as amended—2087
House File 420, H-3746—1430
House File 423, H-3774—1930
House File 430, H-3976—1946
House File 479, H-3734, as amended—1868
House File 489, H-3795—1873
House File 500, H-3748—1512
House File 501, H-3749—1455
House File 502, H-3692—1429
House File 510, H-3975—1965
House File 517, H-3978—1952
House File 517, H-3978, as amended—1986
House File 556, H-4067—2139
House File 558, H-3751—1454
House File 566, H-3705—1421
House File 575, H-3882—1609
House File 577, H-3703—1432
House File 583, H-3887—1913
House File 589, H-3704—1416
House File 596, H-3818—1919
House File 601, H-3752—1459
House File 610, H-3980—2047
House File 612, H-3819—1604
House File 618, H-3753, as amended—1894
House File 625, H-3702—1448
House File 634, H-3988—1962
House File 639, H-3754—1452
House File 644, H-3820—1605
House File 651, H-3888—1922
House File 661, H-3755—1449
House File 662, H-4139—2424
House File 668, H-4006, as amended—2018

House File 672, H-3996—2019
House File 683, H-4072—2202
House File 687, H-4032—2075
House File 688, H-4024—2081
House File 690, H-3987—2004
House File 691, H-3889—1608
House File 693, H-4135—2410
House File 697, H-4051—2111
House File 698, H-4054—2148
House File 700, H-4078—2167
House File 703, H-4143—2438
House File 704, H-4137—2427
House File 706, H-4107, as amended—2217
House File 709, H-4113, as amended—2436
House File 710, H-4112—2233
Senate File 4, H-4125—2259
Senate File 182, H-3828—1927
Senate File 276, H-3826—2109
Senate File 311, H-4005—2076
Senate File 317, H-3974—2022
Senate File 356, H-3824—1917
Senate File 429, H-3977—1953
Senate File 445, H-3796—1876
Senate File 452, H-4016—2071
Senate File 502, H-3890—1872
Senate File 507, H-4049—2121
Senate File 508, H-4044—2115
Senate File 542, H-4056—2180

HOUSE INSISTS—

House File 335—2219
House File 479—1904
Senate Concurrent Resolution 2—261
Senate File 42—1932
Senate File 101—1987
Senate File 362—2191
Senate File 476—2252
Senate File 529—1904
Senate File 536—2191

HOUSE RECEDES—

Senate File 131—2062
Senate File 491—2168

HOUSE REFUSED TO CONCUR—

House File 173, H-3048—320
House File 200, H-4057—2105
House File 233, H-3707—2070
House File 380, H-3886—1967
House File 455, H-4003—1999
House File 712, H-4140—2429
Senate File 184, H-4084—2256
Senate File 209, H-3166—627

Senate File 210, H-3827—2229
Senate File 273, H-4048—2107
Senate File 444, H-4047—2138
Senate File 471, H-3826—1897
Senate File 478, H-4009—2022
Senate File 496, H-4098—2212

HOUSE RULES—

(See RULES, COMMITTEE ON)

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—595, 702, 781, 791, 1221, 1222
Amendments offered—726, 929, 975, 1269, 1376, 1521
Appointed—29
Bills introduced—337, 400, 489, 705, 740, 742, 758, 785, 821, 822, 833, 860, 883
Recommendations—335, 348, 397, 503, 594-595, 700-701, 735-736 777-778, 787-788, 827, 912, 1183, 1219-1220, 1940
Resolution offered—969
Subcommittee assignments—118, 119, 159, 160, 174, 187, 263, 321, 345, 346, 384, 438, 439, 482, 571, 591, 631, 774, 775, 911, 985, 1159, 1217

HURLEY, CHARLES—Representative Chickasaw-Fayette Counties

Amendments filed—459, 737, 876, 882, 890-891, 913, 970, 1073, 1135, 1160, 1474, 1516, 1861-1864, 1870, 1890, 2098, 2400-2402
Amendments offered—890, 1890, 1900
Bills introduced—78, 267, 398, 400, 402, 424, 461, 506, 585, 586, 597, 706, 712, 720, 721
Committee appointments—29, 67, 2123
Report—2249-2251
Resolutions offered—128, 1230
Subcommittee assignments—126, 151, 166, 174, 187, 253, 345, 384, 558, 571, 582, 631, 762, 774, 775, 985, 1024, 1159, 1200

INAUGURATION—

Committee appointed—79
Inaugural address—109-113
Resolution empowering joint resolution to arrange for, HCR 3—14 adopted, 76

INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Appointments to—45-47

Resolutions relating to:

House Concurrent Resolution 8, replace property tax with networth tax—485
House Concurrent Resolution 24, statewide one-call notification program—1221

INTRODUCTION OF BILLS—

(See BILLS, subheading, Introduction of and/or INDIVIDUAL HEADINGS)

IVERSON, STEWART E., JR.—Representative Franklin-Hancock-Wright Counties

Amendments filed—196-197, 219, 348, 349, 407, 485, 486, 503, 504, 686, 791, 876, 881, 913, 961, 969, 970, 986, 1059, 1160, 1263, 1439, 1444, 1474, 1516, 1600, 1601, 1846-1847, 1847, 1861-1864, 1908, 1991, 2098, 2236-2237, 2238, 2246-2247, 2400-2402

Amendments offered—512, 686, 960, 1058, 1439, 1846, 1847, 1983, 2221, 2223
 Amendments withdrawn—513, 514, 1010
 Bills introduced—78, 116, 121, 122, 123, 129, 130, 131, 154, 155, 184, 257, 327, 402,
 424, 460, 488, 506, 555, 563, 576, 729
 Committee appointments—29, 30, 31
 Leave of absence—267, 862
 Petition presented—783
 Resolutions offered—128, 325, 1230
 Subcommittee assignments—126, 148, 159, 481, 482, 761, 762, 967, 1024, 1200

JAY, DANIEL J.—Representative Appanoose-Davis-Wapello Counties

Amendments filed—407, 485, 684, 684-685, 969, 970, 1027, 1156, 1300, 1351, 1382, 1516,
 1588-1589, 1860-1861, 1892-1894, 2149-2150, 2436
 Amendments offered—684, 998, 1154, 1156, 1280, 1319, 1531, 1860, 1892, 1948, 2149,
 2436
 Bills introduced—23, 122, 123, 129, 177, 426, 461, 599, 630, 719
 Committee appointments—29, 30, 67, 1077, 2219, 2414
 Presided at sessions of the House—958, 963
 Reports—2372-2373, 2430
 Resolutions offered—74, 790, 985-986
 Subcommittee assignments—151, 152, 165, 166, 253, 254, 263, 322, 332, 345, 369, 403,
 404, 438, 439, 482, 500, 501, 558, 582, 591, 592, 698, 732, 762, 774, 968, 1023, 1181,
 1182

JESSE, GLEN D.—Representative Jasper-Marion-Polk-Warren Counties

Amendments filed—113, 485, 486, 504, 519, 635, 645, 682, 703, 970, 1027, 1074, 1110,
 1184, 1494, 1827-1829, 1844, 1846-1847, 2050-2051, 2068, 2195, 2246-2247, 2263
 Amendments offered—518, 521, 682, 1036, 1038, 1100, 1118, 1494, 1844, 2050
 Amendments withdrawn—539, 1494
 Appointed to the Agricultural Energy Management Advisory Council—46
 Appointed to the Entrepreneurship Task Force—46
 Bills introduced—23, 130, 185, 257, 337, 410, 423, 424, 426, 443, 526, 537, 554, 575,
 576, 630, 719
 Committee appointments—29, 30, 261
 Leave of absence—114, 526, 769, 1302, 1992, 2069, 2227
 Reports—330, 341-342
 Resolutions offered—74, 790, 985-986, 2195
 Subcommittee assignments—103, 119, 147, 194, 345, 394, 404, 549, 550, 551, 558, 571,
 591, 731, 732, 774, 775, 1108

JOCHUM, THOMAS J.—Representative Dubuque County

Amendments filed—196-197, 197, 205, 206, 219-221, 222-224, 224, 224-225, 485, 486,
 535, 650-652, 671, 671-672, 687, 881, 1073, 1575-1576, 1577, 1583, 1601, 1856-1857
 Amendments offered—205, 206, 219, 224, 541, 650, 671, 687, 1176, 1548, 1563, 1575,
 1577, 1583, 1720, 1852, 1856
 Amendment withdrawn—206
 Appointed to the Legislative Council—172-173
 Appointed to the Legislative Council Committees (Capitol Projects & Fiscal)—192
 Bills introduced—23, 398, 554, 630, 705, 719
 Committee appointments—29, 30, 329, 770, 1904, 1905
 Reports—352-366, 862-866, 2260, 2269-2369, 2378-2398
 Resolutions offered—74, 790
 Subcommittee assignments—550, 570, 571, 761, 1348, 1349, 1443

JOHNSON, ROBERT—Representative Cedar-Clinton Counties

Amendments filed—913, 1160, 1263, 1444, 1516, 1861-1864, 2400-2402

Bills introduced—115, 116, 121, 122, 123, 129, 398, 400, 402, 409, 410, 424, 425, 461, 506, 630

Committee appointments—13, 29, 30, 507

Leave of absence—971

Petition presented—2147

Resolutions offered—128, 371, 767, 1230

Subcommittee assignments—103, 194, 332, 344, 404, 482, 501, 1108, 1181

JOINT CONVENTIONS—

Budget Message—57-62

Canvass of votes—24-25, 105

Condition of the Judicial Department Message—68-73

Condition of the State Message—57-62

Inaugural address of Governor Terry E. Branstad—109-113

Joint Memorial Service—1206-1208

To honor Pioneer Lawmakers—1194-1197

Resolutions relating to:

House Concurrent Resolution 1, condition of the state message—13 adopted, 14, 76

House Concurrent Resolution 2, condition of the judicial department message—14 adopted, 76

House Concurrent Resolution 12, pioneer lawmakers—595, 747 adopted, 1179

Senate Concurrent Resolution 7, memorial session—587, 595, 747-748 adopted

JOINT RULES—

Resolution relating to:

Senate Concurrent Resolution 2—54, 63, 64, 75, 113, 120, 131-147, 172, 261-262, 271, 330, 340, 341-343 as amended, adopted

Rule 20 (time of passage and consideration of bills):

Senate File 460—2161

JUDICIAL COMPENSATION COMMISSION—

Appointment to—47

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

Amendments filed—190, 503, 574, 737, 781, 791, 830, 1205, 1222

Amendments offered—259, 725, 835, 837, 858, 894, 952, 1002, 1280, 1286, 1457

Appointed—29

Bills introduced—78, 258, 262, 411, 425, 445, 564, 705, 721, 739, 759, 783, 784, 793, 820, 821, 822, 859, 860, 861, 908

Recommendations—74, 189, 265, 422, 458, 503, 573, 701, 736, 778-780, 788-789, 827, 1072, 1183, 1202, 1220, 2161, 2241

Subcommittee assignments—151, 152, 165, 166, 179, 253, 254, 263, 322, 332, 345, 346, 369, 403, 404, 438, 439, 482, 500, 501, 558, 582, 591, 592, 698, 715, 732, 761, 762, 968, 1023, 1024, 1181, 1182, 1200, 2241

JUVENILE AND CHILD PROTECTION SYSTEM—

Appointment to—47

JUVENILE JUSTICE PLANNING GROUP—

Appointment to—47

KISTLER, ROBERT L.—Representative Jefferson-Keokuk-Wapello Counties

Amendments filed—75, 485, 504, 970, 986, 1516, 1574, 1838, 2098

Bills introduced—23, 77, 78, 115, 116, 121, 122, 123, 129, 131, 150, 184, 268, 327, 402, 424

Committee appointments—29, 30, 1077, 1194, 2265

Leave of absence—154

Presented to the House the Honorable George Swearingen, former member of the House—1216

Report—2425

Resolutions offered—128, 371, 790, 1230

Subcommittee assignments—159, 160, 404, 439, 481, 482, 550, 631, 762, 763, 1134

KNAPP, DONALD J.—Representative Dubuque-Jones Counties

Amendments filed—486, 1861-1864, 2246-2247

Amendments offered—894, 1283, 1457

Appointed to the Legislative Council Committee (Fiscal)—192

Bills introduced—184, 327, 426, 506, 536, 719

Committee appointments—28, 29, 30, 31, 1987

Leave of absence—971

Resolutions offered—790, 985-986

Subcommittee assignments—125, 126, 148, 151, 152, 166, 179, 254, 263, 332, 345, 394, 395, 404, 420, 438, 439, 500, 550, 551, 571, 582, 591, 592, 698, 732, 763, 968, 1023, 1024, 1108, 1181, 1227, 1348, 1599

KOENIGS, DEO A.—Representative Chickasaw-Howard-Mitchell Counties

Amendments filed—486, 670, 685, 1027, 1057, 1382, 1444, 1582-1583, 2246-2247

Amendments offered—670, 685, 1055, 1057, 1276, 1582, 2157, 2377

Bills introduced—23, 373, 630, 719

Committee appointments—29, 30

Leave of absence—154, 883

Presided at sessions of the House—938

Resolutions offered—74, 790, 985-986

Subcommittee assignments—148, 160, 165, 194, 263, 404, 481, 482, 500, 773, 774, 1024, 1134

KREBSBACH, SCOTT L.—Representative Cerro Gordo-Floyd-Mitchell Counties

Amendments filed—584, 913, 986, 1160, 1263, 1300, 1301, 1350, 1351, 1444, 1474, 1516, 1601, 1861-1864, 2263, 2400-2402

Amendment offered—1550

Amendments withdrawn—1558, 2052

Bills introduced—78, 122, 130, 154, 257, 327, 398, 400, 402, 409, 424, 460, 488, 506, 554, 563, 575, 598, 723

Committee appointments—29, 30, 56, 1932

Leave of absence—443

Presented to the House the Honorable Betty Jean "Beje" Clark, former member of the House—1077

Report—2177-2178

Resolutions offered—128, 325, 371, 1230

Subcommittee assignments—125, 126, 160, 166, 193, 194, 263, 332, 394, 404, 438, 439, 523, 524, 550, 571, 592, 631, 714, 732, 774, 881, 1024, 1025, 1181, 1182, 1227

KREMER, JOSEPH M.—Representative Black Hawk-Buchanan Counties

Amendments filed—75, 148, 153, 325, 397, 485, 504, 574, 691, 737, 768, 882, 913, 970, 1027, 1135, 1204, 1382, 1861-1864, 1933-1934, 1941, 2061, 2400-2402

Amendments offered—249, 252, 497, 518, 588, 691, 807, 1137, 1163, 1933
 Amendments withdrawn—518, 1039
 Bills introduced—19, 78, 115, 116, 121, 122, 123, 129, 131, 155, 327, 373, 402, 424, 488,
 505, 506, 527, 577, 586, 598
 Committee appointments—28, 29, 30
 Leave of absence—2377
 Resolutions offered—128, 371, 1230
 Subcommittee assignments—151, 165, 166, 173, 253, 345, 346, 403, 439, 550, 558, 571,
 582, 592, 762, 968, 1023, 1109, 1200

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

Amendments filed—1135, 1205, 1222, 1231
 Amendments offered—1337, 1364, 1435, 1527
 Appointed—30
 Bills introduced—402, 586, 712, 759
 Recommendations—406, 560, 584, 701, 766, 1134-1135, 1203, 1220-1221, 1228-1229
 Resolution offered—574
 Subcommittee assignments—193, 368, 369, 403, 549, 550, 571, 631, 1024, 1025, 1109,
 1182

LAGESCHULTE, RAYMOND—Representative Black Hawk-Bremer-Butler Counties

Amendments filed—75, 120, 678, 689, 702, 970, 986, 1300, 1852, 2098, 2263, 2400-2402
 Amendments offered—144, 877, 1852, 2151
 Bills introduced—23, 402, 424, 460, 565, 630
 Committee appointments—2, 29, 30, 261-262, 2024
 Leave of absence—475, 575, 585, 1088, 1111, 1903, 2440
 Petition presented—597
 Presented to the House the Honorable Wendell Pellett, former member of the
 House—880
 Reports—2-5, 2084-2085
 Resolutions offered—128, 1230
 Subcommittee assignments—159, 263, 404, 420, 631, 761, 1024, 1134

LAW ENFORCEMENT ACADEMY COUNCIL—

Communication from—51

LEAVE OF ABSENCE—

1, 114, 144, 154, 250, 267, 341, 372, 389, 423, 443, 475, 476, 487, 489, 510, 526, 536,
 538, 554, 556, 562, 575, 585, 597, 626, 636, 641, 644, 652, 672, 704, 709, 719, 739,
 754, 769, 792, 862, 872, 883, 904, 914, 948, 949, 951, 971, 988, 1045, 1075, 1085,
 1088, 1094, 1111, 1117, 1121, 1129, 1136, 1148, 1185, 1197, 1232, 1239, 1291, 1302,
 1312, 1344, 1352, 1370, 1384, 1397, 1411, 1415, 1445, 1446, 1475, 1498, 1511, 1518,
 1525, 1844, 1871, 1875, 1903, 1943, 1964, 1972, 1992, 2020, 2069, 2094, 2099, 2112,
 2132, 2134, 2147, 2163, 2170, 2218, 2225, 2227, 2232, 2245, 2377, 2440

LEGISLATIVE COMPUTER SUPPORT BUREAU—

Report—471-472
 Resolution relating to—463-471 adopted

LEGISLATIVE COUNCIL—

(See also INTERIM COMMITTEES and STUDY COMMITTEES)
 Appointments to—172, 173
 Report from—471-475
 Resolution adopted by (compensation)—463-471

Resolutions relating to:

House Concurrent Resolution 8—485

House Concurrent Resolution 24—221

Senate Concurrent Resolution 24—1944, 1991, 2097, 2098, 2146, 2162, 2195,
2212-2214 as amended, adopted, 2214, 2243

LEGISLATIVE COUNCIL COMMITTEES—

Appointments to—192

LEGISLATIVE EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

LEGISLATIVE FISCAL BUREAU—

Report—472-473

Resolution relating to—463-471 adopted

LEGISLATIVE FISCAL COMMITTEE—

(See also LEGISLATIVE COUNCIL)

Appointments to—47

LEGISLATIVE SERVICE BUREAU—

Communication from—125

Report—473-475

Resolution relating to—463-471 adopted

LOBBYISTS—

(See ETHICS, COMMITTEE ON)

LOCAL GOVERNMENT, COMMITTEE ON—

Amendments filed—503, 553, 702, 791, 1262

Amendments offered—587, 751, 813, 924, 936, 1068, 1368, 2088

Appointed—30

Bills introduced—200, 446, 704, 705, 741, 792, 821, 832, 860, 861, 898

Recommendations—127-128, 196, 348, 458, 503, 552, 573, 595, 701-702, 736, 780, 789,
827-828, 1072, 1183, 1203, 1260-1261

Resolution offered—830

Subcommittee assignments—103, 148, 159, 160, 187, 321, 344, 345, 346, 384, 439, 550,
558, 582, 631, 714, 715, 762, 763, 911, 1023, 1024, 1025, 1181, 1200, 1217

LUNDBY, MARY A.—Representative Linn County, Assistant Minority Floor Leader

Amendments filed—202, 203, 219, 407, 485, 486, 553, 703, 781, 940, 1074, 1494-1497,
1861-1864, 1870, 2400-2402

Amendments offered—202, 203, 219, 1948, 1951

Amendment withdrawn—1040

Appointed to the Statewide Police and Fire Retirement System—47

Appointed to the Legislative Council—172-173

Appointed to the Legislative Council Committee (Studies)—192

Bills introduced—23-24, 122, 123, 269, 327, 402, 460, 506, 562, 563, 576, 598, 722

Committee appointments—29, 30, 1987, 2440, 2466

Leave of absence—951, 1384

Report—2458

Resolutions offered—128, 767, 2195

Subcommittee assignments—125, 126, 160, 166, 173, 179, 194, 262, 331, 332, 384, 394,
404, 420, 482, 549, 550, 551, 571, 714, 731, 732, 775, 1023, 1024, 1108, 1200, 1226

MAJORITY FLOOR LEADER, Wayne H. McKinney, Jr.—Representative Dallas County
 (See **McKINNEY, WAYNE H., JR.—Representative Dallas County, Majority Floor Leader**)

MANAGEMENT, DEPARTMENT OF—

Claims approved—604-625

Claims filed—604-625

Communications from—49, 117, 604, 1989

MAULSBY, RUHL—Representative Calhoun-Sac-Webster Counties

Amendments filed—75, 485, 584, 595, 737, 781, 986, 1393-1395, 1593, 1601, 1836, 1838, 1861-1864, 2195, 2400-2402

Amendments offered—754, 797, 1393, 1593, 1836

Amendment withdrawn—814

Appointed to the Administrative Rules Review Committee—47

Appointed to the Legislative Council Committee (Capitol Projects)—192

Bills introduced—23-24, 121, 122, 123, 129, 131, 326, 402, 408, 424, 444, 488, 506, 630

Committee appointments—29, 30, 329

Leave of absence—489

Presented to the House the Honorable Delwyn Stromer, former member of the House—383

Report—352-356

Resolutions offered—128, 371, 485, 1230

Subcommittee assignments—331, 332, 420, 551, 698, 1024, 1108, 1134, 1182, 1200, 1348, 1349

McKEAN, ANDREW J. (ANDY)—Representative Jones-Linn Counties

Amendments filed—371, 485, 504, 737, 882, 913, 1073, 1160, 1263, 1410, 1444, 1473, 1494, 1861-1864, 1870, 2052-2055, 2055, 2263, 2400-2402

Amendments offered—455, 1151, 1152, 1545, 2435

Amendment withdrawn—457

Appointed to the Ethics committee—43

Bills introduced—23-24, 149, 163, 164, 199, 398, 402, 409, 424, 444, 445, 505, 506, 598, 638

Committee appointments—29, 30, 31, 2252

Leave of absence—971, 1871, 2099

Resolutions offered—128, 767, 1230

Subcommittee assignments—151, 166, 253, 322, 345, 369, 403, 438, 550, 582, 732, 762, 967, 1024

McKINNEY, WAYNE H., JR.—Representative Dallas County, Majority Floor Leader

Appointed to the Legislative Council—172

Appointed to the Legislative Council Committees (Administration & Studies)—192

Asked and received unanimous consent that bills on regular calendar be removed and rereferred to committees—1241-1242

Asked and received unanimous consent that House File 173 be removed from veto message calendar—393

Bills introduced—23-24, 2154, 2163

Bills referred to committees—393

Bills rereferred to committees—1380, 1562

Ethics committee appointments—43

Remarks by—7-8, 2442

Resolution relating to, HCR 25—1230, 1459 adopted—2413, 2429, House concurred, H. 4138, as amended, adopted, 2429

Resolutions deferred—989, 2268

Resolutions offered—13, 14, 190, 595, 1230

McNEAL, CLARK E.—Representative Franklin-Hardin-Hamilton Counties

Amendments filed—407, 684, 684-685, 782, 831, 881, 913, 969, 970, 1027, 1205, 1345, 1410, 1436-1438, 1474, 1581-1582, 1600, 1861-1864, 1980-1981, 2246-2247, 2400-2402
 Amendments offered—1008, 1013, 1078, 1097, 1144, 1436, 1581, 1980
 Bills introduced—23-24, 115, 122, 123, 129, 198, 256, 402, 424, 460, 487, 506, 577, 630, 740
 Committee appointments—16, 29, 30, 2252
 Leave of absence—1291
 Resolutions offered—128, 1230
 Subcommittee assignments—151, 152, 193, 253, 345, 346, 369, 482, 558, 582, 631, 761, 968, 1025, 1182

MEMORIALS—

Committees appointed—507, 508, 1077
 In Memoriam List—1207, 2684
 Joint Memorial Service—1206-1208
 Memorial Service Committee appointed—773
 Memorials—1206, 2685-2689
 Resolution relating to, SCR 7—587, 595, 747-748 adopted
 Resolutions relating to—507, 508, 1077

MERTZ, DOLORES M.—Representative Humboldt-Kossuth-Palo Alto-Pocahontas Counties

Amendments filed—75, 486, 503, 657-658, 679, 831, 913, 963, 986, 1231, 1263, 1474, 1516, 1573, 1573-1574, 1577-1579, 1591, 1594-1595, 1601, 1827-1829, 1842-1843, 1861-1864, 2246-2247
 Amendments offered—679, 963, 1424, 1507, 1831
 Bills introduced—23-24, 78, 256, 269, 327, 402, 426, 506, 527, 563, 575, 630, 719, 741, 785
 Committee appointments—29, 30, 79, 507-508
 Leave of absence—626, 641, 1302, 1352, 1384, 1498, 1518, 1964, 2170
 Resolutions offered—74, 371, 718, 767, 790, 969, 985-986, 1230
 Subcommittee assignments—148, 159, 160, 165, 332, 346, 384, 420, 438, 439, 500, 558, 571, 582, 631, 698, 762, 911, 1024, 1025, 1159, 1181, 1200

MESSAGES—

(See also COMMUNICATIONS)

From Senate—54, 76, 172, 191, 258, 270-271, 329, 340, 368, 390, 401-402, 410, 423, 445-446, 462-463, 528, 537-538, 556, 564, 578, 586-587, 599, 638, 706-707, 723, 742-743, 760, 793, 859, 878, 884-886, 897, 917-920, 966, 971-972, 980, 988, 1001, 1028-1029, 1054, 1071, 1075-1076, 1081-1082, 1112-1113, 1132-1133, 1142-1143, 1157, 1162-1163, 1178-1179, 1185-1186, 1193, 1210, 1299, 1347, 1352-1355, 1384-1388, 1411, 1445, 1471, 1475-1478, 1518-1521, 1596-1598, 1875, 1909-1910, 1928-1929, 1937, 1943-1944, 1954-1955, 1963-1964, 1988, 1992-1993, 2015, 2023, 2024, 2069, 2084, 2095-2096, 2099-2101, 2122-2123, 2125, 2153, 2163, 2169-2170, 2176-2177, 2191-2192, 2196-2197, 2214, 2230-2231, 2231, 2234, 2240, 2242-2243, 2244, 2264-2265, 2268, 2376, 2404, 2412-2414, 2429, 2439-2440, 2445, 2459-2460, 2465-2466

From governor—2467

Immediate messages—14, 91, 226, 260, 320, 343, 367, 500, 522, 542, 628, 697, 868, 980, 982, 996, 1001, 1006, 1011, 1018, 1019, 1020, 1029, 1043, 1045, 1053, 1054, 1068, 1081, 1082, 1089, 1095, 1103, 1105, 1115, 1117, 1121, 1126, 1130, 1132, 1141, 1148, 1154, 1158, 1166, 1168, 1178, 1361, 1373, 1397, 1404, 1413, 1481, 1515, 1526, 1547, 1596, 1605, 1607, 1869, 1892, 1904, 1920, 1928, 1932, 1938, 1956, 1985, 1987, 1995, 2003, 2007, 2015, 2021, 2046, 2052, 2056, 2057, 2062, 2074, 2080, 2083, 2086, 2088,

2095, 2105, 2107, 2114, 2125, 2134, 2140, 2157, 2165, 2168, 2173, 2176, 2190, 2196, 2198, 2214, 2219, 2225, 2228, 2229, 2230, 2234, 2236, 2240, 2242, 2249, 2252, 2260, 2370, 2372, 2374, 2375, 2378, 2399, 2404, 2406, 2408, 2411, 2412, 2423, 2424, 2426, 2429, 2431, 2439, 2442, 2458, 2459

Item veto messages—381-383, 983-984, 2262-2263, 2672-2683

Senate messages considered—78, 178, 199, 258, 327, 340, 351, 401, 411, 426, 445, 462, 488, 527, 537, 539, 555, 563, 599, 638, 706, 723, 742, 769, 793, 834, 914, 926, 973, 988, 993, 1001, 1050, 1075, 1084, 1111, 1136-1137, 1141, 1148, 1158, 1162, 1179, 1192, 1209, 1216, 1299, 1475, 1481, 1537, 1603, 1929, 1938, 1944, 1964, 2016, 2020, 2099, 2125, 2231, 2243, 2244, 2372, 2431

Veto messages—1225-1226, 2065-2066, 2142, 2667-2672

METCALF, JANET S.—Representative Polk County

Amendments filed—148, 442, 913, 986, 987, 1301, 2098, 2152-2153, 2236-2237, 2238, 2400-2402

Amendment offered—455

Amendments withdrawn—156, 921

Bills introduced—23-24, 77, 115, 116, 121, 122, 123, 129, 327, 398, 399, 400, 409, 424, 425, 444, 445, 461, 505, 526, 740

Committee appointments—28, 29, 30, 31, 2191

Leave of absence—554, 562, 672

Presented to the House Matt Bullard, former member of Valley High School & U of I basketball teams, now with the Houston Rockets—2262

Report—2440-2441

Resolutions offered—128, 1230

Subcommittee assignments—103, 118, 160, 439, 481, 571, 591, 631, 761, 774, 967, 1023, 1024, 1025, 1181, 1349

MILEAGE, COMMITTEE ON—

Appointments to—20

Report—21-23

Report adopted—92

MILLAGE, DAVID—Representative Scott County

Amendments filed—348, 459, 596, 645, 684, 684-685, 702, 970, 1027, 1073, 1160, 1263, 1382, 1444, 1474, 1516, 1549-1550, 1593-1594, 1600, 1870, 1887-1888, 2175, 2400-2402

Amendments offered—414, 557, 645, 858, 868, 952, 1549, 1593, 1866, 1887, 1888, 2175

Amendments withdrawn—1890

Bills introduced—23-24, 115, 116, 121, 122, 123, 327, 337, 398, 400, 402, 409, 424, 425, 460, 461, 505, 506, 554, 563, 598, 704

Committee appointments—29, 30, 66, 2219, 2414

Leave of absence—971, 1185, 1411

Reports—2372-2373, 2430

Resolution offered—1230

Subcommittee assignments—151, 152, 253, 254, 263, 321, 345, 346, 438, 500, 501, 550, 558, 571, 582, 591, 592, 698, 715, 731, 761, 774, 968, 1023, 1181, 1182

MILLER, TOM H.—Representative Cherokee-Clay-O'Brien Counties

Amendments filed—75, 737, 881, 1263, 1444, 1474, 1854

Amendments offered—1079, 1854

Bills introduced—23-24, 77, 115, 116, 122, 123, 129, 130, 131, 149, 184, 268, 400, 402, 424, 527, 576

Committee appointments—2, 28, 29, 30

Leave of absence—475, 538, 556, 1875

Report—2-5

Resolution offered—1230

Subcommittee assignments—174, 344, 482, 911, 1025, 1182, 1989

MINORITY FLOOR LEADER, Harold G. Van Maanen—Representative Keokuk-Mahaska-Wapello Counties

(See VAN MAANEN, HAROLD G.—Representative Keokuk-Mahaska-Wapello Counties, Minority Floor Leader)

MOTION TO OVERRIDE GOVERNOR'S ITEM VETO—

House File 173—391-392

MOTIONS TO RECONSIDER—

Filed:

House File 232—909, 910

House File 297—1471

House File 298—910

House File 323—534

House File 335—878

House File 336—548

House File 380, H-3886—1988

House File 420—1471

House File 421—910

House File 423, H-3173—759

House File 423, H-3279—759

House File 455, H-3179—878

House File 558—1472

House File 590—1070

House File 631—982

House File 661—1070

Senate File 33—1258

Senate File 92—591

Senate File 166—1380

Senate File 422—1258

Senate File 465—1598

Senate File 470—1216

Senate File 476—1472

Senate File 491—1347

Senate File 501—1440

Lost:

House File 232—940

House File 323—2465

House File 335—1006

House File 590—2465

House File 631—1127

Senate File 166—1874

Prevailed:

House File 298—931

House File 336—1168

House File 380, H-3886—1993-1994

House File 421—1043

House File 423, H-3173-797

House File 423, H-3276-797

House File 661-1139

Senate File 33-1308

Senate File 92-628

Ruled out of order:

House File 232-940

House File 335-1006

House File 421-1043

House File 631, H-3471-1127

House File 661-1139

House File 675-1065

Withdrawn:

House File 297-1481

House File 420-1513

House File 455, H-3179-896

House File 558-2064

Senate File 422-1375

Senate File 465-2074

Senate File 470-2077

Senate File 476-1547

Senate File 491-1510

Senate File 501-1480

Motions to reconsider (filed from the floor):

House File 381-1020

House File 381, H-3355-1020

House File 479, H-3224-694

House File 479, H-3950-1865

House File 503, H-3302, as amended-1082

House File 517-1985

House File 517, H-3978-1986

House File 675-1064, 1065

House Resolution 2, H-3011-252

Senate File 33, H-3358-1308

Lost:

House File 479, H-3950-1866

House File 675-1065

House Resolution 2, H-3011-252

Prevailed:

House File 381-1020

House File 381, H-3355-1020

House File 479, H-3224-695

House File 503, H-3302, as amended-1082

House File 517-1986

House File 517, H-3978-1986

Senate File 33, H-3358-1308

Final dispositions of motions to reconsider-2465

MUHLBAUER, LOUIS J.-Representative Crawford-Shelby Counties, Assistant Majority Floor Leader

Amendments filed-144, 325, 397, 687-688, 913, 1027, 1263, 1301, 1382, 1410, 1861-1864, 2034-2040, 2195, 2246-2247

Amendments offered—144, 376, 417, 813, 1030, 1320, 1861

Bills introduced—23-24, 78, 122, 123, 129, 150, 184, 257, 269, 389, 425, 426, 506, 527, 630, 785

Committee appointments—23, 29, 30, 261-262

Leave of absence—971

Presided at sessions of the House—2230

Reports—330, 341-342

Resolutions offered—74, 767, 790, 985-986

Subcommittee assignments—103, 125, 148, 174, 187, 193, 194, 331, 345, 403, 501, 558, 762, 774, 775, 1023, 1024, 1181

MURPHY, PAT—Representative Dubuque County

Amendments filed—196-197, 325, 336, 680, 1205, 1350, 1351, 1383, 1474, 1559-1560, 1561, 1827-1829, 1829-1830, 2068, 2246-2247

Amendments offered—680, 1400, 1559, 1561, 1829, 2157

Bills introduced—23-24, 115, 150, 183, 184, 257, 338, 424, 426, 444, 577, 630, 723, 758

Committee appointments—2, 29, 30, 31, 773

Leave of absence—971, 1136

Presided at sessions of the House—221, 1421, 1435

Report—2-5

Resolutions offered—74, 717, 790, 985-986

Ruling made—1438

Subcommittee assignments—118, 125, 193, 331, 345, 404, 420, 438, 439, 761, 775, 967, 985, 1024, 1025, 1217, 1907

NATURAL RESOURCES, COMMITTEE ON—

Amendments filed—336, 584, 702, 791, 1073, 1221, 1262

Amendments offered—427, 932, 990, 1283, 1288

Appointed—30

Bills introduced—337, 563, 704, 759, 792, 793

Recommendations—336, 458, 484-485, 552, 573, 584, 702, 737, 781, 790, 1072, 1183, 1221, 1261, 1870

Subcommittee assignments—147, 148, 159, 160, 165, 166, 263, 384, 404, 438, 439, 482, 535, 592, 762, 763, 773, 967, 968, 1159, 1869

NEUHAUSER, MARY C.—Representative Johnson County, Assistant Majority Floor Leader

Amendments filed—196-197, 676, 958-959, 970, 1073, 1160, 1184, 1350, 1382, 1474, 1482-1492, 1516, 1543, 1860-1861, 1908, 2098

Amendments offered—676, 726, 1521, 1523, 1541, 1542, 1544, 1902

Appointed to the Ethics committee—43

Bills introduced—23-24, 131, 171, 177, 269, 372, 398, 424, 443, 444, 554, 586, 630, 723, 740

Committee appointments—13, 29, 31

Presided at sessions of the House—670, 1067, 2177

Resolutions offered—718, 790, 985, 2195

Subcommittee assignments—118, 159, 194, 253, 321, 345, 384, 394, 395, 439, 481, 549, 550, 571, 582, 761, 774, 985, 1023, 1108, 1159

NIELSEN, JOYCE—Representative Linn County

Amendments filed—196-197, 970, 1135, 1205, 1350, 1410, 1827-1829, 2098

Amendments offered—1214, 1370, 1376

Appointed to the Commission on Compensation, Expenses, and Salaries for Elected State Officials—46

Appointed to the Juvenile Justice Planning Group—46
 Bills introduced—23-24, 424, 426, 443, 575, 630, 723
 Committee appointments—29, 30, 2123
 Leave of absence—154
 Presented to the House Amy Estlund, "Write Women Back Into History" essay contest winner—533
 Reports—105, 2249-2251
 Resolutions offered—74, 718, 767, 790
 Subcommittee assignments—103, 118, 126, 147, 160, 187, 263, 345, 384, 481, 482, 571, 582, 631, 762, 774, 911, 985, 1025, 1134, 1159

NOMINATIONS—

For Acting Chief Clerk—2
 For Permanent Chief Clerk—13
 For Speaker of the House—6-9
 For Speaker Pro Tempore—14-16
 For Temporary Speaker—2

OATH OF OFFICE—

By Acting Chief Clerk, Joseph O'Hern—2
 By members—5-6, 28
 By Speaker of the House, the Honorable Robert C. Arnould—9
 By Speaker Pro Tempore, the Honorable John H. Connors—16
 By Temporary Speaker, the Honorable Charles Poncy—2

OBJECTIONS—

Raised—476, 547, 647, 1049, 1062, 1101, 1127, 1319, 1345, 1864, 2074, 2150

OFFICERS AND EMPLOYEES—

Elected Joseph O'Hern, Acting Chief Clerk—2
 Elected Joseph O'Hern, permanent Chief Clerk—13
 Elected the Honorable Charles Poncy, Temporary Speaker—2
 Elected the Honorable Robert C. Arnould, Speaker of the House—6-9
 Elected the Honorable John H. Connors, Speaker Pro Tempore—14-16
 Employees of the House—25
 Pages—26
 Pay grades and steps, list of—94-99, 99-102, 481, 631, 2159
 Resignations—1, 45
 Resolutions relating to:
 House Resolution 1—20 adopted
 Senate Concurrent Resolution 1—54, 63, 79-91 adopted, 116
 Special presentation to House Pages—564, 1944
 Took oath of office—2

OLLIE, C. ARTHUR—Representative Clinton County

Amendments filed—485, 738, 781, 877, 896, 970, 1073, 1135, 1600, 1601, 1835, 1870, 2098, 2195, 2212
 Amendments offered—872, 874, 877, 889, 899, 1214, 1527, 1835, 1837, 1855, 2212
 Amendment withdrawn—2213
 Asked and received unanimous consent to withdraw House File 371—639
 Bills introduced—23-24, 54, 129, 130, 267, 268, 597
 Committee appointments—29, 30, 66, 770, 2024, 2265
 Leave of absence—372, 1871

Petition presented—2147

Presented to the House the Reverend Wilfried Romberg and his wife Barbara from
Ludwigslust, Mecklenburg—1347

Presided at sessions of the House—901, 1582, 1982, 2238

Reports—862-866, 2084-2085, 2425

Resolutions offered—74, 119, 767, 790, 985

Subcommittee assignments—160, 193, 369, 403, 439, 481, 482, 524, 698, 762, 763, 1024,
1108, 1182, 1200, 1348

OSTERBERG, DAVID—Representative Cedar-Linn Counties

Amendments filed—497, 504, 519, 574, 687-688, 688-689, 737, 738, 987, 1171-1173, 1263,
1351, 1473, 1474, 1494, 1870, 1907, 1908, 2034-2040, 2098, 2146

Amendments offered—497, 688, 748, 1277, 1933, 1934

Amendment withdrawn—997

Bills introduced—23-24, 114, 116, 130, 150, 185, 257, 269, 409, 424, 443, 575, 577, 719, 740

Committee appointments—29, 31, 55-56, 507, 1932, 2191

Leave of absence—597, 1370, 1384

Petitions presented—1185, 2099

Remarks by—15-16

Report—2177-2178

Resolutions offered—74, 507, 790, 985-986, 2068-2195

Subcommittee assignments—174, 331, 332, 345, 549, 550, 591, 731, 774, 775, 881, 967,
1024, 1108, 1217, 1348, 1349, 2067, 2146

PAGES—

Appointment of—26

Resolutions relating to:

House Resolution 1—20 adopted

Senate Concurrent Resolution 1—54, 63, 79-91 adopted, 116

Special presentation to—564, 1944

PAVICH, EMIL S.—Representative Pottawattamie County

Amendments filed—196, 407, 485, 553, 584, 596, 737, 913, 970, 1160, 1184, 1205, 1263,
1350, 1351, 1382

Amendments offered—531, 902, 904, 1293, 1402, 1528, 2151

Appointed to the Boundary Commission—46

Bills introduced—23-24, 114, 122, 123, 129, 268, 326, 327, 443, 444, 461, 487, 554, 577

Committee appointments—28, 30

Petitions presented—1871, 2069, 2196

Presented to the House six sixth grade students from Carter Lake Elementary school,
members of D.A.R.E and presented a "rap" song and dance—2016

Resolutions offered—767, 790, 985

Subcommittee assignments—125, 147, 159, 160, 166, 174, 193, 194, 262, 263, 332, 384,
394, 395, 403, 404, 420, 439, 481, 524, 535, 551, 571, 714, 732, 773, 774, 775, 881,
968, 1023, 1024, 1025, 1109, 1182, 1200

PEACE INSTITUTE, IOWA—

Appointments to—46, 47

PERSONNEL COMMITTEE—

(See ADMINISTRATION, COMMITTEE ON)

PETERSEN, DANIEL F.—Representative Muscatine-Scott Counties

Amendments filed—75, 503, 657-658, 876, 986, 1382, 1573-1574, 1574, 1589, 1861-1864,
1991, 2195, 2400-2402

Amendments offered—657, 1573, 1574, 1589, 2074

Appointed to the Agricultural Energy Management Advisory Council—46

Bills introduced—23-24, 115, 116, 122, 123, 129, 327, 337, 402, 424, 506, 563, 575, 630, 740

Committee appointments—9, 29, 31, 79

Leave of absence—1411, 1871

Resolutions offered—371, 1230

Subcommittee assignments—263, 395, 482, 500, 732, 881, 967, 1108, 1181, 1348, 1599, 1907, 2146

PETERSON, MICHAEL K.—Representative Audubon-Carroll-Shelby Counties

Amendments filed—371, 407, 535, 684, 684-685, 737, 882, 913, 970, 1222, 1269-1270, 1409, 1482-1492, 1601, 2246-2247

Amendments offered—436, 477, 772, 1003, 1269, 1294, 1834, 1838

Appointed to the Legislative Council Committee (Administration)—192

Appointed to the Ethics committee—43

Appointed to the Legislative Council—172-173

Bills introduced—19, 20, 23-24, 155, 156, 178, 338, 350, 373, 426, 460, 505, 555, 577, 630, 705, 719

Committee appointments—29, 30, 31, 67, 770, 2123, 2219, 2252, 2414

Leave of absence—971

Presentation of visitors—1134

Presided at sessions of the House—1129

Reports—862-866, 2249-2251, 2372-2373, 2414-2422, 2430

Resolutions offered—74, 767, 790, 985

Subcommittee assignments—125, 126, 147, 151, 152, 166, 253, 263, 332, 345, 394, 438, 439, 482, 523, 524, 535, 550, 558, 570, 571, 582, 592, 715, 732, 761, 911, 968, 1023, 1024, 1108, 1181, 1200, 1227

PETITIONS—

(See also INDIVIDUAL HEADINGS)

Filed—149, 198, 256, 267, 350, 398, 408, 423, 443, 460, 585, 597, 739, 783, 971, 1028, 1185, 1384, 1445, 1871, 2069, 2099, 2147, 2196

PIONEER LAWMAKERS ASSOCIATION OF IOWA—

Program by—1194-1197

Resolution relating to, HCR 12—595, 747 adopted, 1179

PLASIER, LEE J.—Representative Plymouth-Sioux Counties

Amendments filed—673, 791, 876, 881, 913, 1861-1864, 1870, 1982-1983, 1991

Appointed to the Iowa Criminal and Juvenile Justice Planning Advisory Council and the Juvenile and Child Protection System Plan—47

Bills introduced—424, 505, 506, 527, 577, 722

Committee appointments—29, 30, 31

Leave of absence—144, 769, 1148

Resolutions offered—634, 790, 1230

Subcommittee assignments—159, 263, 345, 403, 550, 571, 592, 911, 967, 985, 1109, 1217, 1907

POINTS OF ORDER RAISED—

House Concurrent Resolution 19, H-3582—Representative Hester—2165

House File 109, H-3959—Representative Dickinson—1934

House File 109, H-3956—Representative Dickinson—1934

House File 109, H-3955—Representative Dickinson—1935

House File 214, H-3494 to H-3488—Representative Doderer—1128
 House File 252, H-3079—Representative Muhlbauer—417
 House File 260, H-3078—Representative Renken—492
 House File 297, H-3105—Representative Koenigs—495
 House File 323, H-3090—Representative Renken—529
 House File 357, H-3150—Representative Brammer—569
 House File 373, H-3281—Representative Corbett—748
 House File 375, H-3788—Representative Adams—1470
 House File 391, H-3147—Representative Renaud—640
 House File 423, H-3276—Representative Chapman—798
 House File 426, H-3191—Representative Halvorson of Webster—708
 House File 455, H-3348—Representative Ollie—871
 House File 479, invoked Rule 32—Representative Van Maanen—644
 House File 479, H-3235 to H-3220—Representative McKinney—648
 House File 479, H-3954—Representative Jochum—1864
 House File 517, H-3339—Representative Gill—1080
 House File 534, H-3319—Representative Jochum—1150
 House File 534, H-3375—Representative Jochum—1151
 House File 583, H-3329—Representative Adams—1017
 House File 596, H-3378—Representative Hansen of Woodbury—955
 House File 609, H-3535—Representative Corbett—1171
 House File 633, invoked Rule 32—Representative Carpenter—1173
 House File 634, H-3495—Representative Renken—1090
 House File 651, H-3447 to H-3387—Representative Sherzan—999
 House File 661, H-3406B—Representative Banks—1049
 House File 675, H-3432—Representative Koenigs—1059
 House File 675, H-3469—Representative Koenigs—1062
 House File 706, H-4064—Representative Iverson—2132
 House File 713, invoked Rule 32—Representative Bennett—2403
 Senate File 83, H-4093—Representative Renken—2188
 Senate File 97, H-3647—Representative Koenigs—1319
 Senate File 102, H-4074—Representative Tyrrell—2150
 Senate File 257, H-3548—Representative Corbett—1188
 Senate File 412, H-3662—Representative Plasier—1377
 Senate File 444, invoked Rule 32—Representative Van Maanen—1891
 Senate File 453, H-3639—Representative McKean—1265
 Senate File 457, H-3649—Representative Connors—1334
 Senate File 471, H-3643—Representative Plasier—1270
 Senate File 476, H-3638—Representative Garman—1465
 Senate File 501, H-3766—Representative Connors—1438
 Senate File 504, H-3735—Representative Renken—1446
 Senate File 507, H-3806—Representative Renken—1535
 Senate File 529, H-3857—Representative Jochum—1579
 Senate File 532, H-3773—Representative Jochum—1558
 Senate File 548, H-4122—Representative Sherzan—2247

PONCY, CHARLES N.—Representative Wapello County

Amendments filed—196, 249, 486, 1601, 1842-1843, 2146, 2195

Amendments offered—249, 1842, 2222, 2223

Amendment withdrawn—1842

Bills introduced—19, 23-24, 55, 66, 77, 78, 131, 177, 268, 327, 372, 373, 487, 576, 630, 706

Committee appointments—29, 30, 79, 1077, 1193

Elected temporary Speaker—2

Presentation of the POW/MIA Flag—1993

Presided at sessions of the House—1, 653, 1176

Resolutions offered—371, 790, 985-986

Subcommittee assignments—125, 159, 160, 166, 193, 322, 332, 345, 368, 369, 394, 395,
403, 420, 439, 549, 550, 551, 571, 592, 732, 761, 968, 1023, 1109, 1181, 1226, 1348

Took oath of office—2

PRESENTATION OF THE POW/MIA FLAG—1993

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

House Concurrent Resolution 5, investigation of Americans missing in action in Southeast Asia—325, 330, 332

House Concurrent Resolution 6, prohibit physical desecration of the United States Flag—371, 384

House Concurrent Resolution 9, return of the battleship USS Iowa's silver service—561, 595, 743 w/d

House Concurrent Resolution 10, urge congressional delegation support certain measures, part of reauthorization of the Higher Education Act of 1965—561, 562

House Concurrent Resolution 11, withholding of FUTA funds by federal government—574, 747 w/d

House Concurrent Resolution 13, sharing of child abuse registry info among states—717-718, 775 (See HCR 21)

House Concurrent Resolution 14, eliminate social security payroll tax cap—718, 967

House Concurrent Resolution 15, ratify the United Nations' Convention, eliminate all forms of discrimination against women—718, 793 adopted, 879, 1475

House Concurrent Resolution 16, fair trade practices, subsidies paid Canadian hog producers and duties imposed on pork products—767

House Concurrent Resolution 19, health care coverage for all persons in United States—790, 911, 1205, 2165-2166 adopted, 2168, 2225

House Concurrent Resolution 21, sharing child abuse registry info among states (formerly HCR 13)—969

House Concurrent Resolution 22, amend trade agreements affecting traditional rights of states and the citizens of the United States—985-986, 2163-2164 adopted, 2165, 2225

House Resolution 3, economic and diplomatic sanctions imposed upon Iraq by the world community and delay in undertaking military action—74

House Resolution 4, dev. & implement a national child abuse registry, states share info.—119

House Resolution 11, fair trade practices, subsidies paid Canadian hog producers and duties imposed on pork products—969, 993 adopted

Senate Concurrent Resolution 4, fed. unemployment tax Act, (FUTA), protest the withholding—538, 553, 564, 746-747 adopted

Senate Concurrent Resolution 8, return of the battleship USS Iowa's silver service—587, 595, 707 adopted

Senate Concurrent Resolution 23, express opposition to proposed graduated annual fee, recreation vessels operated on navigable waters of the U.S. where coast guard is present—1478, 1516, 1870, 1914-1915 adopted

PRESS, MEMBERS OF—

Assignment of seats in press gallery—393-394

PRINTING DIVISION OF GENERAL SERVICES—

Resolution relating to, HCR 7—371, 384

PROOF OF PUBLICATION—

House File 129—165

Senate File 544—2241

QUORUM CALLS—

200, 391, 475, 644, 650, 1054, 1287, 1612, 2169, 2215, 2232, 2265, 2268, 2414

RAFFERTY, BOB—Representative Scott County

Amendments filed—75, 635, 693, 702, 970, 1135, 1222, 1263, 1301, 1600, 1601, 2400-2402

Amendments offered—693, 707, 1115

Bills introduced—116, 121, 122, 123, 191, 327, 337, 398, 402, 409, 410, 424, 460, 487,
506, 563, 723

Committee appointments—13, 29, 30

Leave of absence—154, 971, 1185

Resolutions offered—128, 1230

Subcommittee assignments—193, 321, 369, 403, 404, 570, 571, 774, 1024, 1025, 1071,
1182

REDISTRICTING ADVISORY COMMISSION—TEMPORARY—

Reports received—1938

REGENTS, BOARD OF—

Communications from—124, 179

Resolution relating to, HCR 30 (ten-year bldg. program)—2266, 2268, 2375 as amended,
adopted—2413-2466, sent to gov., signed by gov. 6-7-91

REMOVED FROM REGULAR CALENDAR—

Bills rereferred to committees—1241-1242

RENAUD, DENNIS L.—Representative Polk County

Amendments filed—407, 485, 486, 913, 940, 1160, 1205, 1579, 1600, 1870, 1942, 1991,
2006

Amendments offered—943, 1895, 2005, 2006

Amendment withdrawn—1896

Bills introduced—23-24, 77, 268, 327, 426, 576, 630

Committee appointments—2, 30

Petition presented—585

Report—2-5

Resolutions offered—74, 790, 985

Subcommittee assignments—125, 126, 160, 166, 174, 179, 193, 262, 332, 368, 369, 394,
403, 404, 420, 549, 550, 571, 714, 732, 1023, 1024, 1108, 1109, 1226

RENKEN, ROBERT H.—Representative Butler-Grundy Counties

Amendments filed—75, 503, 553, 584, 913, 951, 986, 1160, 1263, 1300, 1301, 1350, 1382,
1444, 1861-1864, 2098, 2263, 2400-2402

Amendment offered—587

Amendment withdrawn—952

Bills introduced—77, 78, 122, 130, 131, 149, 184, 257, 327, 402, 424, 488, 506, 598, 742

Committee appointments—29, 30, 31, 2253

Leave of absence—475, 704

Report—2405

Resolutions offered—371, 1230

Subcommittee assignments—118, 125, 160, 166, 193, 194, 263, 321, 332, 394, 395, 404,
420, 439, 524, 571, 714, 731, 732, 774, 881, 1023, 1025, 1159, 1181, 1182, 1227,
1348, 2067

REPORTS—

(See COMMUNICATIONS FROM and/or INDIVIDUAL HEADINGS)

RESIGNATIONS—

(See also OFFICERS AND EMPLOYEES)

Employees—45

Speaker of the House, Donald D. Avenson—1

The Honorable Thomas H. Fey—1

RESOLUTIONS FILED—

Laid over under Rule 25:

House Concurrent Resolution 9—561, 595, 743 w/d

House Concurrent Resolution 11—574, 747 w/d

House Concurrent Resolution 12—595, 747 adopted, 1179

House Concurrent Resolution 15—718, 793 adopted, 879, 1475

House Concurrent Resolution 18—767-768, 989, 1130 adopted, 1132, 1388

House Concurrent Resolution 19—790, 911, 1205, 2165-2166 adopted, 2168, 2225

House Concurrent Resolution 20—830, 1041 adopted, 1179

House Concurrent Resolution 21—969

House Concurrent Resolution 22—985-986, 2163-2164 adopted, 2165, 2225

House Concurrent Resolution 23—1135

House Concurrent Resolution 24—1221

House Concurrent Resolution 25—1230, 1459 adopted, 2413, 2429, House con-
curred, H-4138 as amended, adopted

House Concurrent Resolution 27—2068

House Concurrent Resolution 28—2195, 2230 adopted, 2439

House Concurrent Resolution 29—2195, 2412 adopted, 2439

House Resolution 2—53, 75, 148, 153, 182, 196, 226-253, 262

House Resolution 4—119

House Resolution 5—119, 329 adopted

House Resolution 8—371, 431-437 adopted

House Resolution 9—371, 442, 448-457

House Resolution 11—969, 993 adopted

House Resolution 12—1110, 1202, 1443, 2122 adopted

House Resolution 15—1231

Senate Concurrent Resolution 4—538, 553, 564, 746-747 adopted

Senate Concurrent Resolution 5—1179, 1184, 2174 adopted, 2176

Senate Concurrent Resolution 6—1179, 1184

Senate Concurrent Resolution 7—587, 595, 747-748 adopted

Senate Concurrent Resolution 8—587, 595, 707 adopted

Senate Concurrent Resolution 11—1029, 1073, 1109, 1262, 1263

Senate Concurrent Resolution 13—707, 718, 775, 2172 adopted, 2176

Senate Concurrent Resolution 14—1179, 1184

Senate Concurrent Resolution 23—1478, 1516, 1870, 1914-1915 adopted

Senate Concurrent Resolution 24—1944, 1991, 2097, 2098, 2146, 2162, 2195,
2212-2214, 2243

Referred to committees:

House Concurrent Resolution 4—53
 House Concurrent Resolution 5—325, 330, 332
 House Concurrent Resolution 6—371, 384
 House Concurrent Resolution 7—371, 384
 House Concurrent Resolution 8—485
 House Concurrent Resolution 10—561, 582
 House Concurrent Resolution 13—717, 718, 775
 House Concurrent Resolution 14—718, 967
 House Concurrent Resolution 16—767
 House Concurrent Resolution 17—767, 1023
 House Concurrent Resolution 19—790, 911, 1205, 2165-2166 adopted, 2168, 2225
 House Concurrent Resolution 26—1382
 House Resolution 3—74
 House Resolution 6—128
 House Resolution 7—190
 House Resolution 10—634
 House Resolution 12—1110, 1202, 1443, 2122 adopted
 House Resolution 13—1184
 House Resolution 14—1230-1231
 House Resolution 16—1941
 Senate Concurrent Resolution 1—54, 63, 79-91 adopted, 116
 Senate Concurrent Resolution 2—54, 63, 64, 75, 113, 120, 131-147, 172, 261-262, 271, 330, 340, 341-343 as amended, adopted
 Senate Concurrent Resolution 4—538, 553, 564, 746-747 adopted
 Senate Concurrent Resolution 11—1029, 1073, 1109, 1262, 1263
 Senate Concurrent Resolution 13—707, 718, 775, 2172 adopted, 2176
 Senate Concurrent Resolution 23—1478, 1516, 1870, 1914-1915 adopted
 Senate Concurrent Resolution 24—1944, 1991, 2097, 2098, 2146, 2162, 2195, 2212-2214, as amended, adopted, 2243

Resolutions adopted, not otherwise printed in the Journal—2645-2657

ROYER, WILLIAM D. (BILL)—Representative Fremont-Mills-Page Counties

Amendments filed—196-197, 325, 561, 574, 913, 1205, 1263, 2400-2402
 Amendments offered—578, 1041, 1508
 Bills introduced—23-24, 78, 122, 123, 124, 129, 257, 268, 327, 351, 402, 424, 630, 785
 Committee appointment—30
 Leave of absence—475, 487, 652, 971
 Petition presented—267
 Resolutions offered—371, 561, 1230
 Subcommittee assignments—125, 148, 159, 160, 263, 331, 558, 774, 1023, 1025, 1869

RULES—

Motions to suspend:

House File 173—200
 House File 391, H-3147—640
 House File 426, H-3191—708
 House File 479—644
 House File 479, H-3220—645
 House File 479, H-3235—648
 House File 479, H-3252—650
 House File 479, H-3954—1864

House File 534, H-3319—1150

House File 534, H-3375—1151

House File 675, H-3432—1059

House File 675, H-3469—1062

Senate File 83, H-4093, as amended—2188

Senate File 141—510

Senate File 209—476

Senate File 471, H-3643—1270

Senate File 476, H-3638—1465

Senate File 501, H-3766—1438

Senate File 532, H-3773—1558

Rule 31.8 (first reading, commitment and amendment):

Senate File 457, H-3676—1345

Rule 32 (commitment of appropriation and revenue bills):

House File 479—644

House File 713—2403

Senate File 444—1891

Rule 60: (withdrawal of bills from committee):

Senate File 524—1085

Lost:

House File 391, H-3147—641

House File 426, H-3191—708

House File 479, H-3235—649

House File 479, H-3954—1865

House File 534, H-3319—1151

House File 534, H-3375—1152

House File 675, H-3432—1059

House File 675, H-3469—1063

Senate File 501, H-3766—1439

Senate File 532, H-3773—1559

Rule 31.8

Senate File 457, H-3676—1345

Rule 60:

Senate File 524—1086

Prevailed:

House File 173—200

House File 479—644

House File 479, H-3220—645

House File 479, H-3252—650

Senate File 83, H-4093—2189

Senate File 141—510

Senate File 209—476

Senate File 444—1891

Senate File 471, H-3643—1271

Senate File 476, H-3638—1466

Rule 32:

House File 479—645

House File 713—2403

Senate File 444—1891

Pursuant to:

Rule 31.7 (first reading, commitment and amendment):

House File 95—387
House File 207—786
House File 329—735
House File 431—701
House File 435—788
Senate File 176—1219
Senate File 259—1072
Senate File 278—1261
Senate File 294—1260
Senate File 342—1219
Senate File 441—1135
Senate File 465—1230
Senate File 508—1260, 1312

Rule 73.g (reconsideration):

House File 323—2465
House File 590—2465

Joint Rule 20 (time of committee passage and consideration of bills):

Senate File 460—2161

Rules Invoked:

Rule 32 (commitment of appropriation and revenue bills):

House File 479—644
House File 630—1103
House File 633—1173
House File 713—2403
Senate File 444—1891

Rule 60 (withdrawal of bills from committee):

House Joint Resolution 5—1210

Rule 75 (duty of voting):

House Concurrent Resolution 19—2165
House Concurrent Resolution 22—2164
House Concurrent Resolution 30—2375
House File 173—392
House File 479, H-3249—679
House File 479, H-3261—694
House File 479, H-3224—695
House File 479, H-3935—1838
House File 479, H-3954—1864
House File 479—2369
House File 503, H-3506—1083
House File 503—1147
House File 520, H-3349—922
House File 645—1120
House File 648—1087
House File 656—1097
House File 675—1064
House File 683, H-3797—1493
House File 702, H-3970—1984
House File 703—2224
House File 705, H-4000—2082

House File 706, H-4068A to H-4064—2132
House File 713, H-4130—2402
House File 713—2403
House Joint Resolution 5—1210
Senate Concurrent Resolution 1—91
Senate Concurrent Resolution 2—145
Senate File 4, H-4041—2094
Senate File 83, H-4093—2188
Senate File 110, H-3612—1343
Senate File 166—1360
Senate File 422—1252
Senate File 478, H-3737 to H-3617—1901
Senate File 501, H-3766—1438
Senate File 505, H-3505—2009
Senate File 505, H-3992A—2011
Senate File 505—2014
Senate File 508, H-3636A—1542
Senate File 524—1085
Senate File 529, H-3813—1591

Rules suspended:

House File 479, H-3873—1720
House File 689—1224
House File 690—1361
House File 691—1361
House File 693—1361
House File 706—2126
House File 706, H-4064, as amended—2133
House File 707—2058
House File 709—2170
House File 710—2170
House File 711—2236
House File 712—2227, 2458
House File 713—2399
House Joint Resolution 10—2235
Senate Concurrent Resolution 24, H-4101—2212
Senate File 83—2181
Senate File 294—1406
Senate File 342—1406
Senate File 362—1406
Senate File 403—1406
Senate File 441—1406
Senate File 453, H-3639—1266
Senate File 465—1406
Senate File 508—1392
Senate File 529—1563
Senate File 533—2229
Senate File 541—2059
Senate File 542—2077
Senate File 544—2240
Senate File 545—2173
Senate File 547—2197

Senate File 548—2244

Senate File 549—2407

Senate File 550—2377

Administration committee meeting—23

Appropriations committee meetings—1393, 2169, 2196, 2243, 2376

Daily Debate Calendar—1239

Judiciary and Law Enforcement committee meetings—2153, 2232

Rules committee meeting—23

State Government committee meetings—23, 2169

Transportation committee meetings—2214, 2376

Ways and Means committee meeting—1393

Rule 31.8 (first reading, commitment and amendment):

House File 173—200

House File 469, H-3391—946

House File 479—643

House File 558, H-3381—958

House File 614, H-3399—949

House File 619, H-3384—951

House File 633, H-3551—1171

House File 690—1361

House File 691—1361

House File 693—1361

Senate File 23, H-3668—1340

Senate File 209—476

Rule 57 (committee notice and agenda):

Administration committee meeting—62

Appropriations committee meeting—1874

Committee meetings—785

Rules committee meeting—62

State Government meeting—785

Under provision of:

Rule 45 (status of bills following first regular session):

House File 87—2465

House File 108—2465

House File 490—2465

House Joint Resolution 9—2465

Senate File 46—2465

Senate File 181—2465

Senate File 259—2465

Senate File 278—2465

Senate File 294—2465

Senate File 330—2465

Senate File 364—2465

Senate File 458—2465

Senate File 537—2465

Senate File 543—2465

Rule 76 (limitation on right to vote):

Senate File 436—989

Temporary rules adopted—23

RULES, COMMITTEE ON—

Amendment filed—64

Amendment offered—144

Appointed—30

Recommendations—53, 63

Resolution offered—53

Resolutions relating to:

House Resolution 2—53, 75, 148, 153, 182, 196, 226-253, as amended, adopted, 262

Senate Concurrent Resolution 2—54, 63, 64, 75, 113, 120, 131-147, 172, 261-262,
271, 330, 340, 341-343 as amended, adopted

Temporary rules adopted—23

SCHRADER, DAVID—Representative Marion County, Assistant Majority Floor
Leader

Amendments filed—388, 407, 596, 660, 687-688, 913, 1027, 1135, 1263, 1351, 1516, 1574,
1592-1593, 2034-2040, 2042-2044, 2133

Amendments offered—144, 660, 687, 898, 990, 991, 1052, 1550, 1574, 1592, 2133

Amendment withdrawn—147

Bills introduced—23-24, 163, 373, 399, 443, 527, 577, 598

Committee appointments—13, 29, 30, 104, 261-262

Escorted to the Speaker's station and presented to the House Jennifer Vander Werf,
queen of the 1991 Pella Tulip Festival—1481

Presented to the House Zhu Xin, from the city of Shea-Gin, Hangzhou province of
Zhejiang, Republic of China—446

Presided at sessions of the House—694, 1064, 1934, 2190, 2232

Reports—330, 341-342

Resolutions offered—985-986, 2195

Ruling made—1935

Subcommittee assignments—147, 166, 332, 384, 395, 404, 535, 550, 732, 968, 1024

SEATS—

Assignment of seats in press gallery—393-394

Assignment of, to members—27-28

Special order—20, 27-28

SECRETARY OF STATE, Elaine Baxter—

Certificate of election—2-4, 106

Communication from—43-44

House Joint Resolution 10, sent to—2466

SEVENTY-FOURTH GENERAL ASSEMBLY—

(See GENERAL ASSEMBLY-HOUSE-)

SHEARER, MARK S.—Representative Des Moines-Louisa-Washington Counties

Amendments filed—595, 635, 876, 970, 986, 987, 1027, 1160, 1184, 1205, 1221, 1410,
1516, 1540, 1543, 1544, 1991, 2098, 2195, 2226, 2246-2247, 2412

Amendments offered—511, 587, 751, 799, 876, 1065, 1233, 1235, 1294, 1509, 1540, 1544,
2412

Amendments withdrawn—814, 2079

Bills introduced—23-24, 78, 122, 123, 129, 185, 327, 390, 409, 425, 426, 575, 577, 585,
630, 711, 719, 722, 742, 758

Committee appointments—2, 28, 29, 30, 773, 2466

Leave of absence—971, 1302, 1943, 2099

Petition presented—408

Presented to the House Lezlie Lemar, 1991 Easter Seal Adult Ambassador—391

Presented to the House Janos Avar, Hungary—966

Presented to the House the Honorable Dale Rickert, former member of the House—1108

Presided at sessions of the House—674

Reports—2-5, 25-26, 44-45, 94-99, 99-102, 481, 631, 2159

Resolutions offered—20, 74, 790

Subcommittee assignments—119, 148, 152, 321, 346, 384, 394, 481, 482, 631, 715, 762, 881, 1023, 1024, 1025, 1108, 1200, 1217

SHERZAN, GARY—Representative Polk County

Amendments filed—196, 197, 219-221, 486, 682, 1020, 1020-1021, 1083, 1844-1845, 1870, 2052-2055, 2055, 2246, 2247, 2248

Amendments offered—682, 1020, 1083, 1844, 1878, 1887, 1888, 2052, 2055, 2245, 2246, 2247

Amendment withdrawn—1890

Bills introduced—23-24, 268, 327, 424, 576, 598, 630

Committee appointments—29, 30, 329, 2252

Leave of absence—1312, 1445

Presented to the House the Honorable Doris Peick, former member of the House—1134

Presided at sessions of the House—518, 696, 2076

Reports—352-366, 2414-2422

Resolutions offered—790, 985-986

Subcommittee assignments—118, 151, 193, 345, 369, 482, 582, 631, 731, 761, 774, 1024, 1025, 1182, 1200, 1443

SHONING, DON—Representative Woodbury County

Amendments filed—75, 913, 1205, 1594, 2246-2247

Amendment offered—1594

Bills introduced—19, 23-24, 55, 115, 121, 122, 123, 150, 155, 327, 402, 424, 506, 630

Committee appointments—29, 30

Petition presented—460

Resolutions offered—128, 371, 790, 1230

Subcommittee assignments—125, 126, 160, 179, 262, 332, 384, 394, 395, 404, 420, 439, 551, 558, 571, 592, 698, 714, 732, 880, 1023, 1108, 1109

SHOULTZ, DON—Representative Black Hawk County

Amendments filed—207, 659, 660, 677, 687-688, 913, 962, 962-963, 970, 1027, 1171-1173, 1300, 1409, 1474, 1601, 1602, 1870, 1899-1900, 1903, 1941, 1942, 2098, 2126-2131, 2131-2132, 2217

Amendments offered—207, 659, 677, 938, 962, 1559, 1897, 1899, 1900, 1902, 2126, 2131, 2217, 2219, 2220

Asked and received unanimous consent to change vote on House File 173—253

Bills introduced—23-24, 131, 150, 163, 185, 268, 372, 373, 374, 390, 443, 487, 575, 740

Committee appointments—29, 30

Leave of absence—554, 1352, 1415

Presented to the House the Honorable Pat Harper, former member of the House—1516

Resolutions offered—74, 790, 985, 2195

Subcommittee assignments—126, 159, 165, 166, 187, 193, 263, 344, 394, 395, 439, 481, 523, 582, 592, 631, 698, 731, 732, 761, 762, 1134

SIEGRIST, BRENT—Representative Pottawattamie County, Assistant Minority Floor Leader

Amendments filed—595, 768, 970, 986, 1516, 2098, 2400-2402

Amendments offered—725, 754, 797, 1120

Bills introduced—23-24, 122, 123, 129, 257, 337, 398, 401, 410, 424, 444, 460, 461, 554, 555, 563, 577, 722, 740

Committee appointments—29

Petitions presented—2069, 2099

Presented to the House Sonya Smith, "Write Women Back Into History" essay contest winner—533

Resolutions offered—767, 1230, 2195

Subcommittee assignments—119, 152, 165, 166, 179, 187, 253, 254, 322, 394, 439, 481, 482, 523, 524, 550, 558, 582, 592, 698, 732, 761, 762, 968, 1024, 1181, 1200, 2241

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE, COMMITTEE ON—

Appointed—30

Bills introduced—183, 258, 410, 704, 741, 742, 792, 833

Recommendations—181-182, 265, 266, 422, 702, 737, 781, 828

Subcommittee assignments—103, 147, 148, 174, 404, 535, 558

SPEAKER OF THE HOUSE—Robert C. Arnould, Representative Scott County

Addressed the House—8-9, 2443-2445

Announcements—564, 1036, 1543, 1911

Appointed to the Legislative Council—172

Appointed to the Legislative Council Committee (Studies)—192

Appointments announced:

Boundary Commission—74

Legislative Council—172-173

Bill introduced—23

Bills referred to committees—1239, 1258

Bills rereferred to committees—151, 785, 1053, 1113

Bills signed by—320, 368, 381, 557, 580, 785-786, 879, 1106, 1180, 1224, 1380-1381, 1408, 1441, 1598, 1869, 1905, 2064, 2096, 2140, 2159-2160, 2192, 2261, 2466

Committees appointed by—23, 55-56, 66, 104, 1193, 2466

Communication received—2467

Conference committees appointed—261-262, 329, 770, 1904, 1905, 1932, 1987, 2024, 2123, 2219, 2252, 2253, 2265, 2440

Elected Speaker of the House—6-9

Final adjournment—2467

Final adjournment, 1991 First Session of the Seventy-fourth General Assembly, Senate Concurrent Resolution 29—2460 adopted

Inaugural committee appointed—79

Memorial committees appointed—507, 508, 1077

Memorial services committee appointed—773

Presentation of—9-12

Presentation of visitors—321, 330, 368, 383, 420, 523, 557, 570, 591, 697, 731, 880, 1108, 1180-1181, 1216-1217, 1226, 1408-1409, 1441-1442, 1473, 1515-1516, 1598-1599, 1939-1940, 1989, 2066-2067, 2142-2143, 2225-2226

Presided at sessions of the House—23, 25, 54, 55, 56, 62, 65, 66, 73, 76, 90, 91, 104, 113, 114, 116, 121, 124, 129, 131, 144, 149, 151, 154, 158, 163, 165, 171, 172, 177, 178, 183, 185, 191, 192, 198, 199, 221, 249, 256, 258, 267, 272, 326, 329, 337, 340, 341, 350, 352, 367, 372, 380, 389, 391, 392, 398, 402, 408, 410, 423, 437, 443, 446, 460, 475, 480, 487, 488, 496, 499, 505, 510, 526, 536, 538, 554, 556, 562, 564, 575, 585, 590, 597, 626, 630, 636, 643, 644, 645, 650, 653, 672, 678, 691, 694, 695, 696, 704, 719, 769, 773, 783, 792, 810, 816, 832, 859, 861, 871, 883, 887, 896, 898, 904, 914, 924, 925, 948, 964, 988, 1001, 1028, 1049, 1053, 1054, 1062, 1065, 1067, 1075, 1081, 1082, 1084, 1085, 1101, 1111, 1120, 1121, 1136, 1141, 1162, 1175, 1178, 1180, 1185, 1192, 1193, 1209, 1216, 1223, 1232, 1239, 1264, 1302, 1312, 1340, 1352, 1360, 1361, 1384, 1393, 1411, 1413, 1439, 1445, 1458, 1465, 1471, 1475, 1481, 1499, 1511, 1515, 1518, 1536, 1537, 1546, 1547, 1562, 1577, 1590, 1603, 1612, 1855, 1871, 1875, 1892, 1904, 1909, 1928, 1937, 1943, 1955, 1967, 1987, 1992, 2009, 2016, 2024, 2062, 2069, 2083, 2099, 2116, 2122, 2126, 2134, 2147, 2154, 2196, 2197, 2214, 2215, 2227, 2231, 2233, 2234, 2243, 2244, 2263, 2264, 2265, 2268, 2369, 2375, 2378, 2412, 2429, 2439, 2442, 2445, 2464, 2466

Remarks by—9-12, 2443-2445

Resolutions relating to:

House Concurrent Resolution 1—13 adopted, 14, 76

House Concurrent Resolution 3—14 adopted, 76

House Concurrent Resolution 12—595, 747 adopted, 1179

House Resolution 1—20 adopted

House Resolution 6—128

Senate Concurrent Resolution 1—54, 63, 64, 75, 113, 120, 131-147, 172, 261-262, 271, 330, 340, 341-343 as amended, adopted

Rulings made—417, 492, 495, 529, 569, 640, 648, 708, 798, 955, 999, 1059, 1128, 1188, 1266, 1319, 1446, 1579, 1864, 1934, 2150, 2247

Special presentation to House Pages—564, 1944

Standing committees appointed—28-31

Took oath of office—9

SPEAKER PRO TEMPORE, John H. Connors—Representative Polk County
(See CONNORS, JOHN H.—Representative Polk County, Speaker Pro Tempore)

SPEAR, CLAY R.—Representative Des Moines-Lee Counties

Amendments filed—266, 325, 336, 348, 371, 388, 397, 417-418, 486, 499, 503, 535, 547, 561, 574, 584, 595, 635, 682, 702, 737, 830, 831, 882, 946-947, 947, 970, 978-979, 986, 992, 1027, 1073, 1160, 1184, 1205, 1221, 1222, 1262, 1290, 1290-1291, 1351, 1371, 1382, 1383, 1410, 1443, 1516, 1861-1864, 1936, 1991, 2068, 2098, 2146, 2162, 2195, 2213, 2226, 2248

Amendments offered—375, 376, 411, 427, 429, 499, 545, 546, 547, 587, 588, 682, 804, 814, 886, 887, 892, 936, 946, 947, 955, 962, 1004, 1005, 1096, 1097, 1098, 1114, 1122, 1143, 1187, 1254, 1290, 1291, 1356, 1371, 1936, 2213

Amendments withdrawn—376, 412, 546, 547, 588, 802, 887, 889, 1122, 1254, 1255, 1290, 2220, 2222, 2248

Bills introduced—19, 20, 23-24, 54, 55, 65, 115, 123, 150, 155, 156, 177, 338, 339, 350, 373, 425, 506, 527, 575, 630, 706, 730, 740

Committee appointments—29, 30, 508

Resolutions offered—74, 508, 790

Subcommittee assignments—103, 148, 160, 166, 254, 404, 439, 482, 582, 715, 762, 763, 1217, 1869

SPECIAL COMMITTEES—

(See COMMITTEES, SPECIAL)

SPECIAL ORDER—

Assignments of seats—20, 27-28

SPECIAL PRESENTATION—

Representative Bisignano presented to the House Dr. Maria Stoltzman, member of the Polish Parliament—199

Representative Connors presented to the House State Representative Richard Voke from Massachusetts—351

Representative Connors presented to the House Rachel Knock, Iowa 1991 Muscular Dystrophy State of Iowa Poster Child—351

Representative Hanson of Delaware presented to the House the Honorable Jim Nussle, United States Congressman—367

Representative Brand presented to the House Sheryl Janko, 1990-91 president of the Iowa FFA Association—391

Representative Shearer presented to the House Lezlie Lemar, 1991 Easter Seal Adult Ambassador—391

Representative Schrader presented to the House Zhu Xin, from the city of Sheagun, Hangzhou province of Zhejiang, Republic of China—446

Representative Nielsen presented to the House Amy Estlund, "Write Women Back Into History" essay contest winner—533

Representative Black presented to the House Magda Hanna, "Write Women Back Into History" essay contest winner—533

Representative Siegrist presented to the House Sonya Smith, "Write Women Back Into History" essay contest winner—533

Representative Carpenter presented to the House Katie Eakins, "Write Women Back Into History" essay contest winner—533

Representative Fogarty presented to the House Danny Wagener, "Write Women Back Into History" essay contest winner—533

Representative Bisignano, presented to the House Tracy Meier, "Write Women Back Into History" essay contest winner—533

House Pages—564, 1944

Representative Hammond presented to the House Angie Kim, Iowa's Young Woman of the Year—638-639

Representative Fogarty escorted to the front of the Speaker's station and presented to the House Brendan Kenneally, T.D. a member of the Irish Parliament, Waterford, Ireland—643

Representative Krebsbach presented to the House the Honorable Betty Jean "Beje" Clark, former member of the House—1077

Representative Schrader escorted to the front of the Speaker's station and presented to the House Jennifer Vander Werf, queen of the 1991 Pella Tulip Festival—1481

Representatives Black, Tyrrell and Baker presented to the House the following visitors from West Africa: Honorable Alieu Mansaray, member of Parliament; Emmanuel Egoh, Chairman, Kaduna Lg. Council (Mayor); Azey Adeenze-Kangah, Headmaster of Schools; and Ribul Baka—1537

Representative Poncy, presentation of the POW/MIA Flag—1993

Representative Pavich presented to the House six sixth grade students from Carter Lake Elementary School, members of D.A.R.E. and presented a "rap" song and dance—2016

Representative Connors escorted and presented to the House Michael Nunn winner of the International Boxing Federation's World Middleweight Championship—2116-2117

SPENNER, GREGORY A.—Representative Des Moines-Henry Counties

Amendments filed—574, 634, 831, 876, 1350, 1590, 1602, 1980, 1991, 2400-2402

Amendments offered—744, 1013, 1980, 2010

Amendments withdrawn—809, 2010

Bills introduced—23-24, 122, 123, 129, 402, 424, 460, 527, 575, 637, 722

Committee appointments—29, 30, 1987

Leave of absence—250, 372, 475, 754, 948, 1844, 2232

Resolutions offered—371, 1230

Subcommittee assignments—125, 159, 174, 322, 346, 395, 482, 550, 551, 592, 773, 774, 1024, 1108, 1181, 1226

SPONSORS—

Added:

House Concurrent Resolution 5—Representative Spenner—330

House File 7—Representative Beaman—63

House File 63—Representative Bartz—147

House File 67—Representative Bartz—147

House File 70—Representative Bartz—165

House File 71—Representative Renken—151

House File 104—Representative Burke—173

House File 129—Representative Bartz—173

House File 130—Representative Spenner—173

House File 208—Representative Spenner—330

House File 217—Representatives Bartz & Eddie—330

House File 228—Representative Spenner—344

House File 231, H-3056—Representative Wissing—368

House File 301—Representative Spenner—420

House File 303—Representative Spenner—420

House File 320—Representative Spenner—437

House File 329—Representative Jay—712

House File 363—Representative Bartz—500

Senate File 362, H-4028 to H-3623—Representative Bartz—2042

STANDING COMMITTEES—

Appointed to—28-31

Appropriations subcommittees—31-32

Committee assignments—32-42

STATE APPEAL BOARD

(Richard D. Johnson, Chairman)

Claims approved—604-625

Claims disapproved—599-603, 1106-1107

Communications from, stating claims filed with—599-603, 1106-1107

STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—388, 634, 1027, 1073, 1110, 1205, 1231, 1262, 1263

Amendments offered—744, 1274, 1309, 1317, 1321, 1342, 1357, 1366, 1397, 1417, 1528, 1895, 1948, 2172

Appointed—30

Bills introduced—183, 262, 389, 403, 522, 536, 562, 636, 783, 822, 834, 859, 861, 883, 898, 907, 908, 2024

Recommendations—53, 182, 196, 266, 387-388, 406, 485, 525, 560, 573-574, 633-634, 766-767, 790, 828-830, 1026, 1073, 1109, 1203-1204, 1229-1230, 1261-1262, 2068, 2170

Subcommittee assignments—125, 126, 159, 160, 166, 179, 193, 194, 262, 263, 322, 332, 384, 394-395, 404, 420, 439, 482, 523, 524, 550, 551, 571, 592, 714, 732, 880, 881, 1023, 1024, 1025, 1108, 1109, 1181, 1182, 1200, 1226-1227

STATE OF THE STATE AND BUDGET MESSAGES—

Delivered by Governor Terry E. Branstad—57-62

Resolution relating to, HCR 1—13 adopted, 76

STATEWIDE FIRE AND RETIREMENT SYSTEMS—

Appointments to—46, 47

STATUS OF WOMEN—

Appointment to—47

Communication from—117

STUDY BILL COMMITTEE ASSIGNMENTS—

Agriculture—117, 118, 153, 162, 195, 324, 386, 441, 502, 551, 593 699, 733, 734

Commerce—73, 167, 168, 169, 189, 323, 324, 370, 385, 386, 421, 483, 552, 559, 572, 583, 594, 717, 733, 764, 1160

Education—74, 118, 153, 161, 168, 176, 195, 255, 334, 369, 370, 440, 559, 632, 715, 733, 764

Energy and Environmental Protection—118, 153, 168, 180, 264, 334, 335, 396, 501, 535, 551, 716, 717, 733, 912

Human Resources—102, 161, 176, 180, 181, 195, 196, 324, 335, 385, 396, 440, 483, 484, 559, 572, 583, 593, 699, 776

Judiciary and Law Enforcement—51, 102, 127, 148, 168, 169, 195, 254, 255, 325, 335, 421, 483, 484, 502, 551, 715, 716, 733, 734, 764

Labor and Industrial Relations—161, 188, 189, 334, 335, 385, 501, 502, 559

Local Government—103, 169, 170, 188, 396, 405, 535, 559, 699, 764, 786, 2263

Natural Resources and Outdoor Recreation—161, 176, 265, 324, 386, 440, 535, 632

Small Business, Economic Development and Trade—102, 176, 181, 254, 347, 385

State Government—73, 74, 102, 118, 152, 153, 161, 162, 176, 181, 188, 189, 195, 324, 334, 385, 386, 396, 421, 458, 502, 552, 559, 593, 632, 699, 716, 733, 1940

Transportation—102, 148, 161, 180, 188, 255, 347, 370, 440, 441, 502, 716, 764, 776

Ways and Means—148, 322, 323, 385, 440, 535, 593, 881, 911, 912, 1109, 1160, 1201, 1217, 1990

STUDY BILL SUBCOMMITTEE—

Assignments—63, 103, 119, 126-127, 152, 160, 167, 174-175, 179, 187-188, 194-195, 254, 263-264, 322, 332-334, 346-347, 369, 384-385, 395-396, 405, 421, 440, 457-458, 483, 501, 524, 551, 558-559, 572, 583, 592, 632, 698-699, 715, 732-733, 763-764, 775-776, 786, 824, 968, 1160, 1182, 1217, 1227, 2067

STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

House Concurrent Resolution 8—485

House Concurrent Resolution 24—1221

SUBCOMMITTEE—

Assignments—103, 118-119, 125-126, 147-148, 151-152, 159-160, 165-166, 173-174, 179, 187, 193-194, 253-254, 262-263, 321-322, 331-332, 344-346, 368-369, 384, 394-395, 403-404, 420, 438-439, 481-482, 500-501, 523-524, 535, 549-551, 558, 570-571, 582, 591-592, 631, 698, 714-715, 731-732, 761-763, 773-775, 880-881, 911, 967-968, 985, 1023-1025, 1071, 1108-1109, 1134, 1159, 1181-1182, 1200, 1217, 1226-1227, 1348-1349, 1443, 1599, 1869, 1907, 1989, 2067, 2146, 2161, 2241

SUPERINTENDENT OF PRINTING—

(See PRINTING DIVISION OF GENERAL SERVICES)

SUPREME COURT OF IOWA—

(Chief Justice Arthur A. McGiverin)

Delivered the Condition of the Judicial Department Message—68-73

Ethics committee appointments—42-43

Resolution relating to, HCR 2—14 adopted, 76

SVOBODA, E. JANE—Representative Black Hawk-Marshall-Tama Counties

Amendments filed—196-197, 503, 596, 671, 876, 881, 882, 913, 963, 1160, 1221, 1382, 1474, 1516, 1549-1550, 1573, 1577-1579, 1589, 1590-1591, 1591, 1593, 1593-1594, 1600, 1861-1864, 1941, 2068, 2113, 2162, 2195

Amendments offered—671, 813, 963, 1323, 1573, 1577, 1590, 1591, 1593, 1911, 2073, 2112, 2113

Amendments withdrawn—696, 1589

Asked and received unanimous consent to change vote on Senate File 465—1536

Bills introduced—123, 183, 184, 186, 327, 402, 426, 443, 506, 527, 630, 719, 720, 721, 722, 729

Leave of absence—526, 1088

Report—2440-2441

Resolutions offered—74, 767, 790, 985-986, 1184, 1230

Subcommittee assignments—179, 263, 346, 500, 571, 774, 775, 967, 1024, 1159, 1181, 1599, 2146

TEAFORD, JANE—Representative Black Hawk County

Amendments filed—584, 596, 678, 678-679, 737, 791, 881, 987, 1350, 1474, 1577, 1590, 1601, 1602, 1827-1829, 2059-2060, 2246-2247

Amendments offered—678, 744, 752, 899, 900, 1548, 1577, 1590, 1833

Amendment withdrawn—899

Bills introduced—23-24, 150, 185, 372, 424, 444, 526, 554, 575, 630, 637, 720, 722, 723, 740

Committee appointments—29, 30, 1932, 2253, 2440

Petition presented—597

Presided at sessions of the House—1040

Reports—2177-2178, 2405, 2458

Resolutions offered—74, 718, 790, 985

Ruling made—1049

Subcommittee assignments—119, 125, 126, 159, 160, 166, 174, 179, 187, 193, 194, 263, 322, 332, 384, 395, 404, 439, 482, 524, 550, 551, 571, 592, 631, 714, 774, 880, 881, 911, 1023, 1025, 1181, 1182, 1200, 1226, 1989

TELLERS—

Appointment of—24

Report—105

TEMPORARY OFFICERS—

Elected—2

Took oath of office—2

TEMPORARY RULES—

Adopted—23

TRANSPORTATION, COMMITTEE ON—

Amendments filed—1110, 1205, 1231

Amendments offered—1276, 1318, 1359, 2151, 2377

Appointed—30

Bills introduced—185, 269, 341, 400, 402, 403, 408, 506, 562, 563, 636, 637, 821, 822

Recommendations—182, 325, 348, 388, 406-407, 503, 560, 634, 767, 830, 1110, 1135, 1204, 1230, 2226, 2376-2377

Resolutions offered—767-768, 1135

Subcommittee assignments—125, 174, 193, 194, 263, 331, 384, 403, 404, 420, 481, 773, 774, 775, 1023, 1024, 1025, 1134, 1200

TYRRELL, PHIL—Representative Iowa-Poweshiek Counties

Amendments filed—75, 325, 371, 574, 673, 737, 768, 782, 831, 881, 913, 970, 986, 1073, 1110, 1300, 1333, 1333-1334, 1574, 1861-1864, 2068, 2400-2402

Amendments offered—249, 454, 456, 673, 803, 1009, 1114, 1326, 1333, 2009

Amendments withdrawn—376, 429, 814, 1079, 2009, 2123

Appointed to the Ethics committee—43

Appointed to the Iowa Peace Institute—47

Bills introduced—55, 78, 114, 115, 116, 121, 122, 123, 129, 149, 164, 171, 184, 257, 327, 401, 402, 425, 445, 461, 505, 506, 598, 630, 739

Committee appointments—28, 30

Leave of absence—476, 487, 1117, 2227

Resolutions offered—128, 371, 1230, 1231

Subcommittee assignments—147, 159, 166, 193, 263, 332, 368, 369, 394, 395, 404, 420, 439, 549, 571, 967, 1181

UNANIMOUS CONSENT—

Bills removed from regular calendar and rereferred to committees—2141-2142

Daily debate calendar—262, 367

House File 173, change of vote—Representative Shoultz—253

House File 173, be removed from veto message calendar—393

Senate File 465, change of vote—Representative Svoboda—1536

UNFINISHED BUSINESS CALENDAR—

1212, 1213, 1224, 1297, 1298, 1299, 1323, 1334, 1363, 1366, 1368, 1370, 1374, 1375, 1378, 1380, 1389, 1390, 1392, 1393, 1406, 1407

VAN MAANEN, HAROLD G.—Representative Keokuk-Mahaska-Wapello Counties,
Minority Floor Leader

Amendments filed—75, 120, 182, 584, 830, 913, 986, 1861-1864, 2400-2402

Amendment offered—1149

Amendment withdrawn—1149

Appointed to the Legislative Council—172-173

Appointed to the Legislative Council Committee (Service)—192

Bills introduced—19, 122, 123, 129, 400, 402, 424, 461, 506, 563, 2154, 2163

Committee appointments—28, 30, 261-262, 1904, 1905

Ethics committee appointments—43

Interim committee appointments—47

Presented to the House the Honorable Vic Stueland, former member of the House—1381

Remarks by—8-9, 2442-2443

Reports—2260, 2378-2398

Resolution relating to, HCR 25—1230, 1459 adopted—2413, 2429, House concurred, H-4138, as amended, adopted, 2429

Resolutions offered—13, 14, 53, 595, 1230

Special presentation to House Pages—564, 1944

VISITORS—

Presentation of—321, 330, 368, 383, 420, 457, 500, 523, 557, 570, 580, 591, 697, 731, 760, 823, 880, 910-911, 966, 1022-1023, 1071, 1108, 1134, 1158, 1180-1181, 1200, 1216-1217, 1226, 1258-1259, 1300, 1347-1348, 1381, 1408-1409, 1441-1442, 1473, 1515-1516, 1598-1599, 1869, 1939-1940, 1989, 2066-2067, 2096-2097, 2142-2143, 2160-2161, 2194, 2225-2226, 2263, 2462

VOTES (Roll Call)—

Change of vote—253, 1536

Non-record—147, 200, 207, 219, 250, 252, 253, 261, 343, 391, 475, 476, 499, 510, 545, 546, 547, 628, 644, 645, 648, 650, 654, 671, 672, 677, 685, 690, 695, 708, 798, 856, 876, 878, 887, 889, 891, 894, 924, 931, 939, 940, 947, 961, 965, 1010, 1013, 1020, 1043, 1049, 1054, 1059, 1083, 1086, 1097, 1114, 1118, 1127, 1128, 1139, 1143, 1168, 1173, 1287, 1305, 1308, 1325, 1356, 1358, 1360, 1364, 1371, 1372, 1391, 1400, 1439, 1446, 1447, 1466, 1468, 1498, 1509, 1531, 1540, 1550, 1589, 1590, 1594, 1612, 1844, 1847, 1858, 1860, 1866, 1874, 1891, 1896, 1902, 1926, 1950, 1980, 1981, 1982, 1985, 1986, 2009, 2010, 2011, 2041, 2094, 2132, 2133, 2151, 2169, 2175, 2213, 2215, 2229, 2232, 2238, 2246, 2265, 2268, 2269, 2375, 2403, 2412, 2414

Record—90, 145, 146, 202, 203, 221, 251, 342, 455, 456, 513, 588, 640, 641, 648, 649, 652, 653, 656, 658, 673, 675, 679, 681, 683, 686, 689, 691, 693, 694, 856, 866, 868, 871, 875, 901, 903, 904, 922, 925, 964, 998, 999, 1009, 1036, 1062, 1064, 1066, 1085, 1101, 1150, 1151, 1152, 1176, 1210, 1251, 1270, 1343, 1345, 1395, 1438, 1465, 1493, 1497, 1531, 1541, 1549, 1558, 1560, 1575, 1579, 1591, 1832, 1838, 1841, 1845, 1847, 1848, 1850, 1851, 1854, 1856, 1859, 1864, 1865, 1867, 1889, 1901, 1935, 1971, 1984, 2008, 2011, 2013, 2021, 2082, 2164, 2165, 2188, 2238, 2402

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—1350, 1941, 1991, 2162

Amendments offered—2112, 2123, 2181

Appointed—31

Bills introduced—437, 555, 637, 1001, 1012, 1185, 1216, 1312, 1316, 1407, 1408, 1417, 1445, 1537, 1547, 1919, 1920, 1987, 2197

Recommendations—442, 552, 634, 969, 1026, 1183, 1221, 1349-1350, 1405-1406, 1409, 1443, 1599-1600, 1941, 1990-1991, 2161-2162, 2194-2195

Subcommittee assignments—384, 438, 591, 592, 761, 881, 967, 985, 1159, 1217, 1348, 1349, 1599, 1907, 2067, 2146, 2161

WEIDMAN, DICK—Representative Cass-Harrison-Pottawattamie-Shelby Counties

Amendments filed—75, 348, 2098, 2226, 2400-2402

Bills introduced—122, 123, 129, 398, 402, 424, 563, 598, 630

Committee appointments—23, 30, 507

Leave of absence—475

Resolutions offered—371, 507, 1230

Subcommittee assignments—166, 174, 194, 331, 384, 438, 535, 774, 968

WISE, PHILIP L.—Representative Lee-Van Buren Counties

Amendments filed—201, 660-669, 669, 970, 986, 1222, 1601, 1842-1843, 1941, 2098

Amendments offered—201, 660, 669, 1008, 1211, 1303, 1843, 1971

Bills introduced—23-24, 65, 267, 268, 409, 410, 444, 630

Committee appointments—29, 30, 1904

Leave of absence—792

Petitions presented—971, 1028, 1384, 1445

Presentation of visitors—1869

Presided at sessions of the House—497, 1077, 1413, 1867, 2242, 2371

Reports—2260, 2378-2398

Resolutions offered—985, 2195

Ruling made—1080

Subcommittee assignments—126, 160, 165, 166, 187, 404, 439, 481, 523, 535, 698, 762, 1108, 1200, 1348

WISSING, MATTHEW—Representative Scott County

Amendments filed—703, 970, 1205, 1263, 1351, 1474, 1592, 1827-1829, 2098

Amendments offered—1265, 1286, 1364, 1391, 1592, 2056

Bills introduced—23-24, 191, 327, 337, 424, 630, 723, 784, 785

Committee appointments—29, 30, 56, 2024, 2252, 2265

Leave of absence—423, 739, 971

Reports—2084-2085, 2414-2422, 2425

Resolutions offered—74, 119, 790, 985-986

Subcommittee assignments—126, 151, 159, 166, 193, 322, 345, 346, 369, 403, 439, 481, 482, 501, 524, 550, 571, 582, 631, 698, 763, 774, 1024, 1025, 1109, 1181, 1182, 1217