

State of Iowa
1995

JOURNAL OF THE HOUSE

1995
REGULAR SESSION
SEVENTY-SIXTH
GENERAL ASSEMBLY

Convened January 9, 1995
Adjourned May 4, 1995

Volume I
January 9—April 6, 1995

TERRY E. BRANSTAD, Governor
RON J. CORBETT, Speaker of the House
LEONARD L. BOSWELL, President of the Senate

Published by the
STATE OF IOWA

Des Moines

SEVENTY-SIXTH GENERAL ASSEMBLY
1995 Regular Session
OFFICERS OF THE HOUSE

RON J. CORBETT, <i>Speaker of the House</i>	Cedar Rapids
HAROLD G. VAN MAANEN, <i>Speaker Pro Tempore</i>	Pella
BRENT SIEGRIST, <i>Majority Leader</i>	Council Bluffs
CHUCK GIPP, <i>Majority Whip</i>	Decorah
GARY B. BLODGETT, <i>Assistant Majority Leader</i>	Mason City
CHRISTOPHER C. RANTS, <i>Assistant Majority Leader</i>	Sioux City
BOB RENKEN, <i>Assistant Majority Leader</i>	Applington
DICK WEIDMAN, <i>Assistant Majority Leader</i>	Griswold
DAVID SCHRADER, <i>Minority Leader</i>	Monroe
JOHN H. CONNORS, <i>Assistant Minority Leader</i>	Des Moines
PAM JOCHUM, <i>Assistant Minority Leader</i>	Dubuque
MICHAEL J. MORELAND, <i>Assistant Minority Leader</i>	Ottumwa
RICHARD V. RUNNING, <i>Assistant Minority Leader</i>	Cedar Rapids
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JASON GROSS, <i>Assistant Chief Clerk</i>	Des Moines
VIVIAN ANDERS, <i>Senior Journal Editor</i>	Liberty Center
LOIS BISHOP, <i>Assistant Journal Editor</i>	Indianola
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BETTY M. SOENER, <i>Confidential Secretary</i>	
<i>to Chief Clerk</i>	West Des Moines
JANE FOWLER, <i>Assistant Legal Counsel</i>	Des Moines
DOREEN TERRELL, <i>Assistant to the Legal Counsel</i>	Des Moines
PEG KEPHART, <i>Engrossing/Enrolling</i>	
<i>Text Processor</i>	Des Moines
PATRICIA ASHTON, <i>Text Processor I</i>	Des Moines

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DEBRA K. REX, <i>Finance Officer II</i>	Earlham
ALYCE ELMITT, <i>Recording Clerk II</i>	Des Moines
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E. KAY BALES, <i>Clerk to Chief Clerk</i>	West Des Moines
JUANITA SWACKHAMMER, <i>Indexer II</i>	Des Moines
KRISTIN L. WENTZ, <i>Indexing Assistant</i>	Des Moines
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<i>to Speaker</i>	Des Moines
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<i>to Majority Leader</i>	Ankeny
SUSAN SEVERINO, <i>Administrative Assistant II</i>	
<i>to Leader</i>	Des Moines
WARREN FYE, <i>Senior Caucus Staff Director</i>	Indianola
BRUCE BRANDT, <i>Senior Caucus Secretary</i>	Des Moines
LON ANDERSON, <i>Legislative Research</i>	
<i>Analyst I</i>	Des Moines
PAT AXMEAR, <i>Legislative Research</i>	
<i>Analyst</i>	Des Moines
PAMELA H. DUGDALE, <i>Legislative</i>	
<i>Research Analyst II</i>	West Des Moines

ELIZABETH HENDERSON, *Legislative*

Research Analyst Panora

STACIE MAASS, *Legislative Research*

Analyst I West Des Moines

LEW OLSON, *Legislative*

Research Analyst I Des Moines

CRAIG SCHOENFELD, *Legislative*

Research Analyst West Des Moines

MARK W. BRANDSGARD, *Senior Administrative*

Assistant to Leader West Des Moines

MARGARET THOMSON, *Senior Legislative*

Research Analyst Clive

CAROLYN GAUKEL, *Executive Secretary*

to Leader West Des Moines

PAULEE LIPSMAN, *Senior Caucus Staff Director* Des Moines

INGRID JOHNSON, *Caucus Secretary* Des Moines

JIM ADDY, *Legislative Research Analyst* Des Moines

MARY BRAUN, *Legislative*

Research Analyst II Des Moines

ED CONLOW, *Senior Legislative*

Research Analyst Des Moines

MARY O. FLECKENSTEIN, *Senior Legislative*

Research Analyst Des Moines

JENIFER PARSONS, *Legislative Research*

Analyst I Mingo

THOMAS R. PATTERSON, *Senior Legislative*

Research Analyst Des Moines

JOSEPH P. ROMANO, *Legislative Research*

<i>Analyst III</i>	Des Moines
LISA GALVAN, <i>Switchboard Operator</i>	Des Moines
MADLINE JAMES, <i>Switchboard Operator</i>	Des Moines
MILDRED STEWART, <i>Bill Clerk</i>	Des Moines
MARIE A. KIRBY, <i>Assistant Bill Clerk</i>	Des Moines
WILLIAM C. WALLING, <i>Postmaster</i>	Des Moines
CECIL M. RHOADS, <i>Sergeant-at-Arms</i>	Ankeny
MARVIN HOLLINGSHEAD, <i>Assistant Sergeant-at-Arms</i>	Des Moines
MAYNARD L. BOATWRIGHT, <i>Doorkeeper</i>	Des Moines
DWIGHT H. DUGAN, <i>Doorkeeper</i>	Des Moines
ALFRED H. EDWARDS, <i>Doorkeeper</i>	Des Moines
ORSON McNITT, <i>Doorkeeper</i>	West Des Moines
RICHARD R. OVERHOLSER, <i>Doorkeeper</i>	Des Moines
KATHLEEN L. O'LEARY, <i>Doorkeeper</i>	Des Moines
WILBUR RHOADS, <i>Doorkeeper</i>	Des Moines

ELECTED OFFICERS, SUPREME COURT JUSTICES AND

IOWA COURT OF APPEALS JUDGES

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

TERRY E. BRANSTAD, <i>Governor</i>	Lake Mills
JOY CORNING, <i>Lieutenant Governor</i>	Cedar Falls
PAUL PATE, <i>Secretary of State</i>	Marion
RICHARD JOHNSON, <i>State Auditor</i>	Sheldahl
MICHAEL FITZGERALD, <i>Treasurer of State</i>	Des Moines
DALE M. COCHRAN, <i>Secretary of Agriculture</i> <i>and Land Stewardship</i>	Eagel Grove
TOM MILLER, <i>Attorney General</i>	McGregor

JUSTICES OF THE IOWA SUPREME COURT

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

IOWA COURT OF APPEALS JUDGES

ALLEN L. DONIELSON, <i>Chief Judge</i>	Des Moines
MARK S. CADY, <i>Judge</i>	Fort Dodge
ALBERT L. HABHAB, <i>Judge</i>	Fort Dodge
MAYNARD J. V. HAYDEN, <i>Judge</i>	Indianola
TERRY L. HUITINK, <i>Judge</i>	Orange City
ROSEMARY S. SACKETT, <i>Judge</i>	Spencer

MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1995 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Arnold, Richard	Russell	50	Farmer	91st—Appanoose, Clark, Lucas, Wayne	None
Baker, Tom	Des Moines	53	Self-employed	71st—Polk	74, 74X, 74XX, 75
Bell, Paul	Newton	44	Police Officer	57th—Jasper	None
Bernau, Wm. (Bill)	Ames	30	Legislator/Consultant	62nd—Story	74, 74X, 74XX, 75
Blodgett, Gary	Mason City	57	Retired Orthodontist	19th—Cerro Gordo	75
Boddicker, Dan	Tipton	32	Electrical Engineering	39th—Cedar, Clinton, Jones	75
Bogges, Effie Lee	Villisca	69	Farmer	87th—Adams, Page, Taylor	None
Bradley, Clyde	Comanche	61	Retired U.S. Navy, Department of Defense	37th—Clinton, Scott	None
Brammer, Philip E.	Cedar Rapids	62	Legislator/Retired	53rd—Linn	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Brand, William J.	Chelsea	36	Human Services Professional	60th—Benton, Black Hawk, Tama	73, 74, 74X, 74XX, 75
Branstad, Clifford O.	Thompson	70	Farmer	16th—Hancock, Winnebago, Wright	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Brauns, Barry	Conesville	62	Manager Muscatine County Fair	47th—Johnson, Louisa, Muscatine	75
Brunkhorst, Bob	Waverly	29	Computer Programmer	22nd—Black Hawk, Bremer	75
Burnett, Cecelia	Ames	44	Environmental Education Coordinator	61st—Story	None
Carroll, Danny	Grinnell	42	Relator/Farmer	58th—Jasper, Mahaska, Marshall, Poweshiek	None
Cataldo, Michael	Des Moines	29	Vice President-Iowa EPS Products, Inc.	68th—Polk	75

MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1995 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Churchill, Steven W.	Johnston	31	Fund Raising Consultant	76th—Dallas, <i>Polk</i>	75
Cohoon, Dennis M.	Burlington	41	Teacher	100th— <i>Des Moines</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Connors, John H.	Des Moines	72	Labor Arbitrator/Retired Fire Captain	69th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Coon, Brian A.	Carlisle	25	Mechanical Engineer	89th— <i>Warren</i>	None
Corbett, Ron J.	Cedar Rapids	34	Project Manager	52nd— <i>Linn</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Cormack, Mike	Fort Dodge	25	Substitute Teacher, Youth Baseball Coach	13th— <i>Webster</i>	None
Cornelius, Jerry	Bellevue	60	Small Businessman	34th—Dubuque, <i>Jackson</i>	None
Daggett, Horace	Creston	63	Retired Farmer	88th—Decatur, Riggold, Taylor, <i>Union</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Dinkla, Dwight	Guthrie Center	43	Attorney	78th—Adair, <i>Guthrie</i> , Madison	75
Disney, Larry	Pleasant Hill	42	Realtor	66th— <i>Polk</i>	None
Doderer, Minnette	Iowa City	71	Retired	45th— <i>Johnson</i>	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Drake, Jack	Lewis	59	Farmer	81st—Audubon, <i>Pottawattamie</i> , Shelby	75

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1995 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Drees, Jim	Manning	65	Farmer	80th— <i>Carroll, Greene</i>	None
Eddie, Russell J.	Storm Lake	56	Retired Farmer/ Business Owner	10th— <i>Buena Vista, Clay</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Ertl, Joe	Dyersville	59	CEO-Scale Models	33rd— <i>Delaware, Dubuque</i>	75
Fallon, Ed	Des Moines	36	Legislator	70th— <i>Polk</i>	75
Garman, Teresa	Ames	57	Farmer/Licensed Realtor	63rd— <i>Marshall, Story</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Gipp, Chuck	Decorah	46	Dairy Farmer	31st— <i>Allamakee, Winneshiek</i>	74, 74X, 74XX, 75
Greig, John	Estherville	60	Farmer	7th— <i>Dickinson, Emmett, Palo Alto</i>	75
Greiner, Sandra	Keota	40	Farmer	96th— <i>Keokuk, Mahaska, Wapello, Washington</i>	75
Gries, Don	Charter Oak	65	Retired School Administrator	12th— <i>Crawford, Monona, Woodbury</i>	75
Grubbs, Steve	Davenport	30	Business Law Teacher	40th— <i>Scott</i>	74, 74X, 74XX, 75
Grundberg, Betty	Des Moines	56	Business Owner	73rd— <i>Polk</i>	75
Hahn, James F.	Muscatine	59		48th— <i>Muscatine, Scott</i>	74, 74X, 74XX, 75
Halvorson, Roger A.	Monona	60	Insurance/Real Estate Broker	32nd— <i>Allamakee, Clayton, Fayette</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Hammitt, Donna M.	Logan	48	Farmer/Property Management	82nd— <i>Harrison</i>	None
Hanson, Donald E.	Waterloo	68	Educator	24th— <i>Black Hawk</i>	74, 74X, 74XX, 75
Harper, Patricia M.	Waterloo	62	Retired Educator	26th— <i>Black Hawk</i>	72, 72X, 72XX, 73, 75

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REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY — 1995 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Harrison, Neil P.	Davenport	28	Lay Professional-St. James Lutheran Church, Bettendorf	44th— <i>Scott</i>	None
Heaton, David E.	Mt. Pleasant	54	Restaurant Owner	97th—Des Moines, <i>Henry</i> , Washington	None
Holveck, Jack	Des Moines	51	Attorney	72nd— <i>Polk</i>	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Houser, Hubert	Carson	52	Farmer	85th—Fremont, Mills, <i>Pottawattamie</i>	75
Hurley, Charles D.	Fayette	36	Attorney	28th—Buchanan, <i>Fayette</i>	74, 74X, 74XX, 75
Huseman, Daniel A.	Aurelia	43	Farmer	9th—Buena Vista, <i>Cherokee</i> , O'Brien, Plymouth	None
Jacobs, Libby	West Des Moines	39	Manager, Disabilities Income Services, Principal Financial Group	74th— <i>Polk</i>	None
Jochum, Pam	Dubuque	40	Loras College	35th— <i>Dubuque</i>	75
Klemme, Ralph	LeMars	55	Farmer	4th— <i>Plymouth</i> , Woodbury	75
Koenigs, Deo A.	Osage	59	Farmer	29th—Floyd, <i>Mitchell</i>	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Kreiman, Keith	Bloomfield	40	Attorney	92nd—Appanoose, <i>Davis</i> , Monroe, Van Buren	75
Kremer, Joseph M.	Jesup	73	Retired Farmer	27th—Black Hawk, <i>Buchanan</i> , Delaware	71, 72, 72X, 72XX, 73, 74, 74X, 74XX
Lamberti, Jeffrey M.	Ankeny	33	Attorney	65th— <i>Polk</i>	None
*Larkin, Rick	Fort Madison	42	Correctional Counselor	99th—Des Moines, <i>Lee</i>	75

*Elected in Special Election February 16, 1993

MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1995 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Larson, Chuck	Cedar Rapids	26	Law Student	55th—Linn	75
Lord, David G.	Perry	61	Retired Clothier	77th—Dallas, Marion	None
Main, Jerry D.	Fairfield	57	Farmer	94th—Jefferson, Van Buren Wapello	None
Martin, Mona	Davenport	60	Property Management	43rd—Scott	75
Mascher, Mary	Iowa City	43	Elementary Guidance Counselor	46th—Johnson	None
May, Dennis	Kensett	47	Farmer	20th—Cerro Gordo, Mitchell Worth	72, 72X, 72XX, 73, 75
McCoy, Matt	Des Moines	28	Human Resources Manager	67th—Polk	75
Mertz, Dolores M.	Ottosen	66	Farmer/Legislator	15th—Humboldt, Kossuth	73, 74, 74X, 74XX, 75
Metcalf, Janet	Des Moines	59	Legislator	75th—Polk	71, 72, 72X, 72XX, 73 74, 74X, 74XX, 75
Meyer, Jim	Odebolt	58	Farmer/Agribusiness	11th—Ida, Sac, Woodbury	75
Millage, David A.	Bettendorf	41	Attorney	41st—Scott	74, 74X, 74XX, 75
Moreland, Michael J.	Ottumwa	32	Attorney	93rd—Wapello	75
Mundie, Norman	Fort Dodge	65	Retired Farmer	14th—Boone, Calhoun, Hamilton, Webster	75
*Murphy, Patrick J.	Dubuque	35		36th—Dubuque	73 (2nd), 74, 74X, 74XX, 75
**Myers, Richard E.	Iowa City	61	Business Owner	49th—Johnson	75 (2nd)
Nelson, Beverly J.	Marshalltown	66	Executive Vice President Iowa Valley Community	64th—Marshall	None

* Elected in Special Election September 26, 1989

** Elected in Special Election February 22, 1994

MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY — 1995 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Ollie, C. Arthur	Clinton	53	Teacher	38th—Clinton	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Rants, Christopher	Sioux City	27	Metz Baking Co. Environmental Compliance Projects	3rd—Woodbury	75
Renken, Bob	Aplington	73	Farmer/Legislator	21st—Butler, Grundy	68 (2nd), 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Running, Richard V.	Cedar Rapids	48	Quality Control Programmer	54th—Linn	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Salton, Bill	Ruthven	60	Farmer/Cattleman	8th—Clay, Kossuth, Palo Alto	None
Schrader, David	Monroe	42	Small Business Owner/ Operator, Legislator	90th—Marion, Warren	72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Schulte, Lynn S.	Mount Vernon	49	Computer Consultant	50th—Johnson, Linn	None
Shoultz, Don	Waterloo	58	Self Employed	25th—Black Hawk	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Siegrist, Brent	Council Bluffs	42	Educator	84th—Pottawattamie	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Sukup, Steven	Dougherty	39	Industrial Engineer	18th—Franklin, Hardin	None

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1995 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Teig, Russell W.	Jewell	38	Farmer	17th—Franklin, Hamilton, Hardin, Wright	None
*Thomson, Rosemary	Marion	60	Educator-Prevention Specialist	51st—Linn	None
Tyrrell, Phil	North English	62	Independent Insurance Agency-Owner Operator	59th—Benton, Iowa	68, 69, 69X, 69XX, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Vande Hoef, Richard	Harris	68	Farmer	6th—Lyon, O'Brien, Osceola, Sioux	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Van Fossen, James	Davenport	35	Service Representative Gas & Electric Utility	42nd—Scott	None
Van Maanen, Harold	Pella	65	Retired Farmer	95th—Mahaska, Marion	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75
Veenstra, Ken	Orange City	56	Insurance Agent	5th—Sioux	None
Warnstadt, Steve	Sioux City	28	Optical Engineer	2nd—Woodbury	None
Weidman, Dick	Griswold	54	Retired State Trooper Funeral Home Employee	86th—Cass, Montgomery, Pottawattamie	74, 74X, 74XX, 75
Weigel, Keith	New Hampton	39	Certified Financial Planner	30th—Chickasaw, Howard, Winneshiek	75
Welter, Jerry J.	Monticello	59	Farmer	56th—Jones, Linn	75
Wise, Philip	Keokuk	48	Teacher	98th—Henry, Lee	72, 72X, 72XX, 73, 74, 74X, 74XX, 75

* Elected in Special Election January 10, 1995

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 4, 1995

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Seventy-sixth General Assembly of Iowa 1995 Regular Session, convened at 10:00 a.m., Monday, January 9, 1995.

The House was called to order by the Honorable Chuck Gipp, State Representative from Winneshiek County.

Prayer was offered by Reverend Ray Barrett, of the New Covenant Bible Church, Cedar Rapids.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erin Logas from the Mississippi Girl Scouts, daughter of Jeanne and Brad Bundy of Cedar Rapids and Iaian Bock, member of Weblo Scout Pack 85, Den 2; and the son of Christine and Michael Bock of Cedar Rapids. They were guests of Representative Corbett.

PETITION FILED

The following petition was received and placed on file:

By Van Maanen of Marion from forty-four Clinton County residents, favoring amending the safety belt law to include school buses.

INTERIM COMMUNICATION RECEIVED

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

December 21, 1994

Governor Terry E. Branstad
State Capitol building
Des Moines, Iowa 50319

Dear Governor Branstad:

I wish to inform you that on December 20, 1994 the voters of Iowa Senate District 26 affirmed their desire to have me serve as their next State Senator. In accepting this new trust which the voters have given me, I must therefore resign my position of State Representative from District 51. I wish to make this resignation from the Iowa House of Representatives effective immediately.

In making this announcement I fondly look back on the eight years of service in the Iowa House of Representatives. I wish to thank the voters for the distinct honor and privilege of serving in the Iowa House. I also wish to thank my colleagues, in the Iowa House, for their dedicated service to Iowa, and their sharing in the legislative process with me. I look forward to my new responsibilities, and thank everyone for their support.

Sincerely,
Mary A. Lundby
State Representative

TEMPORARY OFFICERS

On motion by Rants of Woodbury, Elizabeth A. Isaacson of Polk County, was elected Acting Chief Clerk. Elizabeth A. Isaacson presented herself and took and subscribed to the following oath:

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

Grundberg of Polk moved that the Honorable Chuck Gipp of Winneshiek County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable Chuck Gipp by Acting Chief Clerk Isaacson.

Temporary Speaker Gipp in the Chair.

CREDENTIALS OF MEMBERS

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

The motion prevailed and the following committee was appointed: Larson of Linn, Jacobs of Polk, Coon of Warren, Holveck of Polk and Nelson of Pottawattamie.

REPORT OF COMMITTEE ON CREDENTIALS

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

CERTIFICATION
STATE OF IOWA
Office of
THE SECRETARY OF STATE

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

I, PAUL D. PATE, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the State, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 8, 1994, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 1995:

First.....	Ronald W. Nutt
Second.....	Steven H. Warnstadt
Third.....	Christopher C. Rants
Fourth.....	Ralph F. Klemme
Fifth.....	Kenneth Veenstra
Sixth.....	Richard Vande Hoef
Seventh.....	John Greig
Eighth.....	Bill Salton
Ninth.....	Dan Huseman
Tenth.....	Russell J. Eddie
Eleventh.....	Jim Meyer
Twelfth.....	Don Gries
Thirteenth.....	Michael Cormack
Fourteenth.....	Norman Mundie
Fifteenth.....	Dolores M. Mertz
Sixteenth.....	Clifford O. Branstad
Seventeenth.....	Russell W. Teig
Eighteenth.....	Steve Sukup
Nineteenth.....	Gary Blodgett
Twentieth.....	Dennis May
Twenty-first.....	Bob Renken
Twenty-second.....	Bob Brunkhorst
Twenty-third.....	William G. Witt
Twenty-fourth.....	Donald E. Hanson
Twenty-fifth.....	Don Shultz
Twenty-sixth.....	Patricia Harper
Twenty-seventh.....	Joseph M. Kremer
Twenty-eighth.....	Charles D. Hurley
Twenty-ninth.....	Deo Koenigs
Thirtieth.....	Keith Weigel
Thirty-first.....	Chuck Gipp

Thirty-second.....	Roger A. Halvorson
Thirty-third.....	Joe Ertl
Thirty-fourth.....	Jerry Cornelius
Thirty-fifth.....	Pam Jochum
Thirty-sixth.....	Pat Murphy
Thirty-seventh.....	Clyde E. Bradley
Thirty-eighth.....	C. Arthur Ollie
Thirty-ninth.....	Dan Boddicker
Fortieth.....	Steve Grubbs
Forty-first.....	David A. Millage
Forty-second.....	James Van Fossen
Forty-third.....	Mona Martin
Forty-fourth.....	Neil P. Harrison
Forty-fifth.....	Minnette Doderer
Forty-sixth.....	Mary Mascher
Forty-seventh.....	Barry Brauns
Forty-eighth.....	James F. Hahn
Forty-ninth.....	Dick Myers
Fiftieth.....	Lynn S. Schulte
Fifty-first.....	(vacant)
Fifty-second.....	Ron J. Corbett
Fifty-third.....	Philip E. Brammer
Fifty-fourth.....	Richard V. Running
Fifty-fifth.....	Chuck Larson
Fifty-sixth.....	Jerry Welter
Fifty-seventh.....	Paul Bell
Fifty-eighth.....	Danny C. Carroll
Fifty-ninth.....	Phil Tyrrell
Sixtieth.....	Bill Brand
Sixty-first.....	Cecelia Burnett
Sixty-second.....	Bill Bernau
Sixty-third.....	Teresa Garman
Sixty-fourth.....	Beverly J. Nelson
Sixty-fifth.....	Jeffrey M. Lamberti
Sixty-sixth.....	Larry Disney
Sixty-seventh.....	Matt McCoy
Sixty-eighth.....	Michael J. Cataldo
Sixty-ninth.....	John H. Connors
Seventieth.....	Ed Fallon
Seventy-first.....	Tom Baker
Seventy-second.....	Jack Holveck
Seventy-third.....	Betty Grundberg
Seventy-fourth.....	Libby Jacobs
Seventy-fifth.....	Janet Metcalf

Seventy-sixth	Steven W. Churchill
Seventy-seventh	David Lord
Seventy-eighth	Dwight Dinkla
Seventy-ninth	Michael J. O'Brien
Eightieth	Jim Drees
Eighty-first	Jack Drake
Eighty-second	Donna M. Hammitt
Eighty-third	Linda Nelson
Eighty-four	Brent Siegrist
Eighty-fifth	Hubert Houser
Eighty-sixth	Dick Weidman
Eighty-seventh	Effie Lee Boggess
Eighty-eighth	Horace Daggett
Eighty-ninth	Brian Coon
Ninetieth	David Schrader
Ninety-first	Richard Arnold
Ninety-second	Keith A. Kreiman
Ninety-third	Michael J. Moreland
Ninety-fourth	Jerry D. Main
Ninety-fifth	Harold Van Maanen
Ninety-sixth	Sandra H. Greiner
Ninety-seventh	Dave Heaton
Ninety-eighth	Philip Wise
Ninety-ninth	Rick Larkin
One Hundredth	Dennis M. Cohoon

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this 9th day of January, 1995.

PAUL D. PATE, Secretary of State

I hereby acknowledge receipt of the original copy of this document on January 9th, 1995.

ELIZABETH A. ISAACSON,
Chief Clerk of the House of Representatives

CHARLES LARSON, Chair
LIBBY JACOBS
BRIAN COON
JACK HOLVECK
LINDA NELSON

'MEMBERS' OATH OF OFFICE

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

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

Richard Arnold
 Tom Baker
 Paul Bell
 Bill Bernau
 Gary Blodgett
 Dan Boddicker
 Effie Lee Boggess
 Clyde E. Bradley
 Philip Brammer
 William Brand
 Clifford Branstad
 Barry Brauns
 Bob Brunkhorst
 Cecelia Burnett
 Danny Carroll
 Michael Cataldo
 Stven Churchill
 Dennis Cohoon
 John Connors
 Brian Coon
 Ron Corbett
 Michael Cormack
 Jerry Cornelius
 Horace Daggett
 Dwight Dinkla
 Larry Disney
 Minette Doderer
 Jack Drake
 Jim Drees
 Russell J. Eddie
 Joe Ertl
 Ed Fallon
 Teresa Garman
 Chuck Gipp
 John Greig

Sandra Greiner
 Don Gries
 Steve Grubbs
 Betty Grundberg
 James Hahn
 Roger Halvorson
 Donna Hammitt
 Donald E. Hanson
 Patricia Harper
 Neil Harrison
 Dave Heaton
 Jack Holveck
 Hubert Houser
 Charles Hurley
 Dan Huseman
 Libby Jacobs
 Pam Jochum,
 Ralph F. Klemme
 Deo Koenigs
 Keith Kreiman
 Joseph Kremer
 Jeffrey Lamberti
 Rick Larkin
 Chuck Larson
 David Lord
 Jerry Main
 Mona Martin
 Mary Mascher
 Dennis May
 Matt McCoy
 Dolores Mertz
 Janet Metcalf
 Jim Meyer
 David Millage
 Michael Moreland

Norman Mundie
Pat Murphy
Dick Myers
Beverly Nelson
Linda Nelson
Ronald W. Nutt
Michael O'Brien
C. Arthur Ollie
Christopher Rants
Bob Renken
Richard Running
Bill Salton
David Schrader
Lynn Schulte
Don Shoultz

Brent Siegrist
Steve Sukup
Russell W. Teig
Phil Tyrrell
Jamie Van Fossen
Harold Van Maanen
Rich Vande Hoëf
Kenneth Veenstra
Steven Warnstadt
Dick Weidman
Keith Weigel
Jerry Welter
Philip Wise
William Witt

ELECTION OF SPEAKER

Metcalf of Polk presented the name of the Honorable Ron Corbett of Linn County as candidate for Speaker of the House of Representatives of the Seventy-sixth General Assembly, preceding such nomination with the following remarks:

Mr. Speaker, I wish to place in nomination the name of Ron Corbett for the office of Speaker of the House.

Mr. Speaker, Mason's Manual of Legislative Procedure describes the role of this body as such: "The power and duty reposed in the legislature and in each and every member of both Houses thereof is that of preparing and proceeding to enact wise and well formed and needful laws." That is our challenge for the next two years.

We are here today to elect a leader to guide us as we accept that challenge. Ron Corbett has a vision of leadership. In a recent letter, Ron outlines his view of leadership: Leaders listen. Leaders set frameworks. Leaders handle criticism. Leaders work co-operatively for mutual gain. Leaders keep everyone informed.

Ron has a vision of action, during the past two years, he kept our caucus informed weekly—with a sheet called the budget scoop from Ron. As appropriation chair he tackled the deficit, guiding our appropriation process in a manner that led to the elimination of that deficit. I have come to expect results from Ron Corbett—he produces them!

Ron has a vision of the future as we prepare for the twenty-first century the

State of Iowa and the House of Representatives. We'll be well served with Ron as Speaker as we deliberate what Mason's calls those wise and well formed and needful laws. Mr. Speaker, Ron is a leader. I nominate Ron Corbett for Speaker of the House.

Thank you.

Rants of Woodbury seconded the nomination of Ron Corbett for Speaker of the House, preceded by the following remarks:

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

Voltaire said, "No problem can stand the assault of sustained thinking." Friends that is what government, from the county courthouse to the nation's capitol, needs most right now, critical thinkers and innovators. People who are not afraid to try and solve old problems with new ideas. Our friend Ron Corbett is such a person.

As Chair of the House Appropriations committee, Ron Corbett worked tirelessly to restore Iowa's fiscal integrity and he was successful. Two years ago when the 75th general assembly was sworn in, the Des Moines Register quipped, "the dust on your back Mr. Corbett, is from getting rolled," but at the end of the session it was Ron Corbett and the Iowa House that stood victorious on the budget battlefield.

Ladies and Gentleman it is with great pleasure that I rise to second the nomination of a fellow alum of Morningside College, to be the Speaker of the House, Ron Corbett of Cedar Rapids.

Schrader of Marion seconded the nomination of Ron Corbett for Speaker of the House preceded by the following remarks.

I am pleased to second the nomination of Ron Corbett as Speaker of the House.

Ron, you and I came here together eight years ago and little did we think that one day we would be holding these leadership positions. Frankly, no one else thought we'd be holding these positions, either.

Now that we are leaders, I wish that our positions were reversed. Nevertheless, it is my pleasure to extend a hand of cooperation as you shoulder the responsibilities of your new office.

We all witnessed the hard work you did as chair of the Appropriations Committee. Now that you have moved to the top of the leadership ladder, we anticipate that all the positive qualities displayed in your tenure as Appropriations Chair will carry over to your service as Speaker.

With that, I second the nomination of Ron Corbett as Speaker of the House and move that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Seventy-sixth General Assembly for the Honorable Ron Corbett as Speaker of the House.

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

Grubbs of Scott moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was named: Grubbs of Scott and Welter of Jones.

PRESENTATION OF SPEAKER

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

Speaker Corbett thanked the House for the honor bestowed upon him and offered the following remarks.

Thank you Janet, Christopher and David. I'd also like to thank Representatives Grubbs, my good friend, and Jerry Welter for escorting me here.

A special thanks to young Erin and Iaian for leading this morning in the Pledge of Allegiance. That was very special.

I'd also like to give special thanks to my wife, Benedicte, for being so patient and so understanding these last four years, thank you very much.

Recently, I have had a lot of reporters and people ask me the question, "What kind of Speaker will you be?" I have given that question much consideration. This is the type of speaker I will be:

An open and honest Speaker

An active and energetic Speaker

A driven and committed and a driven Speaker

An understanding and caring Speaker

An accessible Speaker.

And most important, I will be a Speaker that realizes that the power does not lie here under the golden dome, but with you, the people in the great State of Iowa.

Our founding fathers and framers realized that we would never have a perfect country, or a perfect society, or a perfect government. They realized that there are no utopias here on earth. They did realize that by working together they could make life better and that is a part of the legacy of the Declaration of Independence.

It lives in me. I want more for my children than I've had. My parents wanted more for me. And you want your children and grandchildren to have more opportunities. That's the American Dream.

Just two months ago, 2300 people stood outside of Kirkwood Community College to apply for 80 jobs that pay up to \$18.00 an hour. They all wanted a better job, more income for themselves and their families. Eighty will get that opportunity, 2220 still want an opportunity but will have to wait. Having that opportunity is a part of a more perfect Iowa. That is my goal, creating a more perfect Iowa. I know you share that goal. That is why you ran for the Legislature.

As I look out on this chamber I see so many people with different backgrounds, ages, beliefs, philosophies. It truly is a mosaic of Iowa. Each little piece of the mosaic is important, but it is not until you step back and look at the big picture that one sees the true beauty. That is why the Declaration of Independence begins with the word "we", not "I". Working together has always been the theme of our country.

Take a look at our coins. The back reads "E. pluribus unum" out of many, one. That's our strength. This philosophy has provided success on the battlefield, victory on the athletic field and efficiency in our private sector. And if we unite to make a more perfect Iowa, we can have that same success.

Indeed, we have already begun. Let's look at what we have been able to achieve in recent years. We were once saddled with a 400 million dollar deficit. Now we are looking at a 330 million dollar surplus. Our rainy day fund used to be empty, now it will have 200 million dollars. School Aid payments were always late. Now

for the first time in 18 years, School Aid payments will be made on time. We have been able to take 8 and 9 percent annual increase in government spending and reduce those annual increases to a more reasonable 3 percent. Although these were great accomplishments we were reacting to the mistakes of the past.

Now it is time to be proactive. To look to the future. As we make this transition, we have to understand the Zeitgeist. Zeitgeist is a German word meaning understanding the spirit of the times. The times are changing. We can stand, and try to fight change, or we can turn and embrace it. We can find opportunity in change.

There are two big changes. The first is jobs. It used to be that you could drop out of the eighth grade and get a job welding at the local factory, work for forty years and make a good living. Today a machine does the job of the forty welders and three highly educated computer technicians run the machine. We are no longer in the Information Age - we are in the Information Age. Labor Secretary, Robert Reich calls it the "New Economy."

Second, where jobs are created has also changed. The United States no longer has a lock on creating all the jobs. Jobs are created all over the world. As other countries like South Korea, Mexico and Chile have modeled their economies after the United States, they have grown and created jobs. We are in a competitive global market. We need to understand these changes as we move forward in a proactive manner working together for our common goal of a more perfect Iowa. I believe the 76th General Assembly has two opportunities to form a more perfect Iowa.

We need to change our tax structure. We cannot afford to penalize Iowans for working hard. We cannot afford to penalize business for retooling and investing in their workers. And we have to provide relief to our farmers giving them a fighting chance to compete.

We also have to change our government. It is more than just cutting or eliminating programs. It means transforming government. Technology has passed government by. Today you can take your money card and insert it into a machine anywhere in the world and you will receive your balance and a withdrawal of the local currency in ten seconds. But if you are applying for a permit from a government agency you better be prepared to wait ten months. This is unacceptable in 1995. We must demand more in the performance of government.

Two years from now the gavel will fall on the 76th General Assembly. We will be taking something with us and leaving something behind. We will take with us our memories and experience of the next two years. We will be leaving a legacy. This summer I had the opportunity to be in Virginia and while I was there I took a tour of Monticello, the home of Thomas Jefferson. Walking around the grounds I came across the family cemetery. There, on Thomas Jefferson's tombstone, was

inscribed "Here was buried Thomas Jefferson, Author of the Declaration of Independence, the Statute of Virginia for religious freedom, & Father of the University of Virginia." Thomas Jefferson personally wrote his epitaph. He wrote his legacy. Today we begin writing our legacy, lets write a legacy that will make the people of Iowa proud. Let us create a legacy for a more perfect Iowa.

Thank you for this opportunity to be your Speaker.

PERMANENT CHIEF CLERK

Rants of Woodbury moved that Elizabeth A. Isaacson be elected permanent Chief Clerk of the House.

The motion prevailed and Elizabeth A. Isaacson was declared to be elected permanent Chief Clerk of the House.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Churchill of Polk, Heaton of Henry and Mascher of Johnson.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Martin of Scott, Harrison of Scott and Burnett of Story.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

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

- 1 HOUSE CONCURRENT RESOLUTION 1
- 2 By Siegrist and Schrader
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring, That a joint convention of the two*
- 5 *houses of the 1995 session of the Seventy-sixth*
- 6 *General Assembly be held on Monday, January 9, 1995,*
- 7 *at 1:30 p.m.; and*

- 8 *Be It Further Resolved*, That at this joint
9 convention the votes for Governor and Lieutenant
10 Governor be canvassed and the results announced and
11 recorded as provided by law.
12 *Be It Further Resolved*, That Governor Terry E.
13 Branstad be invited to deliver his condition of the
14 state and budget messages at a joint convention of the
15 two houses of the General Assembly on Tuesday, January
16 10, 1995, at 10:00 a.m., and that the Speaker of the
17 House of Representatives and the President of the
18 Senate be designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

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

- 1 HOUSE CONCURRENT RESOLUTION 2
2 By Siegrist and Schrader
3 *Be It Resolved By The House Of Representatives, The*
4 *Senate Concurring*, That a joint convention of the two
5 houses of the 1995 session of the Seventy-sixth
6 General Assembly be held on Tuesday, January 10, 1995,
7 at 1:30 p.m.; and
8 *Be It Further Resolved*, That Chief Justice
9 McGiverin be invited to present his message of the
10 condition of the judicial department at this
11 convention, and recommend such matters as the Chief
12 Justice deems expedient, pursuant to section 602.1207
13 of the Code.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 3

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

1 HOUSE CONCURRENT RESOLUTION 3

2 By Siegrist and Schrader
 3 A concurrent resolution relating to appointment of
 4 a joint inaugural committee.
 5 *Be It Resolved By The House Of Representatives, The*
 6 *Senate Concurring*, That a joint committee be
 7 designated, consisting of six members of the House of
 8 Representatives to be appointed by the Speaker of the
 9 House, and six members of the Senate to be appointed
 10 by the President of the Senate, to arrange for the
 11 inauguration of the Governor and Lieutenant Governor.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

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

ELECTION OF SPEAKER PRO TEMPORE

Gipp of Winneshiek placed in nomination the Honorable Harold Van Maanen as candidate for Speaker pro tempore of the House of Representatives of the Seventy-sixth General Assembly, preceding his nomination with the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House. I wish to place in nomination the name of Harold G. Van Maanen of Marion County for the Office of Speaker pro tempore.

Today, Representative Van Maanen is beginning his ninth term in the Iowa House. In the sixteen years that Harold has served in the legislature he has held the offices of sub-committee chair, ranking member of appropriations, minority leader and Speaker of the Seventy-fifth General Assembly. In all of these positions, Harold has displayed his unquestioned integrity that those of us that know him take for granted and that those new to this institution will soon learn. He has a genuine concern and compassion for the members of this body and the staff who support our efforts. He has love for this institution and has strived to maintain respect for this institution and for those that will take our places after we are long gone.

For me, it is an honor and pleasure to nominate the Honorable Harold Van Maanen to serve as Speaker pro tempore of the Seventy-sixth General Assembly.

Daggett of Union seconded the nomination of Mr. Van Maanen as Speaker pro tempore of the House of Representatives, preceding his nomination with the following remarks:

Mr. Speaker, I wish to second the nomination of Harold Van Maanen of Marion County for the office of Speaker pro tempore of the House of Representatives.

Representative Van Maanen, a dedicated family man, an excellent example for all, a dedicated public servant who served with distinction as Speaker of the House of Representatives this past General Assembly. An individual who works at understanding the other persons view point and exercises fairness in his decisions.

It is indeed an honor and a privilege to ask for your support of Representative Van Maanen as Speaker pro tempore.

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

Mr. Speaker, Ladies and Gentlemen of the House, I rise for the privilege of seconding the nomination of the Honorable Harold Van Maanen of Marion County for the office of Speaker pro tempore.

I have had the pleasure of working with Representative Van Maanen these past sixteen years, and have found him to be a very warm and gracious man, with a great sense of humor, whose religious faith sustains him during times of adversity, and one who seldom loses his temper—that is unless he was challenged on committee appointments and points of order by a certain gentleman from Polk, who for obvious reasons today, shall remain nameless.

While researching the remarks of Speakers pro tempore from those first printed in the House Journal of January 11, 1909, through those of January 14, 1991, I have been impressed with the concerns, dedication and sincerity of those men, to the duties of this office, —and I assure you that Representative Van Maanen is well qualified and capable of being our Speaker pro tempore that both the majority and minority parties will respect.

I move that the Chief Clerk be directed to cast the votes of all the members of the House of Representatives for the Honorable Harold Van Maanen of Marion County.

In accordance with the foregoing motion, the Acting Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Harold Van Maanen as Speaker pro tempore of the House of

Representatives of the Seventy-sixth General Assembly. The Honorable Harold Van Maanen of Union County, having received all of the votes cast for the office of Speaker pro tempore of the House of Representatives of the Seventy-sixth General Assembly, was declared duly elected to that office.

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

The motion prevailed and the following committee was appointed: Branstad of Winnebago and Mertz of Kossuth.

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

Thank you very much, I want to congratulate each and every one of you who has this morning has been sworn in to serve in this august body of the House of Representatives. Let me assure you that this is a very unique experience and one I'm sure we all take very seriously.

Naturally, I have mixed feelings this day as I leave the office of Speaker of the Iowa House but I thank you for the privilege of having served you in that capacity the past two years. I realize in a short time I will become "Harold who?" and my term as Speaker will fade into history.

I hope that in some small way I will be remembered as the Speaker who broke the long tradition of marathon sessions leading to adjournment, as a Speaker who was fair and honest — one who worked to improve the credibility of the system — one who tried to take partisan politics out of the Speaker's office and one who led by his Christian principles.

Today, as the gavel is turned over to Ron, I wish him much success and pledge to work with him for a productive session. I would admonish him though, as he is young enough to be my son, to look to me from time to time for advice. I know I don't have a degree in political science, but I do have a diploma from experience with a major in common sense.

And to all of you — Republican or Democrat — freshman, sophomore or seasoned legislator — my office will have an open door where you can come individually or together to discuss ideas, problems and possible solutions. Or where you can come just to learn to know each other a little better so tempers don't flare as easily.

In conclusion, as I accept the position of Pro tempore and take my seat on the floor of the House, I pledge to you that I will serve in that capacity with the

same Christian values that I have used in various capacities in the past.

Thank you, and may God bless Iowa and each one of us

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

COMMITTEE FROM THE SENATE

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

SPECIAL ORDER

Siegrist of Pottawattamie moved that the assignment of seats to the member of the House be made a special order this afternoon at 2:15 p.m., which motion prevailed.

ADOPTION OF HOUSE RESOLUTION 1

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

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HOUSE RESOLUTION 1

By Rants

Be It Resolved by the House of Representatives, that
each member of the House of Representatives shall be entitled
to select and appoint a secretary, and such secretary may
be called upon to aid in the discharge of the clerical work
of the House of Representatives. Only expert typists and
stenographers will be considered qualified. The Speaker
and Chief Clerk shall appoint their secretaries and pages

- 10 to serve for the session, and the Chief Clerk is hereby
 11 authorized to employ such additional clerical assistance as
 12 her duties may require.

The motion prevailed and the resolution was adopted.

COMMITTEE ON MILEAGE

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

The motion prevailed and the following committee was appointed: Brunkhorst of Bremer, Millage of Scott and Weigel of Chickasaw.

REPORT OF COMMITTEE ON MILEAGE

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

Name	Round Trip Miles
Richard Arnold.....	140
Tom Baker.....	NONE
Paul Bell.....	76
Bill Bernau.....	72
Gary Blodgett.....	250
Dan Boddicker.....	300.6
Effie Lee Boggess.....	236
Clyde E. Bradley.....	416
Philip Brammer.....	270
William Brand.....	170
Clifford Branstad.....	260
Barry Brauns.....	270
Bob Brunkhorst.....	240
Cecelia Burnett.....	72
Danny Carroll.....	104
Michael Cataldo.....	NONE
Steven Churchill.....	NONE
Dennis Cohoon.....	320
John Connors.....	NONE
Brian Coon.....	24
Ron Corbett.....	256
Michael Cormack.....	180

Jerry Cornelius.....	385
Horace Daggett.....	144
Dwight Dinkla.....	120
Larry Disney.....	NONE
Minnette Doderer.....	240
Jack Drake.....	180
Jim Drees.....	200
Russell J. Eddie.....	320
Joe Ertl.....	350
Ed Fallon.....	NONE
Teresa Garman.....	68
Chuck Gipp.....	400
John Greig.....	390
Sandra Greiner.....	190
Don Gries.....	276
Steve Grubbs.....	340
Betty Grundberg.....	NONE
James Hahn.....	304
Roger Halvorson.....	436
Donna Hammitt.....	252
Donald E. Hanson.....	232
Patricia Harper.....	220
Neil Harrison.....	326
Dave Heaton.....	276
Jack Holveck.....	NONE
Hubert Houser.....	244
Charles Hurley.....	352
Dan Huseman.....	330
Libby Jacobs.....	NONE
Pam Jochum.....	400
Ralph F. Klemme.....	450
Deo Koenigs.....	324
Keith Kreiman.....	204
Joseph Kremer.....	250
Jeffrey Lamberti.....	24
Rick Larkin.....	349
Chuck Larson.....	270
David Lord.....	74
Jerry Main.....	210
Mona Martin.....	320
Mary Mascher.....	230

Dennis May.....	270
Matt McCoy.....	NONE
Dolores Mertz.....	260
Janet Metcalf.....	NONE
Jim Meyer.....	256
David Millage.....	350
Michael Moreland.....	176
Norman Mundie.....	190
Pat Murphy.....	400
Dick Myers.....	224
Beverly Nelson.....	110
Linda Nelson.....	246
Ronald W. Nutt.....	400
Michael O'Brien.....	104
C. Arthur Ollie.....	400
Christopher Rants.....	416
Bob Renken.....	204
Richard Running.....	258
Bill Salton.....	340
David Schrader.....	62
Lynn Schulte.....	278
Don Shoultz.....	220
Brent Siegrist.....	256
Steve Sukup.....	218
Russell W. Teig.....	112
Phil Tyrrell.....	200
Jamie Van Fossen.....	340
Harold Van Maanen.....	84
Rich Vande Hoef.....	440
Kenneth Veenstra.....	450
Steven Warnstadt.....	410
Dick Weidman.....	212
Keith Weigel.....	310
Jerry Welter.....	320
Philip Wise.....	364
William Witt.....	216

Respectfully Submitted,
 BOB BRUNKHORST, Chair
 DAVID MILLAGE
 KEITH WEIGEL

The motion prevailed and the following committee was appointed: Brunkhorst of Bremer, Millage of Scott and Weigel of Chickasaw.

ADOPTION OF TEMPORARY RULES OF THE HOUSE

Rants of Woodbury moved that the permanent rules of the House of the Seventy-fifth General Assembly be the temporary rules of the House of the Seventy-sixth General Assembly.

The motion prevailed.

REMARKS BY THE MINORITY LEADER

Schrader of Marion addressed the House as follows:

Eight years ago when Speaker Corbett and I were being sworn in as nervous freshmen, Democrats held a strong majority. Speaker Don Avenson recognized Delwyn Stromer to deliver this speech on behalf of the minority Republicans. I reflect on the past to point out that, beyond the traditions and structures of this institution, little is permanent.

That general lack of permanence is precisely what makes the protection of the institution of the House of Representatives so important. I know that Speaker Corbett shares my deep respect for this place as an institution that must be passed intact to the next tenants of this chamber and to future citizens.

Democrats will insist that Republicans respect the traditions of this institution as we develop the rules that govern the operations of this House. A half-dozen years ago when Democrats held a large majority we did not use our power in any way to inhibit or restrict the ability of members to present, debate and vote on alternatives to the majority's agenda. We expect the same from you.

After all, the rules of the House are created to preserve the rights of the minority and to ensure the free and open discussion of all issues. They are not written to make things easier for the majority.

We expect that your rules, Mr. Speaker, will reflect the tradition of openness and fairness which have served both Republicans and Democrats so well for these many years and will provide us with a framework for doing the job we all were elected to do. And we have a lot to do.

Because of the extra revenue generated by the sales tax increase of 1992 and the implementation of state spending limits, (both of which were enacted by Democratic majorities, by the way) the state has the ability to provide relief to Iowa taxpayers this year. House Democrats fully support lower taxes now that the

budget is in better shape, but we believe that property tax reductions are preferable to across-the-board income tax cuts.

For the most part, middle-income working families paid the additional sales tax that got the state out of debt. Now that we have surplus funds, we believe it would be wrong not to target tax relief toward to farmers and homeowners.

An across-the-board income tax cut merely perpetuates the inequities in Iowa's income tax structure. Iowa's high-income taxpayers account for over 26% of the state's income, but pay less than 23% of the income taxes. But middle-income families, who make 50% of the income, pay over 61% of the taxes! An across-the-board cut continues to stick it to the middle class — it just doesn't hurt quite as much.

House Democrats believe any tax solution must target middle-income homeowners, farmers and small businesses, and we believe property tax relief is the best way to do that.

We also realize there will be a renewed push to reinstate capital punishment. While individual Democrats hold a variety of views on the death penalty, our caucus recognizes that an execution doesn't make Iowans any safer than a life prison sentence. We will work to make our streets safer by forcing violent offenders to serve a longer portion of their sentences.

Finally, House Democrats want to shift the emphasis of state economic development policy from chasing smokestacks to helping existing Iowa businesses grow and expand. They represent a tremendous investment in jobs and capital in our state and have been overlooked for too long. And we must tighten the screws on companies who gladly solicit and accept state development incentives, then turn their backs on us, leaving Iowa workers to stand out in the cold.

I'm honored to serve as the new Minority Leader and I look forward to working with the majority to make good laws. I believe the lesson of the last two years is that when Democrats and Republicans work together with mutual respect, the result is good legislation without protracted debate. When we worked at cross-purposes, the opposite was true. As the majority, Republicans will set the tone for the session. We trust that tone will be one of cooperation and that we will have a successful year.

With that, Mr. Speaker, Democrats are ready to go to work.

REMARKS BY MAJORITY LEADER

Siegrist of Pottawattamie addressed the House as follows:

Mr. Speaker, Colleagues in the House, Staff and Guests:

Welcome back! It truly seems as though it was only last week when we adjourned our last Session. This House is like the song by Emerson, Lake and Palmer which

says "Welcome my friends to the show that never ends." The players in the Iowa House change every two years, but the show always goes on.

First, congratulations to all of my fellow legislators for your victories in November. We all worked hard to be here today. In particular, congratulations to the 28 new legislators who start their legislative careers today. And we want to welcome back an old friend, Joe Kremer, after a two-year absence. If you add to those 29 new members the members who today begin their second term in the Iowa House, you have 62 out of 100 members with two years or less experience. Those numbers are exciting, and they should bring new enthusiasm and energy to this body.

It was a tough election cycle, and politicians around the United States are certainly not held in particularly high regard. Many of you have seen the bumper sticker in my office that says "Share the pain, Slap a Politician". It's humorous, but it unfortunately sums up the feeling too many people have towards politicians. They hear the promises, but don't see the results.

This House of Representatives is different. Two years ago, we promised to eliminate the deficit, balance our budget, and establish a cash revenue. And we delivered. This year, all bills will be paid on time,, including school aid payments, and we have a large cash surplus.

During the fall campaign, Republicans in the House and Senate, as well as Governor Branstad,, ran on a proposal called the Family Opportunity Plan. Much to the chagrin of many, Republicans in Iowa won tremendous victories on November 8th. In 1992, we ran on balancing the budget; and we delivered. In 1994, we ran on the Family Opportunity Plan, and we intend to deliver on those promises.

As you know, the Family Opportunity Plan wants to cut income taxes for all Iowans - 15% across the board over four years, eliminate the machinery and equipment tax while helping to offset the loss of revenue to the local entities, and provide significant property tax relief by having the State help the counties with the cost of mental health. At the same time, we will immediately fill up the cash reserve fund to 5% of the state budget two years early.

The message of this plan is clear: let the families in this state keep more money in their pockets rather than sending it to Des Moines. Let families decide how to spend their money rather than having government make those choices for them.

The economy in Iowa is strong, but these changes will make it even better. When a company like Micron picks 13 sites nationally, of which two are in Iowa, for a major project that would create upwards of 31,500 high-quality jobs, you know we are doing something right. We have excellent schools, a good infrastructure system, and the best work force in the nation. However, we need to reduce our tax burden so that Iowa isn't just one of the finalists for a company like Micron, but that we land the project. If we do things this session to help us create high-quality jobs,

we can stop the brain drain of our best young people and also entice people to move into Iowa to live and raise their families.

This will not be an easy session. We have many difficult choices facing us. As the Majority Leader, I want to work with the Minority Leader, Mr. Schrader, and his caucus to find common ground. I feel that in many areas we will have basic agreement. In other areas, we will have philosophical differences, and I look forward to those battles. When we can't agree, I hope the minority party will present constructive alternatives for our consideration. If one message was heard loud and clear during the last election, it was no more gridlock or obstructionism. The public doesn't want to hear about partisan politics, they want results. Working together, I'm confident when April gets here, we will have accomplished a great deal for the State of Iowa.

Mr. Speaker, I look forward to working with you as we move forward on our agenda. This should be an exciting session. Mr. Schrader, I pledge my full cooperation to you and will work hard to be open, honest, and as informative as I can be. I think the last two years were the best of my ten years here in terms of letting the members know what to expect day by day. However, I will try even harder the next two years to keep everyone informed. Representative Schrader, it was only six years ago that I was an Assistant Minority Leader when there were 61 Democrats and 39 Republicans in the House. I know some of the unique challenges you will face, and I will help you any way I can.

To my friends in the Democratic caucus, my door will always be open. It will be frustrating at times, but if we cooperate and work together, every member can have an impact on the agenda of this session. Cooperation, not obstruction, is what the voters of Iowa want.

To the members of the Republican Majority, I am humbled and honored by your selection of me to serve as your Majority Leader. I will make every effort to do the very best I can to make this a successful session.

Ladies and gentlemen of the House, the challenges facing us are many. The people of Iowa want results. Working together, we will move this state forward.

Let's Get Busy! Thank you.

INTRODUCTION OF BILLS

House File 1, by Halvorson, a bill for an Act relating to the reduction in the individual income tax rates, providing for surplus moneys to replace the general fund revenue loss as a result, establishing a rate reduction replacement fund, and appropriating moneys to the cash reserve fund, and providing effective and retroactive applicability date provisions.

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

House File 2, by Larson, Greiner, Greig, Brunkhorst, Blodgett, Klemme, Schulte, Boddicker, Van Fossen, Harrison, Nutt, Drake, Rants, Houser, Main, Bradley, Teig, Huseman, Sukup, Salton, Hammitt, Lord, Disney, Vande Hoef, Brauns, Coon, Hahn, Churchill, Renken, and Meyer, a bill for an Act relating to applying the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's applicability.

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

House File 3, by Van Maanen, a bill for an Act relating to the state banner.

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

House File 4, by Churchill, a bill for an Act relating to limitations on legislators' expenses of office, and providing an effective date.

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

House File 5, by Churchill, a bill for an Act relating to the approval requirement for senate confirmation of gubernatorial and other appointments.

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

House File 6, by Running, a bill for an act relating to the minimum community spouse resource allowance under the medical assistance program to be retained by a community spouse.

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

House File 7, by Murphy, a bill for an act relating to requiring a day off each week for certain employees and providing penalties.

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

House File 8, by Running, a bill for an act relating to privatization of state functions by establishing a moratorium on future privatization efforts and creating a privatization committee.

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

House File 9, by Weidman, a bill for an act relating to cruelty to police service dogs and providing enhanced penalties.

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

House File 10, by Running, a bill for an act relating to reducing the size of the general assembly, and providing an effective date and applicability provision.

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

House File 11, by Dinkla, a bill for an act relating to special minor's licenses.

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

House File 12, by Running, a bill for an act relating to redistricting of certain political subdivisions.

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

House File 13, by Running, a bill for an act relating to the timely filing of claims for credit or refund and the payment of the claims by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

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

House File 14, by Garman, a bill for an act relating to the offense of operating a watercraft while intoxicated and providing penalties and other related matters.

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

House File 15, by Millage, a bill for an act relating to the juror source list by providing an additional date for updating the motor vehicle operators list and voter registration list, and deleting the reference to public utility customers list as available comprehensive source lists.

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

House File 16, by Millage, a bill for an act relating to certain minors' rights to object to voluntary commitment and providing for surrogate decision making by parents, legal guardians, or other legal representatives under certain circumstances.

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

House File 17, by Harper, a bill for an act relating to the establishment of a pharmaceutical assistance program for the elderly, and providing a penalty.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 9, 1995, Concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, a concurrent resolution relating to joint conventions, Monday, January 9, 1995, 1:30 p.m.; canvass of votes for Governor and Lieutenant Governor; Tuesday, January 10, 1995, 10:00 a.m.; Governor Terry E. Branstad deliver his condition of the state and budget messages.

Also: That the Senate has on January 9, 1995, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, a concurrent resolution relating to a joint convention, Tuesday, January 10, 1995, 1:30 p.m.; Chief Justice McGiverin present his message of the condition of the judicial department.

Also: That the Senate has on January 9, 1995, adopted the following resolution in which the concurrence of the Senate was asked:

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

JOHN F. DWYER, Secretary

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the following committees to meet today: committee on administration and rules, committee on agriculture, committee on education, committee on state government, committee on appropriations and committee on ways and means.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:15 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Corbett in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee: Greiner of Washington, Hammitt of Harrison and O'Brien of Boone.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 1 duly adopted, the joint convention was called to order at 1:35 p.m., President Boswell presiding.

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

The motion prevailed.

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

President Boswell announced that the time had arrived for the canvass of votes for the offices of Governor and Lieutenant Governor at the General Election held on November 8, 1994, and announced as teller, on the part of the Senate, Senator Fink of Warren and assistant tellers Senators Halvorson of Webster and Rensink of Sioux and as teller on the part of the House, Representative Dinkla of Guthrie and assistant tellers Representatives Cornelius of Jackson and Larkin of Lee.

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

The returns were opened in the presence of the joint convention and the tellers then proceeded to canvass the vote for Governor and Lieutenant Governor of the State of Iowa, cast at the General Election held on November 8, 1994.

Representative Siegrist of Pottawattamie moved that the joint convention recess until 10:00 a.m., Tuesday, January 10, 1995.

The motion prevailed and the joint convention was recessed at 2:03 p.m.

The House reconvened at 2:05 p.m., Speaker Corbett in the chair.

EMPLOYEES OF THE HOUSE

Rants of Woodbury moved that the House committee on administration and rules' recommendations regarding employees of the House be accepted and that those named employees be elected as employees of the House.

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

EMPLOYEES OF THE HOUSE

Gregory A. Spenner - Assistant Chief Clerk I
Paulee Lipsman - Senior Caucus Staff Director
Warren Fye - Senior Caucus Staff Director
Maryjo F. Welch - Administrative Assistant III to Speaker Pro Tem
A. John Davis - Administrative Assistant II to Speaker
Jeffrey C. Mitchell - Administrative Assistant II to Speaker
Mark W. Brandsgard - Senior Administrative Assistant to Leader
Susan D. Severino - Administrative Assistant I to Leader
Becky L. Lorenz - Administrative Secretary to Leader
Bruce G. Brandt - Senior Caucus Secretary
Margaret Ann Thomson - Senior Legislative Research Analyst
Pamela H. Dugdale - Legislative Research Analyst II
Lon W. Anderson - Legislative Research Analyst
Stacie Maass - Legislative Research Analyst
Lewis E. Olson - Legislative Research Analyst I
Patricia A. Axmear - Legislative Research Analyst
Elizabeth Henderson - Legislative Research Analyst
Craig R. Schoenfeld - Legislative Research Analyst
Ingrid L. Johnson - Caucus Secretary
Mary C. Braun - Legislative Research Analyst II
James M. Addy - Legislative Research Analyst
Edward J. Conlow - Senior Legislative Research Analyst
Mary E. O. Fleckenstein - Senior Legislative Research Analyst
Jenifer L. Parsons - Legislative Research Analyst I
Thomas R. Patterson - Senior Legislative Research Analyst
Joseph P. Romano - Legislative Research Analyst III
E. Kay Bales - Clerk to Chief Clerk
Colleen Dillon - Supervisor of Secretaries I
Carolyn J. Gaukel - Executive Secretary to Leader
Susan Bruckshaw - Executive Secretary to Speaker
Betty M. Soener - Executive Secretary to Chief Clerk
Alyce Elmitt - Recording Clerk II
Vivian M. Anders - Senior Journal Editor
Lois E. Bishop - Assistant Journal Editor
David L. Stanley - Compositor
Billie Jean Walling - Senior Finance Officer
Debra K. Rex - Finance Officer II
E. Jane Fowler - Assistant Legal Counsel
Pauline E. Kephart - Engrossing/Enrolling Text Processor
Patricia J. Ashton - Text Processor I
Doreen R. Terrell - Assistant to the Legal Counsel
Juanita F. Swackhammer - Indexer II
Kristin L. Wentz - Indexing Assistant

Lisa Marie Gaivan - Switchboard Operator
 Madeline E. James - Switchboard Operator
 Mildred Stewart - Bill Clerk
 Marie A. Kirby Assistant Bill Clerk
 William C. Walling - Postmaster
 Cecil M. Rhoads - Sergeant-at-Arms
 Marvin Hollingshead - Assistant Sergeant-at-Arms
 Maynard L. Boatwright - Doorkeeper
 Dwight H. Dugan - Doorkeeper
 Alfred H. Edwards - Doorkeeper
 Orson R. McNitt - Doorkeeper
 Kathleen L. O'Leary - Doorkeeper
 Richard R. Overholser - Doorkeeper
 Wilbur N. Rhoads - Doorkeeper

PAGES GROUP I

Earnhardt, Mary K. - Speaker's Page
 McLaren, Jay C. - Chief Clerk's Page
 Vande Lune, Chad F. - Chief Clerk's
 Brooke A. Barnett
 Bartosh, Tara A.
 Boelter, Emelie M.
 Fabor, Amy N.
 Grandgeorge, Peter A.
 Hart, De Ann
 Hultgren, Scott C.
 Johnson, Aaron J.
 Katter, Miekka N.
 Ladwig, Joshua L.

Lauritzen, Deana D.
 Loecke, Matthew J.
 Marienau, Rachel R.
 McNally, Jennifer M.
 O'Brien, Kelly M.
 Pickle, Cambre A.
 Routh, Katy M.
 Smith, Jennifer L.
 Stone, Sara E.
 Verhulst, Ryan A.
 Verlengia, Toni L.
 Vogel, Kelly J.

PAGES GROUP II

Banger, Jennifer L.
 Bockert, Jonathan P.
 Booth, Rebecca C.
 Douglas, Tanya R.
 Dykstra, Amanda D.
 Goos, Daniel R.
 Heim, Traci M.

Lubbert, Cora A.
 Mensen, Brian S.
 Nelson, Sara Ann
 Norman, Holly A.
 Pederson, Sarah E.
 Plagman, Jeremy A.
 Roslanksy, Josie J.

RANTS of Woodbury, Chair

SPECIAL ORDER

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

The drawing of seats was as follows:

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

The drawing of seats proceeded with the following results:

Name	Seat No.
Richard Arnold	39
Tom Baker	96
Paul Bell	70
Bill Bernau	82
Gary Blodgett	65
Dan Boddicker	40
Effie Lee Boggess	17
Clyde E. Bradley	49
Philip Brammer	88
William Brand	86
Clifford Branstad	25
Barry Brauns	56
Bob Brunkhorst	59
Cecelia Burnett	78
Danny Carroll	13
Michael Cataldo	62
Steven Churchill	18
Dennis Cohoon	67
John Connors	84
Brian Coon	15
Ron Corbett	14
Michael Cormack	8
Jerry Cornelius	41

Name	Seat No.
Horace Daggett	45
Dwight Dinkla	29
Larry Disney	76
Minnette Doderer	98
Jack Drake	47
Jim Drees	71
Russell J. Eddie	27
Joe Ertl	12
Ed Fallon	3
Teresa Garman	34
Chuck Gipp	66
John Greig	63
Sandra Greiner	55
Don Gries	57
Steve Grubbs	44
Betty Grundberg	46
James Hahn	61
Roger Halvorson	92
Donna Hammitt	10
Donald E. Hanson	54
Patricia Harper	50
Neil Harrison	19
Dave Heaton	4
Jack Holveck	93
Hubert Houser	48
Charles Hurley	42
Dan Huseman	21
Libby Jacobs	28
Pam Jochum	68
Ralph F. Klemme	26
Deo Koenigs	89
Keith Kreiman	60
Joseph Kremer6
Jeffrey Lamberti	35
Rick Larkin	53
Chuck Larson	79
David Lord	11
Jerry Main	9
Mona Martin	30
Mary Mascher	72
Dennis May	51
Matt McCoy	81

Name	Seat No.
Dolores Mertz	7
Janet Metcalf	31
Jim Meyer	43
David Millage	87
Michael Moreland	64
Norman Mundie	23
Pat Murphy	85
Dick Myers	80
Beverly Nelson	52
Linda Nelson	69
Ronald W. Nutt	77
Michael O'Brien	1
C. Arthur Ollie	97
Christopher Rants	16
Bob Renken	94
Richard Running	95
Bill Salton	74
David Schrader	99
Lynn Schulte	38
Don Shoultz	91
Brent Siegrist	100
Steve Sukup	20
Russell W. Teig	37
Phil Tyrrell	2
Jamie Van Fossen	22
Harold Van Maanen	83
Rich Vande Hoef	32
Kenneth Veenstra	5
Steven Warnstadt	73
Dick Weidman	33
Keith Weigel	58
Jerry Welter	36
Philip Wise	90
William Witt	24

Rants of Woodbury in the chair at 2:42 p.m

Siegrist of Pottawattamie moved that the assignment of seats be accepted as listed.

The motion prevailed.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 1 Education

Increasing the regular program foundation base per pupil for purposes of the state school foundation aid program and providing an effective date.

H.S.B. 2 Education

Establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENT

House File 1

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

RESOLUTIONS FILED

HCR 4, by Garman, Daggett, Tyrrell, Vande Hoef, Heaton, Salton, Boggess, Nelson of Marshall, Nutt, Schulte, Disney, Teig, Houser, Arnold, Halvorson, Churchill, Bradley, Klemme, Weidman, Eddie, Blodgett, Drake, Brauns, Greiner, Gries, Greig, Welter, Kremer, Main, Larson, Cormack, Hammitt, Hanson, Lord, Carroll, Sukup, Cornelius, Boddicker, Branstad, Hahn, Van Maanen, Gipp, Coon, Huseman and Renken, a concurrent resolution to request that Congress propose a Constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to prohibit the physical desecration of the American Flag.

Referred to committee on state government.

HCR 5, by Churchill, a concurrent resolution inviting the Iowa congressional delegation to address a joint session of the Iowa General Assembly regarding unfunded federal mandates.

Referred to committee on state government.

On motion by Siegrist of Pottawattamie, the House was adjourned at 2:46 p.m., until 8:45 a.m., Tuesday, January 10, 1995.

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 10, 1995

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

Prayer was offered by Reverend Tom Dystra of Calvary Christian Reformed Church, Pella.

The Journal of Monday, January 9, 1995 was approved.

PETITION FILED

By Gries of Crawford from three hundred thirty-six constituents of District 12, asking that Senate File 2314, Chapter 48, of the 1994 Acts of the Seventy-sixth General Assembly, relating to water fees, be recinded.

The House stood at ease at 8:46 a.m., until the fall of the gavel.

The House resumed session at 9:34 a.m., Speaker Corbett in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Eddie of Buena Vista, Boggess of Taylor and Kreiman of Davis.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was received and the committee discharged.

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

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

JOINT CONVENTION

In accordance with House Concurrent Resolution 1, duly adopted, the joint convention was called to order at 9:45 a. m., President Boswell presiding.

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

The motion prevailed.

President Boswell announced that a quorum was present and the joint convention duly organized.

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

The motion prevailed and the President appointed as such committee Senators Vilsack of Henry, Flynn of Dubuque and Borlaug of Chickasaw, on the part of the Senate, and Representatives Gries of Crawford, Cormack of Webster and Drees of Carroll, on the part of the House.

The joint convention stood at ease at 9:47 a. m., until the fall of the gavel.

The joint convention resumed session at 9:50 a. m., President Boswell presiding.

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

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

Lieutenant Governor Joy Corning was escorted into the House chamber.

Paul Pate, Secretary of State; Michael Fitzgerald, Treasurer of State; Dale Cochran, Secretary of Agriculture and Land Stewardship; Richard Johnson, State Auditor and Tom Miller, Attorney General; were escorted into the House chamber.

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

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

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

Before I begin this morning, I'd like to welcome all of the members of the Seventy-Sixth General Assembly — especially the new ones. I know what it's like to be in your place filled with energy, excitement, and a desire to go to work. I once sat where you are sitting and, today, I am even more energetic, more excited, and more willing to go to work for the people of this state than ever before.

For those of you expecting a challenging and exciting time, this is the year. I am offering a most ambitious legislative program and we will be grappling with some of the biggest issues in years. Let us resolve here today that we will work side-by-side, freshman and veterans, Democrat and Republican, House and Senate, Legislature and Governor to set an agenda of progress and opportunity for the people of this great state.

Today, it is my job to report on the condition of our state and our plans for the future. The condition of the state is excellent. Our economy is robust; our communities are rebounding, and our families are resilient. The Iowa spirit is stronger than ever.

When the history books are written on this time in our state, they'll surely record that the year 1993 was the year of the Great Flood, and the year 1994 was the year of the Great Recovery in Iowa. That recovery from the mud, the devastation, the washed-away dreams was not only remarkable, it was truly incredible. And it truly represents one of the state's finest years.

Consider for example, that:

• Today, more Iowans are working than ever before in our history and our unemployment rate is half the national average.

- Today, our economy is stronger and more diverse. Our bin busting crop was the biggest in history and it caused our farm exports to continue to rise. And, for the first time ever, we exported as much from our factories as we did from our farms.

- Today, communities, large and small, are welcoming back the sons and daughters of Iowa who once left for better jobs and now are coming home to good jobs and strong families.

- Today, Iowa students continue to score highest on their ACT and SAT scores.

- Today, our state budget is in its best shape in 20 years. Last year, we spent 4.3% less than taken in — the best record of all fifty states.

This incredible story of recovery is worthy of button-popping pride. But we Iowans don't strut. We know this story was written only with God's help. We know that our record of recovery was made possible by sticking to the core values that make us special.

Growing up in Iowa, we were taught certain qualities which are good and right: a solid work ethic, honesty, a belief in God, and a commitment to public service. We may not have known it back then, but those things our parents and teachers instilled in us comprise the heart of what it means to be an Iowan. And it is those values that turned a flood into a recovery.

Our Iowa spirit and values have been tested more in the past decade than ever before. Whether it be a farm crisis, natural disaster, or budget problems, Iowans have met and passed those tests. We made it through the hard times with our state and our character intact and stronger than ever.

Today, we are over the hump. The journey we are on is no longer merely one of recovery. We must now choose a path to progress and opportunity.

Will Rogers once said, "Even if you're on the right track, you'll get run over if you just sit there." I firmly believe that if the progress and opportunities we are experiencing are to continue, we have to do more than just take the right path — we have to keep moving and pick up the pace.

1994 was a year when Iowa was engaged in a vigorous debate over the course of their future. Out of all the sound and the fury of that long, political campaign came a few unmistakable messages from Iowans.

- Iowans want government to tax less and do only what it must do better.

•Iowans want better quality Jobs and the highest standard of living in our state's history.

•Iowans want welfare to mean work and responsibility and not dependence.

•Iowans want to feel safer in their homes and in their communities.

•Iowans want the best education system in the world for their children.

In 1994, the people of Iowa spoke — less government, lower taxes, better jobs, reformed welfare, safe communities, the best education — that is their message.

Now, here in 1995, it is our job to govern accordingly.

And that is exactly what I plan to do. The budget and program I am presenting to you mirrors these goals and will help make this — the 1990's — Iowa's best decade ever.

First, we must cut taxes. Iowa families and business pay too much in income and property taxes to government and keep too little of their hard earned money to help our economy grow. Our state income tax is too high — it drives people out of our state. Our property taxes are too high — they burden investment, job creation, agricultural production, and home ownership. Income and property taxes must be cut.

With the condition of our budget, there is no state in the nation that is better positioned to reduce the tax burden on its citizens than we are today. And, there is no reason why we should not act now.

I am proposing an across-the-board 15% cut in income tax rates for all Iowa taxpayers. This will make our state more competitive. The facts show that the states that cut income taxes experience greater economic growth than those that do not.

We can never forget that the money which may look like a line on a budget is the hard-earned income of hard-working Iowans. The best opportunity we can provide and the best incentive for progress is to let the people of Iowa take home more in their paycheck.

Property taxes must also be reduced. We will do that by controlling mental health care costs and by having the state pick up a bigger share. To ensure taxpayers that this will be translated into lower property taxes, we should require that additional state aid to counties be met dollar-for-dollar with property tax reductions.

One of the best ways to control taxes in the future is to pass the Taxpayers Rights Amendment to the Iowa Constitution. This measure will give citizens greater control over their taxes and will force government to live within its means.

Second, we must attract better paying jobs to Iowa.

Iowa is one of the few states in the Midwest to tax investment in machinery and equipment that is needed for high-paying manufacturing jobs. We must begin to eliminate the property tax on all machinery and equipment this year. The plan I am recommending will eliminate the tax over the next six years, reimbursing local Governments for any lost revenue.

We need to give small businesses the advantages of the single-factor formula and modify the sales tax on printing supplies to make us more competitive. These changes will lead to additional progress and opportunity and will have a lasting effect on the economic development of our state.

Our new tourism slogan, "Iowa, You Make Me Smile," captures our pride in Iowa. By sharing Iowa's treasures, we have made tourism into our third largest industry.

Just a week ago, the Des Moines Register declared 1995 to be the "Year of Iowa". With our sesquicentennial just around the corner in 1996, our state parks celebrating their 75th Anniversary this year, and the soon to be released movie, "The Bridges of Madison County," we have a golden opportunity to showcase our state and really show the world what Iowa has to offer.

The strength of many of our communities depends on our farmers' success. The passage of NAFTA and GATT present unparalleled opportunities for Iowa farmers. But Iowa farmers also face major challenges. The livestock industry is changing rapidly and we must help our family farmers compete. Last year alone, Iowa lost 18% of its swine breeding stock. We cannot, we must not, we will not lose the livestock industry in Iowa. We must act responsibly this year to make sure of that.

I am recommending an ambitious livestock incentive, which will provide a property tax credit targeted to help our family farms. Our livestock initiative is designed to help our farmers modernize and to make them more competitive while protecting the environment.

Value-added products are the future of Iowa agriculture and we need to recognize that greater world trade opportunities lie in the sale of finished products. Iowa Quality Meats and exciting new products made from corn and soybeans are being

shipped to all parts of the world. By developing new markets and uses for our agricultural products, we are strengthening the future of family farmers.

Third, we must make Iowa safer. Over the past few years the specter of violent crimes has frightened and touched too many Iowans. The heinous crimes we have all heard about over the past year must stop. Although our crime rate is one of the lowest in the country, every tragic crime sends a ripple through this state — a shockwave of uncertainty. We must act now to make certain that the seeds of violent crime that have been sown throughout the country do not take root here in Iowa. Iowa must be a safe place.

Iowa is one of a shrinking number of states that has no death penalty under any circumstances. I believe we need to restore the death penalty for serial killers, lifers who kill again, and rapists or kidnappers who murder their victims. An overwhelming majority of Iowans support this action and they should no longer be ignored.

No criminal should go free because we are short of prison space. The state is building a new 750 bed prison and I am recommending we add another 750 bed prison this year. Even though we may not be able to repeat the bargain we got with the Clarinda prison, we should see to it that we get the most for our money again.

When a violent criminal is given a sentence, they should serve their time. Parole for the most violent criminals should be eliminated to keep hardened criminals in prison and out of our communities.

One of the most frightening trends in Iowa and throughout the nation is the dramatic increase in crimes committed by juveniles. Juveniles who commit adult crimes should be tried as adults. We need to take a "tough love" approach that holds them accountable for their actions.

Taking a gun to school should be a felony and anyone convicted should lose their firearms rights for life. School officials and teachers should be given the authority they need to maintain discipline and order. To do that, it's time to get rid of the 24-hour notice for locker searches.

New options in the prevention of juvenile crime must also be explored. I am recommending the establishment of a truancy pilot project. Kids that fail to live by the rules in school or at home need a more structured environment where they learn the meanings of respect and responsibility.

Fourth, we must continue to reform our welfare system to make it work even better. Iowa has been at the forefront in welfare reform. Our emphasis is on making work pay, and today we have more welfare recipients working than any other state in the nation.

We must strengthen our emphasis on work and accountability that reinforce our Iowa values. Welfare should not promote dependency or divide families. Our family investment policy is designed to instill the values of hard work, parental responsibility, and self-sufficiency to those in need.

We can develop a strong work ethic by encouraging teens, whose families receive public assistance, to work. If a teenager is in the full-time pursuit of a high school diploma, any earnings from a part-time job should not cause his or her family's assistance to be reduced. Young people need to learn that work is a good thing.

Parental responsibility is something young people must have instilled in them at an early age. Teenage parents should be required to attend parenting classes and live with their parents. Kids who have kids don't have the experience of life to guide them through the challenges of parenthood. All teenage parents should be required to pay some child support — regardless of their circumstances. We cannot continue to reward irresponsibility.

One of the greatest tragedies of modern America is the number of teenage parents who do not finish high school. And there is too much of that here in Iowa, too. We should require parents who are under 18 and receiving welfare to either have completed high school or be in the fulltime pursuit of their diploma. A high school education is essential to the teenage parent's future and the future of their children.

Fifth, we must give our children the best education in the world. The foundation of all future progress and opportunities lies in our historic commitment to the education of our children. Iowa's first in the nation schools, dedicated teachers, and involved parents and communities have made education a great source of pride for the people of this state.

Through the farm crisis and all of the challenges we faced in the 1980's, we always found the resources for our schools. While 48 of the 50 states lessened their commitment to education during that time, we, here in Iowa, held firm.

The budget I will present to you continues that commitment. Education will receive an increasing share of our resources.

In addition, to allowable growth in school budgets, I am proposing a School Improvement Program. This innovative program will add an additional \$15 million a year for the next four years in state aid to local schools. I believe that with additional resources and the flexibility they need, our schools can compete with the best in the world. We are the best in the nation. But we can't rest on our laurels; now we must become the best in the world.

Last month, Newsweek magazine carried an article about the Iowa Communications Network entitled, "We've Seen the Future. It's in Iowa." This year, 100,000

hours of two-way interactive classes will be conducted using ICN. The investment we made in ICN several years ago is one that is benefiting Iowa's schoolchildren today and whose benefits will be shown most clearly through the next generation of Iowans. The next step is to route the information superhighway to every school district in this state.

Iowans have a great deal of pride in the quality and diversity of our higher education. Iowa ranks in the top ten in the nation for state support of higher education. Our state universities, community colleges and independent colleges and universities are great assets in dozens of communities throughout the state and they provide Iowans of all ages and backgrounds with the opportunity to reach their full potential.

A national magazine recently rated the University of Iowa and Iowa State University among the fifty best buys in public higher education. The University of Northern Iowa was rated as the most efficient university in the Midwest and the safest campus community in the nation. Competitive salaries for faculty have helped to attract some of the world's brightest minds so that Iowans are getting an excellent higher education at a reasonable price.

Iowa's independent colleges and universities attract students from Iowa and out-of-state. Seventy percent of those students remain in our state to live and work. With the increase I am recommending in the Iowa Tuition Grant, more Iowa kids will have access to the Iowa college or university of their choice.

Iowa's community colleges have become key partners in both our education and economic development strategy. They have proven to be an invaluable resource in technology and job training as well as lifelong learning.

There are other key action steps that I am asking you to take in this ambitious agenda for Iowa's future. We should improve access to affordable health care by:

- Allowing farmers and other self-employed Iowans to deduct all of their health insurance premiums on both their federal and state income taxes;
- Reforming our medical insurance malpractice system to reduce costs by preventing unnecessary lawsuits and capping certain damage awards; and
- Putting a safety net in place so that all Iowans are assured access to a standard insurance policy at an affordable price.

Our ethics and campaign finance disclosure laws also need to be strengthened by requiring state officials to make a full financial disclosure and limiting the size of contributions from special interest PACs and individuals. And, anyone who is being compensated to influence public policy should be required to register as a lobbyist and disclose all compensation received.

The condition of the State of Iowa in 1995 is strong and getting stronger. The Reverend Robert Schuller, a native of Sioux County, says that tough times don't

last, but tough people do. That certainly describes Iowa in the 1980's. Those tough times didn't last, but the tough people of Iowa did.

And in 1994 those people spoke. We, as their servants must respond in 1995. We must cut taxes, reduce the size of state government, help create better jobs, crack down on criminals, reform welfare, and give our children the best education in the world. That is our mission for 1995—that is our agenda for the future.

Remember the warning given by the American philosopher, George Santayana:

“Those who cannot remember the past are condemned to repeat it.”

In the past, there were those who put Government first and the people second. We must put Iowa families first in our minds, in our hearts, and in our actions.

As your Governor, I plan to focus all of my energies, all of my efforts, on getting this job done. This is no time for politics; it is time for, governing for the good of our people.

I pledge to work with you, all of you, and to seek your help to get the job done. But I want you to know, I will call them as I see them, unencumbered by any interest, except a burning desire to make Iowa the best it can be.

1995 offers us a time of unprecedented opportunity to make these years the glory years in Iowa. As we approach the 150th birthday of our state, let no one ever say that we let that opportunity slip through our fingers.

As certain as the sun rises in the East, Iowa is destined to shine among all the states in the heartland of this great nation. With your help and the help of all Iowans, I will do my best to guide Iowa to its destiny. These can and will be Iowa's greatest years.

Thank you. God bless you and God bless the State of Iowa.

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

On motion by Siegrist of Pottawattamie, the joint convention was recessed at 10:32 a.m., until 8:45 a.m., Friday, January 13, 1995, at Veterans Memorial Auditorium.

The House reconvened at 10:33 a.m., Speaker Corbett 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 January 10, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers and employees of the Seventy-sixth General Assembly.

Also: That the Senate has on January 10, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 4, a concurrent resolution relating to the compensation of employees of the central legislative staff agencies for the Seventy-sixth General Assembly.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 10:34 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Corbett in the chair.

INTRODUCTION OF BILLS

House File 18, by Tyrrell, a bill for an act relating to arbitrator considerations in binding arbitration of public employment collective bargaining disputes.

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

House File 19, By Tyrrell, a bill for an act relating to the filing of claims for credit or refund under the state individual income tax by retired federal employees as a result of the unconstitutional taxation of federal pensions.

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

INAUGURAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following members of the inaugural committee on the part of the House: Garman of Story, Larson of Linn, Lamberti of Polk, Connors of Polk, Mertz of Kossuth and Schrader of Marion.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Boddicker of Cedar, Nelson of Marshall, and May of Worth.

The House stood at ease at 1:10 p.m., until the fall of the gavel.

The House resumed session at 1:24 p.m., Speaker Corbett in the chair.

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

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 1:27 p.m., President pro tempore Bisignano presiding.

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

President pro tempore Bisignano announced a quorum present and the joint convention duly organized.

Senator Horn of Linn moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to escort Governor Terry E. Branstad to the House chamber for the Condition of the Judicial Department Message.

The motion prevailed and the President appointed as such committee Senators Dvorsky of Johnson; Deardorff of Polk and Bartz of Worth,

on the part of the Senate and Representatives Hanson of Black Hawk; Warnstadt of Woodbury and Salton Palo Alto on the part of the House.

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

The motion prevailed and the President appointed as such committee Senators Giannetto of Marshall; Gettings of Wapello and Iverson of Wright, on the part of the Senate and Representatives Hurley of Fayette, Lamberti of Polk and Moreland of Wapello, on the part of the House.

The joint convention stood at ease at 1:30 p.m., until the fall of the gavel.

The joint convention resumed session at 1:32 p.m., President pro tempore Bisignano presiding.

Paul Pate, Secretary of State; Michael Fitzgerald, Treasurer of State; Dale Cochran, Secretary of Agriculture and Land Stewardship; Richard Johnson, State Auditor and Tom Miller, Attorney General, were escorted into the House chamber.

Mrs. Jo Ann McGiverin, Wife of the Chief Justice; Ed and Joan McGiverin, the Chief Justice's cousin and his wife, were escorted into the House chamber.

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

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

Lieutenant Governor Joy Corning was escorted into the House chamber.

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

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

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

Mr. President, Mr. Speaker, Governor, Members of the General Assembly, State Officials, Judicial Colleagues and Friends.

Thank you for the invitation to speak here today. We are honored by the opportunity to visit with you each year about Iowa's court system. This report has become a tradition and is a sign of the cooperation and respect between Iowa's Legislative and Judicial Branches of government.

On behalf of the Supreme Court, I want to extend a warm welcome to the new legislators. If any of you are not familiar with the operation of the court system, I hope you will take some time to become acquainted with it. The best place to start is in your local communities. Please visit your local courthouse. Our judges and staff will be happy to fully acquaint you with the operation of the court in your area.

I want to take a moment to acknowledge some of the members of the judiciary who are present. We have with us the Iowa court of appeals, including its newest members, Judge Mark Cady and Judge Terry Huitink. Our Court of appeals continues to play a crucial role, deciding a large volume of cases each year. We again commend them. Also present are the chief Judges of Iowa's eight Judicial districts. They are responsible for supervising the judges and court employees within each district. In addition to their leadership role, they also deal with a staggering individual caseload.

Although the main focus of these remarks will be the condition of the judiciary's primary function—deciding cases, I would like to first mention the progress we have made on some other important issues over this past year.

Four years ago, with funds you appropriated, the supreme court established the equality in the courts task force, chaired by Chief Judge James Havercamp. Its purpose was to investigate any race and gender bias in the court system. In 1992, the task force reported its findings, and offered recommendations of ways to help eliminate bias which may demean court participants or pose a threat to equal treatment. Our court has exhaustively considered each recommendation of the task force and taken appropriate action. Attached to my message is a brief summary of those efforts.

We have also undertaken a detailed study of domestic abuse in Iowa. Because our traditional legal procedures are often not designed to deal with the special problems posed by these insidious acts, we established a task force to explore this subject. In doing so, we solicited other groups to help the courts response to domestic violence. Our domestic abuse task force, co-chaired by Judge Cady and Linda McGuire, has prepared a comprehensive report with recommendations for improvements in a wide-range of areas.

The report sets out ways in which government and society can work together to response more effectively to domestic violence. We have begun to implement

those recommendations which call for court action. The report also contains a number of proposed legislative changes which we encourage you to review. Because many of the proposals are outside our authority, we forward them to you, confident that you will take appropriate action.

The courts can set an example for the rest of the community by recognizing the importance of stopping domestic violence. We challenge others to join us in bringing an end to this scourge.

On another matter, the supreme court has recently initiated a long-range strategic planning process. This effort will include an examination of social, economic, political and technological trends, and an assessment of current and future issues confronting the courts. This effort will provide us with a foundation for facing up to the demands of the future. As that baseball sage, Yogi Berra, once wisely put it, "You've got to be careful if you don't know where you are going, because you might not get there!"

We have attempted through these studies both to address any of our shortcomings and to plan for our future. Only with your assistance can we overcome our most immediate problem—meeting the public's expectations for justice when the high demand exceeds our resources.

More than at any time in the history of our state, the people of Iowa are turning to the courts for help. People such as:

- The permanently injured truck driver seeking judicial review of a worker's compensation award,
- The divorced parents of two little girls fighting over custody of the children, and
- The seven-year old girl who needs protection from sexual abuse by her mother's live-in-boyfriend.

The number of cases coming to the courts is at an all-time high. The soaring caseload is attributable, in part, to increases in the more difficult types of cases: criminal, juvenile, and domestic abuse. These cases, which demand our best and most careful efforts, consume the greatest part of our court time. Rather than recite statistics now, I hope you will review the information provided with these remarks.

Criminal cases have all but hijacked the courts' docket. Filings in major criminal cases, which have shot up 92 percent since 1984, now outnumber civil filings and the cap is widening. Constitutional and statutory speedy trial requirements give criminal cases priority to the time available to the courts. Without additional personnel, we soon may be facing up to the prospect of devoting all, or nearly all, of our judicial resources to criminal cases.

We can only speculate about what's behind this shift. But as you all know, people are frustrated with crime. Victims justly demand their day in court and a frightened public cries out for swift punishment of criminals.

In response to these calls, more laws are passed and law enforcement efforts are expanded. As a result, pre and more cases pour into the court system.

Some of our courts are so busy with criminal cases that the wheels of justice are spinning out of control. Please listen to this description of one of the busiest courts in Iowa, "Jail Court" in Polk county. Each day in a crowded room in the Polk County jail one district Associate Judge presides over the hearings of people arrested and detained the previous night. The long procession of Defendants begins early in the morning and lasts all day. On a typical day, the judge considers the cases of ninety prisoners. There is not the luxury of taking time to make a decision based upon a thorough investigation. People must be rushed through to make room in the jail for the next night and also to meet constitutional requirements. In this environment there is a tendency for corners to be cut and deals to be made. Decisions must be quickly rendered.

Swift court action is one of the most effective deterrents to crime. But as someone once said, "Justice delayed is justice denied. but justice rushed is just as bad." When we are forced, because of limited resources, to push cases through the system too quickly, the fastest disposition method is pleas bargaining, which as you know results sometimes in poor results.

We would prefer a climate that discourages deal making and return to a process by which outcomes are not driven by an overly crowded court docket.

The growing number of children with serious legal needs is overwhelming our juvenile courts. This year especially there have been many disturbing reports of violent crimes committed by juveniles. While public attention has been focused on violent juveniles, let's not forget the thousands of children in the court system who are themselves victims of violence, abuse and neglect. Often times, these children depend on the courts to help put their pieces of their lives back together.

Domestic Violence cases are increasing faster than all others. The number of reported domestic abuse cases has soared since the creation of laws which make it easier for survivors of domestic violence to get protection from the courts. Even though we have made these cases a priority, we are not equipped to provide each victim seeking emergency protective orders with the immediate attention they deserve. Most of the rural counties in Iowa only have a district court judge available once every two weeks.

The busier courts have dedicated specific days or times for domestic abuse hearings. For instance, in Scott County, the assignment judge spends two or more hours a day reviewing initial requests for protective orders. Each Friday afternoon is reserved for hearings for more permanent protective orders. During that time most of the district court judges are busy hearing the cases of people, usually

women, abused by their companions. Women—such as the mother of three young children whose live-in boyfriend threatened to shoot her and her children. Her hastily scribbled petition included the plea, "Please judge help me." She was one of dozens of victims waiting in line to get a protective order from the court that day.

On one Friday afternoon last month, five or the six District Court Judges in the same county were assigned to hear thirty-two cases. Each was enormously important and each held the potential to consume several hours of court time.

Criminal, juvenile, and domestic abuse cases receive priority status. Not all cases can be a priority. Consequently, many people with other kinds of serious problems must wait for their day in court.

Last March, I received a letter from an Iowa city attorney who was representing a mother of two young children in an action for dissolution of marriage. The case had been pending for some time. The lawyer wrote, "For the second time in the last three months, I have had the decidedly unpleasant task of having to tell (my client) that the trial of her dissolution case could not go forward." At the time of the letter, the case had just been "bumped" again from the trial schedule because of other priority matters that had to be heard by the court.

I wish I could say that this mother's difficulty in getting a trial is unusual—but I cannot. The number of criminal and domestic abuse cases have the district court calendar so overwhelmed that everything else is being set for hearing further and further in the future.

I suggest that the length of time it takes for civil cases to get through the system may discourage people from using the courts to resolve their disputes and force them to accept results or settlements they otherwise would not accept if they could get a reasonably prompt hearing.

You may be wondering how we are keeping up to the extent that we are. Our judges and staff are moving more cases faster than ever. On the average, today's district court judge disposes of 36 percent more cases than in 1984. At the same time, the number of dispositions per district associate judge mushroomed 86 percent. Parenthetically, the number of matters heard by each part-time magistrate jumped 47 percent.

The major increases in the business of the courts have had a dramatic impact on the amount of time allotted to each case. Efficiency measures and aggressive case management can only go so far, because even the most productive judge can only carefully decide so many cases each day. There comes a point where either quality is diminished or productivity drops.

A more important concern, in addition to the numbers of cases flowing through the system, is the quality of service. Under the circumstances, you need to ask if your constituents are getting the justice system they need, the justice system they

expect, the justice system they deserve. I would suggest that our judges presently must take an approach analogous to a combat surgeon, whose main role is to address life threatening issues as quickly as possible without time for concern about scars or the emotional trauma of the wounded.

The people of Iowa deserve better.

To provide the highest quality of justice we need more resources. To be more specific we need:

- More District Court Judges;
- More District Associate Judges;
- More Juvenile Court Officers; and
- More help in the Clerk of Court Offices to handle the paperwork.

The details of our specific needs are recommendations are contained in our budget request which we have submitted to you.

We serve to same constituents you do. On their behalf we respectfully ask that you provide the resources for the court system to keep up with the times and the rising caseload.

More resources will allow us to bridge the ever expanding gulf between the reality of our present justice system and the promises of justice. Let's work together to turn the promise into reality.

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

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

Siegrist of Pottawattamie moved that the joint convention be now dissolved at 1:59 p.m., which motion prevailed.

The House reconvened at 2:01 p.m., Speaker Corbett in the chair.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps:

		Annual
		Salary
Chief Clerk	Elizabeth A. Isaacson	\$69,850.00

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appointment</u>	<u>Effective Date</u>
Assistant Chief Clerk I	Gregory A. Spenner	32-1	E FT	12-16-94
Senior Caucus Staff Director	Warren L. Fye	41-2 to 41-3	P-FT	12-30-94
Senior Caucus Staff Director	Paulee Lipsman	41-3 to 41-4	P-FT	12-30-94
Text Processor I	Patricia J. Ashton	19-1	S-O	01-04-95
Administrative Assistant III to Speaker Pro Tem	Maryjo F. Welch	35-4	S-O	01-09-95
Senior Administrator Assistant to Leader	Mark W. Brandsgard	38-5 to 38-6	P-FT	12-30-94
Administrative Assistant II to Speaker	A. John Davis	32-3	P-FT	01-09-95
Administrative Assistant II to Speaker	Jeffrey G. Mitchell	32-2	P-FT	01-09-95
Assistant to the Legal Counsel	Doreen R. Terrell	19-1	S-O	01-04-95
Compositor	David Lee Stanley	17-1	P-FT	10-17-94
Administrative Secretary to Leader	Becky L. Lorenz	21-1	P-PT	12-12-94
Executive Secretary to Speaker	Susan Bruckshaw	24-1	E-FT	01-03-95
Senior Caucus Secretary	Bruce G. Brandt	24-6	P-FT	01-09-95
Legislative Research Analyst II	Joseph P. Romano	32-3 to 35-2	P-FT	12-30-94
Legislative Research Analyst III				
Sr Legislative Research Analyst	Mary Fleckenstein	38-5 to 38-6	P-FT	12-30-94
Sr Legislative Research Analyst	Thomas Patterson	38-5 to 38-6	P-FT	12-30-94
Sr Legislative Research Analyst	Ed Conlow	38-2 to 38-3	P-FT	12-30-94
Legislative Research Analyst II	Mary C. Braun	32-2 to 32-3	P-FT	12-30-94
Legislative Research Analyst I	Jenifer Parsons	29-2 to 29-3	P-FT	12-30-94
Legislative Research Analyst	Patricia A. Axmear	27-1	P-FT	01-09-95
Legislative Research Analyst	Craig R. Schoenfeld	27-1	P-FT	01-03-95

Executive Secretary to Chief Clerk	Betty M. Soener	24-2 to 24-3	P-FT	07-15-94
Legislative Research Analyst I	Pamela H. Dugdale	29-3 to	P-FT	05-20-94
Legislative Research Analyst II		32-2	P-FT	
Legislative Research Analyst	James M. Addy	27-1	P-FT	07-11-94
Legislative Research Analyst	Lon W. Anderson	27-2 to 27-3	P-FT	07-15-95
Legislative Research Analyst	Elizabeth L. Henderson	27-2 to 27-3	P-FT	12-30-94
Legislative Research Analyst	Stacie S. Maas	27-2 to	P-FT 27-3	07-15-94
Legislative Research Analyst	Lewis O. Olson	27-3 to	P-FT	07-01-94
Legislative Research Analyst I		29-2	P-FT	
Legislative Research Analyst	Jeffrey G. Mitchell	27-2 to	P-FT 27-3	07-15-94
Legislative Research Analyst	A. John Davis	27-2 to	P-FT 27-3	07-15-94
Compositor	Aimee R. Roberts	17-1	S-O	05-31-94
Switchboard Operator	Lisa Marie Galvan	14-1	S-O	01-09-95
Clerk to Chief Clerk	E. Kay Bales	16-1	S-O	01-09-95
Indexing Assistant	Kristin L. Wentz	19-2 to	P-FT 19-3	06-17-94
Assistant Journal Editor	Lois L. Bishop	19-3 to 19-4	P-FT	10-07-94

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

Legislative Research Analyst I	Mark B. Teerink			05-13-94
Compositor	Aimee R. Roberts			08-12-94
Administrative Secretary to Leader	Brian D. Cose			10-20-94

PRESENTATION OF VISITORS

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

Four students from Japan, Hong Kong and Panama, presently attending Iowa Central Community College, Fort Dodge, accompanied by Lois Craig. By Cormack of Webster.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 3 State Government

Calling for the convening of a Conference of the States and providing for Iowa's participation in the Conference.

SUBCOMMITTEE ASSIGNMENTS

House File 2

Judiciary: Grubbs, Chair; Doderer, Holveck, Millage and Nutt.

House File 9

Judiciary: Greiner, Chair; Bell and Coon.

House File 14

Judiciary: Coon, Chair; Nutt and Schultz.

House File 15

Judiciary: Millage, Chair; Hurley, and Moreland.

House File 16

Judiciary: Lamberti, Chair; Bernau and Coon.

RESOLUTIONS FILED

HCR 6, by Fallon, Connors, Cataldo, Baker, Schrader, Running, Shoultz, May, Doderer, Holveck, O'Brien, Mascher, Koenigs, Mertz, Burnett, Warnstadt, Drees, McCoy, Bernau, Weigel, Brammer, Harper, Wise, Larkin, Witt, Jochum, Nelson of Pottawattamie, Ollie, Bell, Myers, Cohoon, Brand, Murphy and Moreland, a concurrent resolution urging the support of the striking workers at Bridgestone/Firestone in Des Moines through legislation and other means.

Referred to committee on **labor and industrial relations**.

SCR 3, by committee on rules and administration, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-sixth general assembly.

Referred to committee on **administration and rules**.

SCR 4, by committee on rules and administration, a concurrent resolution relating to the compensation of employees of the central legislative staff agencies for the Seventy-sixth General Assembly.

Referred to committee on **administration and rules**.

On motion by Siegrist of Pottawattamie, the House was adjourned at 2:04 p.m., until 8:45 a.m., Wednesday, January 11, 1995.

JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 11, 1995

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

Prayer was offered by Susan Severino, Administrative Assistant to Majority Leader Siegrist..

The Journal of Tuesday, January 10, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kreiman of Davis on request of Moreland of Wapello.

INTRODUCTION OF BILLS

House File 20, by Garman, Boddicker, Kremer, Hanson, Larson, Eddie, Vande Hoef, Greig, Houser, Grubbs, Harrison, Bradley, Brunkhorst, Veenstra, Hurley, Cornelius, Lord, Mertz, Tyrrell, Welter, Klemme, Ertl, Daggett, Blodgett, Hahn, Gries, Greiner, Weidman, Renken, Disney, Hammitt, Salton, Sukup, Nelson of Marshall, Van Fossen, Teig, Rants, Schulte, Huseman, Main, Carroll, Arnold, Lamberti, McCoy, Running, Mundie, Branstad, Baker, and O'Brien, a bill for an act relating to the notification of a parent prior to the performance of an abortion on a minor, and providing a penalty.

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

House File 21, by Vande Hoef and Cornelius, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates.

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

House File 22, by Connors, a bill for an act relating to prohibiting a mobile home landlord from canceling a rental agreement without good cause.

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

House File 23, by Ollie, a bill for an act relating to the inclusion of school nurses and area education agency professionals in the educational excellence program and providing effective and retroactive applicability dates.

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

House File 24, by Renken, a bill for an act establishing a time limitation during which an action for damages against a licensed architect or registered engineer can be brought.

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

COMMITTEE APPOINTMENT

Siegrist of Pottawattamie moved that Representative Richard Vande Hoef of Osceola be appointed as a committee of one to arrange for the opening day prayers for the House during the Seventy-sixth General Assembly.

The motion prevailed.

STANDING COMMITTEES APPOINTED

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

ADMINISTRATION AND RULES – 13 Members

Rants, Chair	Connors	Jochum	Schrader
Weidman*	Corbett	Moreland	Siegrist
Running**	Gipp	Renken	Van Maanen
Blodgett			

AGRICULTURE – 21 Members

Eddie, Chair	Fallon	Huseman	Mundie
Meyer*	Greig	Klemme	Salton
Koenigs**	Greiner	Main	Vande Hoef
Bogess	Hahn	May	Weigel
Burnett	Heaton	Mertz	Welter
Drees			

*Vice-Chair

**Ranking Member

APPROPRIATIONS – 25 Members

Millage, Chair	Churchill	Hanson	Meyer
Gipp*	Cormack	Houser	Moreland
Murphy**	Ertl	Koenigs	Ollie
Brand	Garman	Kreiman	Running
Branstad	Grundberg	Kremer	Sukup
Brauns	Hahn	Metcalf	Wise
Cataldo			

COMMERCE – REGULATION – 21 Members

Metcalf, Chair	Churchill	Jacobs	Renken
Nutt*	Cormack	Lamberti	Sukup
Holveck**	Dinkla	Larson	Van Fossen
Baker	Doderer	McCoy	Weigel
Brunkhorst	Halvorson	Nelson, L.	Wise
Cataldo			

ECONOMIC DEVELOPMENT – 21 Members

Larson, Chair	Brand	Harper	Nelson, B.
Teig*	Cormack	Heaton	Nelson, L.
McCoy**	Drake	Lord	O'Brien
Baker	Ertl	Mascher	Tyrrell
Bogness	Hammitt	Main	Warnstadt
Bradley			

EDUCATION – 21 Members

Grubbs, Chair	Cohoon	Hanson	Nelson, L.
Gries*	Cornelius	Lord	Rants
Ollie**	Daggett	Kreiman	Veenstra
Baker	Garman	Mascher	Warnstadt
Boddicker	Grundberg	Nelson, B.	Wise
Brunkhorst			

ENVIRONMENTAL PROTECTION – 20 Members

Greiner, Chair	Burnett	Gries	Rants
Bradley*	Drake	Hahn	Shoultz
Witt**	Drees	Holveck	Teig
Bernau	Fallon	Mascher	Vande Hoef
Bogness	Gipp	Meyer	Van Fossen

*Vice-Chair

**Ranking Member

ETHICS (STATUTORY) - 6 Members

Greig, Chair	Moreland**	Hurley	Running
Salton*	Harper		

HUMAN RESOURCES - 21 Members

Daggett, Chair	Carroll	Hurley	Myers
Boddicker*	Cornelius	Lord	Salton
Harper**	Fallon	Martin	Schulte
Blodgett	Hammitt	Moreland	Veenstra
Brand	Harrison	Murphy	Witt
Burnett			

JUDICIARY - 21 Members

Hurley, Chair	Coon	Harrison	Moreland
Lamberti*	Dinkla	Holveck	Nutt
Brammer**	Doderer	Kreiman	Schulte
Bell	Greiner	Kremer	Shoultz
Bernau	Grubbs	Millage	Veenstra
Boddicker			

LABOR AND INDUSTRIAL RELATIONS - 21 Members

Tyrrell, Chair	Daggett	Jochum	Murphy
Sukup*	Halvorson	Kremer	O'Brien
Nelson, L.**	Hanson	Lord	Renken
Bell	Harper	Metcalf	Running
Boddicker	Hurley	Millage	Veenstra
Connors			

LOCAL GOVERNMENT - 21 Members

Vande Hoef, Chair	Connors	Huseman	Martin
Carroll*	Disney	Jacobs	Mertz
Myers**	Drees	Klemme	Mundie
Arnold	Hanson	Koenigs	Weidman
Brauns	Houser	Larkin	Welter
Cohoon			

NATURAL RESOURCES - 20 Members

Klemme, Chair	Branstad	Eddie	Mertz
Cornelius*	Brauns	Garman	Mundie
O'Brien**	Cohoon	Greig	Shoultz
Arnold	Coon	Huseman	Tyrrell
Bell	Drees	May	Weidman

*Vice-Chair

**Ranking Member

STATE GOVERNMENT - 20 Members

Martin, Chair	Brammer	Disney	Jochum
Jacobs*	Cataldo	Drake	Renken
Larkin**	Churchill	Ertl	Running
Bernau	Connors	Gipp	Tyrrell
Bradkey	Coon	Houser	Witt

TECHNOLOGY - 21 Members

Brunkhorst, Chair	Disney	Harrison	Myers
Cormack*	Doderer	Jacobs	Nutt
Brand**	Garman	Kreiman	Schulte
Baker	Grubbs	Lamberti	Weigel
Coon	Hammit	Mertz	Wise
Dinkla			

TRANSPORTATION - 21 Members

Welter, Chair	Brauns	Koenigs	Nelson, B.
Heaton*	Carroll	Larkin	Ollie
May**	Cohoon	Main	Salton
Arnold	Eddie	McCoy	Warnstadt
Blodgett	Grundberg	Mundie	Weidman
Branstad			

WAYS AND MEANS - 25 Members

Halvorson, Chair	Drake	Lamberti	Rants
Dinkla*	Greig	Larkin	Renken
Bernau**	Gries	Larson	Shoultz
Blodgett	Grubbs	Main	Teig
Brammer	Holveck	Myers	Van Fossen
Disney	Jochum	Nutt	Weigel
Doderer			

HOUSE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION - 9 Members

Hanson, Chair	Boddicker	Main	O'Brien
Coon*	Gipp	McCoy	Tyrrell
Cataldo**			

AGRICULTURE AND NATURAL RESOURCES - 9 Members

Hahn, Chair	Cormack	Eddie	Koenigs
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*Vice-Chair

**Ranking Members

Drake*	Cornelius	Greiner	May
Mertz**			

ECONOMIC DEVELOPMENT - 9 Members

Churchill, Chair	Bogges	Metcalf	Teig
Van Fossen*	Drees	Salton	Wise
Baker**			

EDUCATION - 9 Members

Grundberg, Chair	Daggett	Gries	Rants
Hammitt*	Greig	Nelson, L.	Witt
Shoultz**			

HEALTH AND HUMAN RIGHTS - 8 Members

Kremer, Chair	Mundie**	Martin	Nutt
Nelson, B.*	Brunkhorst	Mascher	Weigel

HUMAN SERVICES - 9 Members

Houser, Chair	Blodgett	Carroll	Lord
Arnold*	Burnett	Jochum	Veenstra
Fallon**			

JUSTICE SYSTEMS - 9 Members

Garman, Chair	Heaton	Larkin	Vande Hoef
Schulte*	Jacobs	Myers	Welter
Bell**			

OVERSIGHT, AUDIT AND GOVERNMENT REFORM - 9 Members

Ertl, Chair	Branstad	Larson	Moreland
Disney*	Harper	Meyer	Sukup
Kreiman**			

TRANSPORTATION, INFRASTRUCTURE AND CAPITALS - 9 Members

Brauns, Chair	Bradley	Klemme	Warnstadt
Harrison*	Huseman	Ollie	Weidman
Cohoon**			

*Vice-Chair

** Ranking Member

HOUSE COMMITTEE ASSIGNMENTS

Richard Arnold	Local Government; Natural Resources; Transportation; Human Services Appropriations Subcommittee, Vice-Chair
Tom Baker	Commerce-Regulation; Economic Development; Education; Technology; Economic Development Appropriations Subcommittee, Ranking Member
Paul Bell	Judiciary; Labor and Industrial Relations; Natural Resources; Justice Appropriations Subcommittee, Ranking Member
Bill Bernau	Environmental Protection; Judiciary; State Government; Ways and Means, Ranking Member
Gary Blodgett	Assistant Majority Leader; Administration and Rules; Human Resources; Transportation; Ways and Means; Human Services Appropriations Subcommittee
Dan Boddicker	Education; Human Resources, Vice-Chair; Judiciary; Labor and Industrial Relations; Administration and Regulation Appropriations Subcommittee
Effie Lee Boggess	Agriculture; Economic Development; Environmental Protection; Economic Development Appropriations Subcommittee
Clyde E. Bradley	Economic Development; Environmental Protection, Vice-Chair; State Government; Transportation, Infrastructure and Capitals Appropriations Subcommittee
Philip Brammer	Judiciary, Ranking Member; State Government; Ways and Means
William Brand	Appropriations; Economic Development; Human Resources; Technology, Ranking Member

Clifford Branstad	Appropriations; Natural Resources; Transportation; Oversight, Audit and Government Reform Appropriations Subcommittee
Barry Brauns	Appropriations; Local Government; Natural Resources; Transportation; Transportation, Infrastructure and Capitals Appropriations Subcommittee, Chair
Bob Brunkhorst	Commerce-Regulation; Education; Technology, Chair; Health and Human Rights Appropriation Subcommittee
Cecelia Burnett	Agriculture; Environmental Protection; Human Resources; Human Services Appropriations Subcommittee
Danny Carroll	Human Resources; Local Government, Vice-Chair; Transportation; Human Services Appropriations Subcommittee
Michael Cataldo	Appropriations; Commerce-Regulation State Government; Administration and Regulation Appropriations Subcommittee, Ranking Member
Steven Churchill	Appropriations; Commerce-Regulation; State Government; Economic Development Appropriations Subcommittee, Chair
Dennis Cohoon	Education; Local Government; Natural Resources; Transportation; Transportation, Infrastructure and Capitals Appropriations Subcommittee, Ranking Member
John Connors	Assistant Minority Leader; Administration and Rules; Labor and Industrial Relations; Local Government; State Government
Brian Coon	Judiciary; Natural Resources; State Government; Technology; Administration and Regulation Appropriations Subcommittee, Vice-Chair
Ron Corbett	Speaker of the House; Administration and Rules

Michael Cormack	Appropriations; Commerce-Regulation; Economic Development, Technology, Vice-Chair; Agriculture and Natural Resources Appropriations Subcommittee
Jerry Cornelius	Education; Human Resources; Natural Resources, Vice-Chair; Agriculture and Natural Resources Appropriations Subcommittee
Horace Daggett	Education; Human Resources, Chair; Labor and Industrial Relations; Education Appropriations Subcommittee
Dwight Dinkla	Commerce-Regulation; Judiciary; Technology; Ways and Means, Vice-Chair
Larry Disney	Local Government; State Government; Technology; Ways and Means; Oversight, Audit and Government Reform Appropriations Subcommittee, Vice-Chair
Minnette Doderer	Commerce-Regulation; Judiciary; Technology; Ways and Means
Jack Drake	Economic Development; Environmental Protection; State Government; Ways and Means; Agriculture and Natural Resources Appropriations Subcommittee, Vice-Chair
Jim Drees	Agriculture; Environmental Protection; Local Government; Natural Resources; Economic Development Appropriations Subcommittee
Russell J. Eddie	Agriculture, Chair; Natural Resources; Transportation; Agriculture and Natural Resources Appropriations Subcommittee
Joe Ertl	Appropriations; Economic Development; State Government; Oversight, Audit and Government Reform Appropriations Subcommittee, Chair
Ed Fallon	Agriculture; Environmental Protection; Human Resources; Human Services Appropriations Subcommittee, Ranking Member

Teresa Garman	Appropriations; Education; Natural Resources; Technology; Justice Appropriations Subcommittee, Chair
Chuck Gipp	Majority Whip; Administration and Rules; Appropriations, Vice-Chair; Environmental Protection; State Government; Administration and Regulation Appropriations Subcommittee
John Greig	Agriculture; Ethics, Chair; Natural Resources; Ways and Means; Education Appropriations Subcommittee
Sandra Greiner	Agriculture; Environmental Protection, Chair; Judiciary; Agriculture and Natural Resources Appropriations Subcommittee
Don Gries	Education, Vice-Chair; Environmental Protection; Ways and Means; Education Appropriations Subcommittee
Steve Grubbs	Education, Chair; Judiciary; Technology; Ways and Means
Betty Grundberg	Appropriations; Education; Transportation; Education Appropriations Subcommittee, Chair
James Hahn	Agriculture; Appropriations; Environmental Protection; Agriculture and Natural Resources Appropriations Subcommittee, Chair
Roger Halvorson	Commerce-Regulation; Labor and Industrial Relations; Ways and Means, Chair
Donna Hammitt	Economic Development; Human Resources; Technology; Education Appropriations Subcommittee, Vice-Chair
Donald E. Hanson	Appropriations; Education; Labor and Industrial Relations; Local Government; Administration and Regulation Appropriations Subcommittee, Chair

Patricia Harper	Economic Development; Ethics; Human Resources, Ranking Member; Labor and Industrial Relations; Oversight, Audit and Government Reform Appropriations Subcommittee
Neil Harrison	Human Resources; Judiciary; Technology; Transportation, Infrastructure and Capitals Appropriations Subcommittee, Vice-Chair
Dave Heaton	Agriculture; Economic Development; Transportation, Vice-Chair; Justice Appropriations Subcommittee
Jack Holveck	Commerce-Regulation, Ranking Member; Environmental Protection; Judiciary; Ways and Means
Hubert Houser	Appropriations; Local Government; State Government; Human Services Appropriations Subcommittee, Chair
Charles Hurley	Ethics; Human Resources; Judiciary, Chair; Labor and Industrial Relations
Dan Huseman	Agriculture; Local Government; Natural Resources; Transportation, Infrastructure and Capitals Appropriations Subcommittee
Libby Jacobs	Commerce-Regulation; Local Government; State Government, Vice-Chair; Technology; Justice Appropriations Subcommittee
Pam Jochum	Assistant Minority Leader; Administration and Rules; Labor and Industrial Relations; State Government; Ways and Means; Human Services Appropriations Subcommittee
Ralph F. Klemme	Agriculture; Local Government; Natural Resources, Chair; Transportation, Infrastructure and Capitals Appropriations Subcommittee
Deo Koenigs	Agriculture, Ranking Member; Appropriations; Local Government; Transportation; Agriculture and Natural Resources Appropriations Subcommittee

Keith Kreiman,	Appropriations; Education; Judiciary; Technology; Oversight, Audit and Government Reform Appropriations Subcommittee
Joseph Kremer	Appropriations; Judiciary; Labor and Industrial Relations; Health and Human Rights Appropriations Subcommittee, Chair
Jeffrey Lamberti	Commerce-Regulation; Judiciary, Vice Chair; Technology; Ways and Means
Rick Larkin	Local Government; State Government, Ranking Member; Transportation; Ways and Means; Justice Appropriations Subcommittee
Chuck Larson	Commerce-Regulation; Economic Development, Chair; Ways and Means; Oversight, Audit and Government Reform Appropriations Subcommittee
David Lord	Economic Development; Education; Human Resources; Labor and Industrial Relations; Human Services Appropriations Subcommittee
Jerry Main	Agriculture; Economic Development; Transportation; Ways and Means; Administration and Regulation Appropriations Subcommittee
Mona Martin	Human Resources; Local Government; State Government, Chair; Health and Human Rights Appropriations Subcommittee
Mary Mascher	Economic Development; Education; Environmental Protection; Health and Human Rights Appropriations Subcommittee
Dennis May	Agriculture; Natural Resources; Transportation, Ranking Member; Agriculture and Natural Resources Appropriations Subcommittee

Matt McCoy	Commerce-Regulation; Economic Development, Ranking Member; Transportation; Administration and Regulation Appropriations Subcommittee
Dolores Mertz	Agriculture; Local Government; Natural Resources; Technology; Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member
Janet Metcalf	Appropriations; Commerce-Regulation, Chair; Labor and Industrial Relations; Economic Development Appropriations Subcommittee
Jim Meyer	Agriculture, Vice-Chair; Appropriations; Environmental Protection; Oversight, Audit and Government Reform Appropriations Subcommittee
David Millage	Appropriations, Chair; Judiciary; Labor and Industrial Relations
Michael Moreland	Administration and Rules; Appropriations; Ethics, Ranking Member; Human Resources; Judiciary; Oversight, Audit and Government Reform Appropriations Subcommittee
Norman Mundie	Agriculture; Local Government; Natural Resources; Transportation; Health and Human Rights Appropriations Subcommittee, Ranking Member
Pat Murphy	Appropriations Ranking Member; Human Resources; Labor and Industrial Relations
Dick Myers	Human Resources; Local Government, Ranking Member; Technology; Ways and Means; Justice Appropriations Subcommittee
Beverly Nelson	Economic Development; Education; Transportation; Health and Human Rights Appropriations Subcommittee, Vice-Chair

Linda Nelson	Commerce-Regulation; Economic Development; Education; Labor and Industrial Relations, Ranking Member; Education Appropriations Subcommittee
Ronald W. Nutt	Commerce-Regulation, Vice-Chair; Judiciary; Technology; Ways and Means; Health and Human Rights Appropriations Subcommittee
Michael O'Brien	Economic Development; Labor and Industrial Relations; Natural Resources, Ranking Member; Administration and Regulation Appropriations Subcommittee
C. Arthur Ollie	Appropriations; Education, Ranking Member; Transportation; Transportation, Infrastructure and Capitals Appropriations Subcommittee
Christopher Rants	Assistant Majority Leader; Administration and Rules, Chair; Education; Environmental Protection; Ways and Means; Education Appropriations Subcommittee
Bob Renken	Assistant Majority Leader; Administration and Rules; Commerce-Regulation; Labor and Industrial Relations; State Government; Ways and Means
Richard Running	Assistant Minority Leader; Administration and Rules, Ranking Member; Appropriations; Ethics; Labor and Industrial Relations; State Government
Bill Salton	Agriculture; Ethics, Vice-Chair; Human Resources; Transportation; Economic Development Appropriations Subcommittee
David Schrader	Minority Leader; Administration and Rules
Lynn Schulte	Human Resources; Judiciary; Technology; Justice Appropriations Subcommittee, Vice-Chair

Don Shultz	Environmental Protection; Judiciary; Natural Resources; Ways and Means; Education Appropriations Subcommittee, Ranking Member
Brent Siegrist	Majority Leader; Administration and Rules
Steve Sukup	Appropriations; Commerce-Regulation; Labor and Industrial Relations, Vice-Chair; Oversight, Audit and Government Reform Appropriations Subcommittee
Russell W. Teig	Economic Development, Vice-Chair; Environmental Protection; Ways and Means; Economic Development Appropriations Subcommittee
Phil Tyrrell	Economic Development; Labor and Industrial Relations, Chair; Natural Resources; State Government; Administration and Regulation Appropriations Subcommittee
Jamie Van Fossen	Commerce-Regulation; Environmental Protection; Ways and Means; Economic Development Appropriations Subcommittee, Vice-Chair
Harold Van Maanen	Speaker Pro Tempore; Administration and Rules
Rich Vande Hoef	Agriculture; Environmental Protection; Local Government, Chair; Justice Appropriations Subcommittee
Kenneth Veenstra	Education; Human Resources; Judiciary; Labor and Industrial Relations; Human Services Appropriations Subcommittee
Steven Warnstadt	Economic Development; Education; Transportation; Transportation, Infrastructure and Capitals Appropriations Subcommittee

Dick Weidman	Assistant Majority Leader; Administration and Rules, Vice-Chair; Local Government; Natural Resources; Transportation; Transportation, Infrastructure and Capitals Appropriations Subcommittee
Keith Weigel	Agriculture; Commerce-Regulation; Technology; Ways and Means; Health and Human Rights Appropriations Subcommittee
Jerry Welter	Agriculture; Local Government; Transportation, Chair; Justice Appropriations Subcommittee
Philip Wise	Appropriations; Commerce-Regulation; Education; Technology; Economic Development Appropriations Subcommittee
William Witt	Environmental Protection, Ranking Member; Human Resources; State Government; Education Appropriations Subcommittee

INTERIM APPOINTMENTS

The following appointments were made during the interim:

AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL
(Chapter 161B.1)

- Mark Henderson To a term ending June 30, 1996
- Hubert Houser To a term ending June 30, 1996

INTERSTATE AGRICULTURAL GRAIN MARKETING COMMISSION
(Chapter 183)

- Cliff Branstad To a term ending June 30, 1996

CHILD SUPPORT ADVISORY COMMITTEE
(Chapter 252B.18)

- Dan Boddicker To a term ending June 30, 1996
- Michael Moreland To a term ending June 30, 1995

COMMISSION ON COMPENSATION
EXPENSES AND SALARIES FOR ELECTED STATE OFFICIALS
(Chapter 2A.1)

Fred Koogler To a term ending June 30, 1999
Iola Vander Wilt To a term ending June 30, 1998

COMMISSION ON THE STATUS OF WOMEN
(Chapter 216A.52)

Betty Grundberg To a term ending June 30, 1998

COUNCIL ON HUMAN INVESTMENT
(Chapter 8A.1)

Bill Brand To a term ending April 30, 1997
Ron Corbett To a term ending April 30, 1997

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL
(Chapter 216A.132)

Paul Bell To a term ending June 30, 1998
Mona Martin To a term ending June 30, 1998

HEALTH DATA COMMISSION
(Chapter 145.2)

Gary Blodgett To a term ending June 30, 1995

JUDICIAL COMPENSATION COMMISSION
(Chapter 602.1514)

Linda Life To a term ending June 30, 1998

MEDICAL ASSISTANCE ADVISORY COUNCIL
(Chapter 249A.4(8))

Jack Holveck To a term ending June 30, 1995
(filling unexpired term of Bill Brandt)

RURAL HEALTH ADVISORY COMMITTEE
(Chapter 135.13)

Ralph Klemme To a term ending January 8, 1995

STATE-COUNTY MANAGEMENT COMMITTEE
(Chapter 331.438)

Hubert Houser Committee determination

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM
BOARD OF TRUSTEES
(Chapter 411.36)

Mary Lundby To a term ending April 30, 1996
Richard Running To a term ending April 30, 1996

WALLACE TECHNOLOGY TRANSFER FOUNDATION
(Chapter 15E.154)

Tom Baker Replacing Pat Gill
to fill the unexpired portion of a term ending December 31, 1996

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 4 Judiciary

To permit certain dissolutions of marriage to take place without a hearing

H.S.B. 5 Ways and Means

Relating to the taxation of shareholders of corporations whose income is taxed to the shareholders and providing an effective and applicability date provision.

H.S.B. 6 Ways and Means

Relating to the production and processing exemption of flowering, ornamental, or vegetable plants for purposes of the state sales, services, and use taxes.

SUBCOMMITTEE ASSIGNMENTS

House File 7

Labor and Industrial Relations: Boddicker, Chair; Renken and Running.

House File 18

Labor and Industrial Relations: Millage, chair; Murphy and Sukup.

On motion by Siegrist of Pottawattamie, the House was adjourned at 9:00 a.m., until 8:45 a.m., Thursday, January 12, 1995.

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 12, 1995

The House met pursuant to adjournment, Speaker pro tempore Van Maanen in the chair.

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

The Journal of Wednesday, January 11, 1995 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 1, by Cormack, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, and Treasurer of State.

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

House File 25, by Brammer, a bill for an act relating to criminal sex acts and sex offenders by providing for life imprisonment for persons convicted of certain sex offenses, providing for the establishment of a sex offender registry, and providing penalties.

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

House File 26, by Ollie and Nelson of Pottawattamie, a bill for an act relating to a sales tax exemption on the lease or purchase of industrial machinery and equipment and computers by a professional corporation.

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

House File 27, by Garman, a bill for an act relating to certain tort actions by limiting the maximum liability for noneconomic damages and by modifying the statute of limitations for certain malpractice actions.

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

House File 28, by Grubbs, a bill for an act providing a property tax exemption for certain honorably discharged veterans of the United

States armed forces for service in or near Lebanon, Grenada, or Panama between May 8, 1975, and August 1, 1990, both dates inclusive.

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

House File 29, by Grubbs, a bill for an act to provide a presumption that kidnapping has occurred within the state when the body of a kidnapping victim is found within the state.

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

House File 30, by Brunkhorst, a bill for an act relating to the fee for a combined hunting and fishing license and providing an effective date and applicability provision.

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

House File 31, by Renken, a bill for an act relating to medical malpractice by establishing a limit on noneconomic damages, establishing practice parameters, and amending the statute of limitations with respect to minors.

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

House File 32, by Renken, a bill for an act relating to tort liability regarding an emergency response system.

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

House File 33, by Teig, a bill for an act relating to state mandates and providing an effective date.

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

House File 34, by Houser, a bill for an act relating to the closing hour of precinct polling places.

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

ADOPTION OF REPORT OF COMMITTEE ON MILEAGE

Brunkhorst of Bremer, called up for consideration the report of the committee on mileage found on pages 19 through 21 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

On motion by Siegrist of Pottawattamie, the House was recessed at 8:53 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker pro tempore Van Maanen in the chair.

SPECIAL PRESENTATION

Schrader of Marion presented to the House, Brooke Barnett, Iowa Miss T.E.E.N.

Brooke, a Page for the House of Representatives, attends Roland-Story High School. She is the daughter of Jane and Daniel Barnett of Roland.

INTRODUCTION OF BILLS

House File 35, by Vande Hoef, a bill for an act relating to the information required to be provided by an excavator to the notification center prior to an excavation.

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

House File 36, by Vande Hoef and Gries, a bill for an act relating to public water supply system fees.

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

House File 37, by Grubbs, a bill for an act relating to the provision of legal services before agencies or officials by elected state officials and certain state employees.

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

House File 38, by Houser, Vande Hoef, Martin, Brauns, Welter, Huseman, Klemme, Jacobs, Arnold, Carroll and Hanson, a bill for an act relating to the funding of state mandates.

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

House File 39, by Boddicker, a bill for an act relating to licensed physician assistants by providing for coverage of services provided by such licensed physician assistants under a policy, contract, or plan providing for health care coverage.

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

House File 40, by Millage, Tyrrell, and Sukup, a bill for an act relating to the public employee collective bargaining law by requiring an appropriation prior to implementing items in a collective bargaining award to state employees that require economic adjustments.

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

House File 41, by Blodgett, a bill for an act relating to the establishment of legal settlement for certain blind persons and providing an effective date.

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

House File 42, by Bell, a bill for an act relating to the levying of property taxes and the rate of the tax levy for all taxing districts and providing an applicability date provision.

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

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House Concurrent Resolution 7.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Resolution, relating to joint rules of the Senate and House of Representatives for the Seventy-sixth General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 1995.

CONSIDERATION OF
HOUSE CONCURRENT RESOLUTION 7

Rants of Woodbury called up for immediate consideration House Concurrent Resolution 7, relating to joint rules of the Senate and House of Representatives for the Seventy-sixth General Assembly, as follows:

1 HOUSE CONCURRENT RESOLUTION 7
2 BY COMMITTEE ON ADMINISTRATION
3 AND RULES

4 A Concurrent Resolution relating to joint rules of
5 the Senate and House of Representatives for the
6 Seventy-sixth General Assembly.

7 *Be It Resolved By The House Of Representatives, The*
8 *Senate Concurring,* That the joint rules of the Senate
9 and House of Representatives for the Seventy-sixth
10 General Assembly shall be:

11 JOINT RULES OF THE
12 SENATE AND HOUSE
13 Rule 1

14 Suspension of Joint Rules
15 The joint rules of the general assembly may be
16 suspended by concurrent resolution, duly adopted by a
17 constitutional majority of the senate and the house.

18 Rule 2
19 Designation of Sessions

20 Each regular session of a general assembly shall be
21 designated by the year in which such regular session
22 commences.

23 Rule 3
24 Sessions of a General Assembly

25 The election of officers, organization, hiring and
26 compensation of employees, and standing committees in
27 each house of the general assembly and action taken by
28 each house shall carry over from the first to the
29 second regular session and to any extraordinary
30 session of the same general assembly. The status of

Page 2

1 each bill and resolution shall be the same at the
2 beginning of each second session as it was immediately
3 before adjournment of the previous regular or
4 extraordinary session; however the rules of either
5 house may provide for re-referral of some or all bills
6 and resolutions to standing committees upon

7 adjournment of each session or at the beginning of a
8 subsequent regular or extraordinary session, except
9 those which have been adopted by both houses in
10 different forms.

11 Upon final adoption of a concurrent resolution at
12 any extraordinary session affecting that session, or
13 at a regular session affecting any extraordinary
14 session which may be held before the next regular
15 session, the creation of any calendar by either house
16 shall be suspended and the business of the session
17 shall consist solely of those bills or subject matters
18 stated in the resolution adopted. Bills named in the
19 resolution, or bills containing the subject matter
20 provided for in the resolution, may, at any time, be
21 called up for debate in either house by the majority
22 leader of that house.

23 Rule 4

24 Presentation of Messages

25 All messages between the two houses shall be sent
26 by the secretary of the senate or the chief clerk of
27 the house of representatives, shall be announced and
28 communicated to the chair.

29
30 Rule 5

Page 3

1 Printing and Form of Bills
2 and Other Documents

3 Bills and joint resolutions shall be introduced,
4 numbered, prepared, and printed as provided by law, or
5 in the absence of such law, in a manner determined by
6 the secretary of the senate and the chief clerk of the
7 house of representatives. Proposed bills and
8 resolutions which are not introduced but are referred
9 to committee shall be tracked in the legislative
10 computer system as are introduced bills and
11 resolutions. The referral of proposed bills and
12 resolutions to committee shall be entered in the
13 journal.

14 All bills and joint resolutions introduced shall be
15 in a form and number approved by the secretary of the
16 senate and chief clerk of the house.

17 The legal counsel's office of each house shall
18 approve all bills before introduction.

19 Rule 6

20 Companion Bills

21 Identical bills introduced in each house shall be

22 called companion bills. Each house shall designate
 23 the sponsor in the usual way followed in parentheses
 24 by the sponsor of the companion bill in the other
 25 house. The house where the bill is first introduced
 26 shall print the complete text.
 27 Rule 7
 28 Reprinting of Bills
 29 Whenever any bill has been substantially amended by
 30 either house, the secretary of the senate or the chief

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1 clerk shall order the bill reprinted on paper of a
 2 different color. All adopted amendments shall be
 3 distinguishable.
 4 The secretary of the senate or the chief clerk may
 5 order the printing of a reasonable number of
 6 additional copies of any bill, resolution, amendment,
 7 or journal.

8 Rule 8
 9 Daily Clip Sheet
 10 The secretary of the senate and the chief clerk
 11 shall prepare a daily clip sheet covering all
 12 amendments filed.

13 Rule 9
 14 Reintroduction of Bills and Other Measures
 15 A bill or resolution which has passed one house and
 16 is rejected in the other shall not be introduced again
 17 during that general assembly.

18 Rule 10
 19 Certification of Bills and Other Enrollments
 20 When any bill or resolution which has passed one
 21 house is rejected or adopted in the other, notice of
 22 such action and the date thereof shall be given to the
 23 house of origin in writing signed by the secretary or
 24 the chief clerk.

25 Rule 11
 26 Code Editor's Correction Bill
 27 A bill recommended by the code editor which is
 28 introduced by a committee of the house or senate
 29 within the first four weeks of convening of a
 30 legislative session and which contains code

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1 corrections of a nonsubstantive nature may be amended
 2 pursuant to corrective or nonsubstantive amendments
 3 filed by the judiciary committee of the senate or the
 4 judiciary and law enforcement committee of the house.
 5 Such committee amendments shall not be incorporated

6 into the bill in the originating house but shall be
 7 filed separately. Amendments to strike sections of
 8 the bill or the committee amendments filed from the
 9 floor shall be in order. Following amendment and
 10 passage by the second house, only amendments filed
 11 from the floor which strike sections of the amendment
 12 of the second house or amendments files from the floor
 13 by the judiciary or judiciary and law enforcement
 14 which perfect or strike sections of the amendment of
 15 the second house shall be in order.

16 A bill recommended by the code editor which is
 17 introduced by a committee of the house or senate
 18 within the first four weeks of convening of a
 19 legislative session and which contains code
 20 corrections beyond those of a nonsubstantive nature
 21 may be amended pursuant to amendments filed by the
 22 judiciary committee of the senate or the judiciary and
 23 law enforcement committee of the house. Such
 24 committee amendments shall not be incorporated into
 25 the bill in the originating house but shall be filed
 26 separately. Such a bill shall be limited to
 27 corrections which: Adjust language to reflect current
 28 practices, insert earlier omissions, delete
 29 redundancies and inaccuracies, delete temporary
 30 language, resolve inconsistencies and conflicts,

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1 update ongoing provisions, and remove ambiguities.
 2 Amendments to strike sections of the bill or the
 3 committee amendments filed from the floor shall be in
 4 order. Following amendment and passage by the second
 5 house, only amendments filed from the floor which
 6 strike sections of the amendment of the second house
 7 or amendments filed from the floor by the judiciary or
 8 judiciary and law enforcement committee which perfect
 9 or strike sections of the of the amendment of the
 10 second house shall be in order.

Rule 12

Amendments by Other House

13 I. When a bill which originated in one house is
 14 amended in the other house, the house originating the
 15 bill may amend the amendment, concur in full in the
 16 amendment, or refuse to concur in full in the
 17 amendment. Precedence of motions shall be in that
 18 order. The amendment of the other house shall not be
 19 ruled out of order based on a question of germaneness.
 20 A. If the house originating the bill concurs in
 21 the amendment, the bill shall then be immediately

- 22 placed upon its final passage.
- 23 B. If the house originating the bill refuses to
24 concur in the amendment, the bill shall be returned to
25 the amending house which shall either:
- 26 1. Recede, after which the bill shall be read for
27 the last time and immediately placed upon its final
28 passage; or
- 29 2. Insist, which will send the bill to a
30 conference committee.

Page 7

- 1 C. If the house originating the bill amends the
2 amendment, that house shall concur in the amendment as
3 amended and the bill shall be immediately placed on
4 final passage, and shall be returned to the other
5 house. The other house cannot further amend the bill.
- 6 1. If the amending house which gave second
7 consideration to the bill concurs in the amendment to
8 the amendment, the bill shall then be immediately
9 placed upon its final passage.
- 10 2. If the amending house refuses to concur in the
11 amendment to the amendment, the bill shall be returned
12 to the house originating the bill which shall either:
- 13 a. Recede, after which the bill shall be read for
14 the last time as amended and immediately placed upon
15 its final passage; or
- 16 b. Insist, which will send the bill to a
17 conference committee.
- 18 II. A motion to recede has precedence over a
19 motion to insist. Failure to recede means to insist;
20 and failure to insist means to recede.
- 21 III. A motion to lay on the table or to
22 indefinitely postpone shall be out of order with
23 respect to motions to recede from or insist upon and
24 to amendments to bills which have passed both houses.
- 25 IV. A motion to concur, refuse to concur, recede,
26 insist, or adopt a conference committee report is in
27 order even though the subject matter has previously
28 been acted upon.
- 29 Rule 13
30 Conference Committee

Page 8

- 1 1. Within one legislative day after either house
2 insists upon an amendment to a bill, the presiding
3 officer of the house, after consultation with the
4 majority leader, shall appoint three majority party

5 members and, after consultation with the minority
6 leader, shall appoint two minority party members to a
7 conference committee. The majority leader of the
8 senate, after consultation with the president, shall
9 appoint three majority party members and, after
10 consultation with and approval by the minority leader,
11 shall appoint two minority party members to a
12 conference committee. The papers shall remain with the
13 house that originated the bill.

14 2. The conference committee shall meet before the
15 end of the next legislative day after their
16 appointment, shall select a chair and shall discuss
17 the controversy.

18 3. The authority of the first conference committee
19 shall cover only issues related to provisions of the
20 bill and amendments to the bill which were adopted by
21 either the senate or the house of representatives and
22 on which the senate and house of representatives
23 differed.

24 4. An agreement on recommendations must be
25 approved by at least three members from each house.
26 The committee shall submit two originals of the report
27 signed by at least three members of each house with
28 one signed original and three copies to be submitted
29 to each house. The report shall first be acted upon
30 in the house originating the bill. Such action,

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1 including all papers, shall be immediately referred by
2 the secretary of the senate or the chief clerk of the
3 house of representatives to the other house.

4 5. The report of agreement is debatable, but
5 cannot be amended. If the report contains recommended
6 amendments to the bill, adoption of the report shall
7 automatically adopt all amendments contained therein.
8 After the report is adopted, there shall be no more
9 debate, and the bill shall immediately be placed upon
10 its final passage.

11 6. Refusal of either house to adopt the conference
12 committee report has the same effect as if the
13 committee had disagreed.

14 7. If the conference committee fails to reach
15 agreement, a report of such failure signed by at least
16 three members of each house shall be given promptly to
17 each house. The bill shall be returned to the house
18 that originated the bill, the members of the committee
19 shall be immediately discharged, and a new conference

20 committee appointed in the same manner as the first
21 conference committee.

22 8. The authority of a second or subsequent
23 conference committee shall cover free conference
24 during which the committee has authority to propose
25 amendments to any portion of a bill provided the
26 amendment is within the scope of the title of the bill
27 as passed by the house of origin or amended by the
28 second house.

29 Rule 14

30 Enrollment and Authentication of Bills

Page 10

1 A bill or resolution which has passed both houses
2 shall be enrolled in the house of origin under the
3 direction of either the secretary or the chief clerk
4 and its house of origin shall be certified by the
5 endorsement of the secretary or the chief clerk.

6 After enrollment, each bill shall be signed by the
7 president and by the speaker.

8 Rule 15

9 Concerning other Enrollments

10 All resolutions and other matters which are to be
11 presented to the governor for approval shall be
12 enrolled, signed, and presented in the same manner as
13 bills.

14 All resolutions and other matters which are not to
15 be presented to the governor or the secretary of state
16 shall be enrolled, signed and retained permanently by
17 the secretary of the senate or chief clerk of the
18 house.

19 Rule 16

20 Transmission of Bills to the Governor

21 After a bill has been signed in each house, it
22 shall be presented to the governor by the secretary or
23 the chief clerk of the house of origin. The secretary
24 or the chief clerk shall report the date of the
25 presentation, which shall be entered upon the journal
26 of the house of origin.

27 Rule 17

28 Fiscal Notes

29 A fiscal note shall be attached to any bill or
30 joint resolution which reasonably could have an annual

Page 11

1 effect of at least one hundred thousand dollars or a
2 combined total effect within five years after
3 enactment of five hundred thousand dollars or more on

4 the aggregate revenues, expenditures or fiscal
5 liability of the state or its subdivisions. This rule
6 does not apply to appropriation and ways and means
7 measures where the total effect is stated in dollar
8 amounts.

9 Each fiscal note shall state in dollars the
10 estimated effect of the bill on the revenues,
11 expenditures, and fiscal liability of the state or its
12 subdivisions during the first five years after
13 enactment. The information shall specifically note
14 the fiscal impact for the first two years following
15 enactment and the anticipated impact for the
16 succeeding three years. The fiscal note shall specify
17 the source of the information. Sources of funds for
18 expenditures under the bill shall be stated, including
19 federal funds. If the fiscal director cannot make an
20 accurate estimate, the director shall state the best
21 available estimate or shall state that no dollar
22 estimate can be made and state concisely the reason.

23 The preliminary determination of whether the bill
24 appears to require a fiscal note shall be made by the
25 legislative service bureau which shall send a copy of
26 the request to the legislative fiscal bureau unless
27 the requestor specifies the request is to be
28 confidential. Upon completion of the bill draft, the
29 legislative service bureau shall immediately send a
30 copy to the legislative fiscal director for review.

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1 When a committee reports a bill to the floor, the
2 committee shall state in the report whether a fiscal
3 note is or is not required.

4 The legislative fiscal director shall review all
5 bills placed on the senate or house calendars to
6 determine whether the bills are subject to this rule.

7 Additionally, a legislator may request the
8 preparation of a fiscal note by legislative fiscal
9 bureau for any bill or joint resolution introduced
10 which reasonably could be subject to this rule.

11 The legislative fiscal director shall cause to be
12 prepared and shall approve a fiscal note within a
13 reasonable time after receiving a request or
14 determining that a bill is subject to this rule. All
15 fiscal notes approved by the legislative fiscal bureau
16 director shall be transmitted immediately to the
17 secretary of the senate or the chief clerk of the
18 house, after notifying the sponsor of the bill that a

19 fiscal note has been prepared, for publication in the
20 daily clip sheet. The secretary of the senate or
21 chief clerk of the house shall attach the fiscal note
22 to the bill as soon as it is available.

23 The legislative fiscal director may request the
24 cooperation of any state department or agency in
25 preparing a fiscal note.

26 A revised fiscal note may be requested by a
27 legislator if the fiscal effect of the bill has been
28 changed by adoption of an amendment. However, a
29 request for a revised fiscal note shall not delay
30 action on a bill unless so ordered by the presiding

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1 officer of the house in which the bill is under
2 consideration.

3 If a date for adjournment has been set, then a
4 constitutional majority of the house in which the bill
5 is under consideration may waive the fiscal note
6 requirement during the three days prior to the date
7 set for adjournment.

8

Rule 18

9

Legislative Interns

10 Legislators may arrange student internships during
11 the legislative session with Iowa college, university,
12 or law school students, for which the students may
13 receive college credit at the discretion of their
14 schools. Each legislator is allowed only one intern
15 at a time per legislative session, and all interns
16 must be registered with the offices of the secretary
17 of the senate and the chief clerk of the house.

18 The purpose of the legislative intern program shall
19 be: 1) to provide useful staff services to
20 legislators not otherwise provided by the general
21 assembly; 2) to give interested college, graduate, and
22 law school students practical experience in the
23 legislative process as well as providing a meaningful
24 educational experience; and 3) to enrich the
25 curriculum of participating colleges and universities.

26 The secretary of the senate and the chief clerk of
27 the house or their designees shall have the following
28 responsibilities as regards the legislative intern
29 program:

30 1. Identify a supervising faculty member at each

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1 participating institution who shall be responsible for

2 authorizing students to participate in the intern
3 program.

4 2. Provide legislators with a list of
5 participating institutions and the names of
6 supervising professors to contact if interested in
7 arranging for an intern.

8 3. Provide interns with name badges which will
9 allow them access to the floor of either house when
10 required to be present by the legislators for whom
11 they work.

12 4. Provide orientation materials to interns prior
13 to the convening of each session.

14 Rule 19

15 Administrative Rules Review Committee Bills

16 A bill which relates to departmental rules and
17 which is approved by the administrative rules review
18 committee by a majority of the committee's members of
19 each house is eligible for introduction in either
20 house at any time and must be referred to a standing
21 committee, which must take action on the bill within
22 three weeks of referral, except bills referred to
23 appropriations and ways and means committees.

24 Rule 20

25 Time of Committee Passage and Consideration of Bills

26 1. This rule does not apply to concurrent or
27 simple resolutions, joint resolutions nullifying
28 administrative rules, senate confirmations, or bills
29 passed by both houses in different forms. Subsection
30 2 of this rule does not apply to appropriations bills,

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1 ways and means bills, legalizing acts, administrative
2 rules review committee bills, bills cosponsored by
3 majority and minority floor leaders of one house,
4 bills in conference committee, and companion bills
5 sponsored by the majority floor leaders of both houses
6 after consultation with the respective minority floor
7 leaders. For the purposes of this rule, a joint
8 resolution is considered as a bill. To be considered
9 an appropriations or ways and means bill for the
10 purposes of this rule, the appropriations committee or
11 the ways and means committee must either be the
12 sponsor of the bill or the committee of first referral
13 in the originating house.

14 2. To be placed on the calendar in the house of
15 origin, a bill must be first reported out of the
16 committee of first referral by Friday of the 10th week

17 of the first session and the 8th week of the second
18 session. To be placed on the calendar in the other
19 house, a bill must be first reported out of the
20 committee of first referral by Friday of the 13th week
21 of the first session and the 11th week of the second
22 session.

23 3. During the 11th week of the first session and
24 the 9th week of the second session, each house shall
25 consider only bills originating in that house and
26 unfinished business. During the 14th week of the
27 first session and the 12th week of the second session,
28 each house shall consider only bills originating in
29 the other house and unfinished business. Beginning
30 with the 15th week of the first session and the 13th

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1 week of the second session, each house shall consider
2 only bills passed by both houses, bills exempt from
3 subsection 2 and unfinished business.

4 4. A motion to reconsider filed and not disposed
5 of on an action taken on a bill or resolution which is
6 subject to a deadline under this rule may be called up
7 at any time before or after the day of the deadline by
8 the person filing the motion or after the deadline by
9 the majority floor leader, notwithstanding any other
10 rule to the contrary.

11

Rule 21

12

Resolutions

13 1. A "concurrent resolution" is a resolution to be
14 adopted by both houses of the general assembly which
15 expresses the sentiment of the general assembly or
16 deals with temporary legislative matters. It may
17 authorize the expenditure, for any legislative
18 purpose, of funds appropriated to the general
19 assembly. a concurrent resolution is not limited to,
20 but may provide for a joint convention of the general
21 assembly, adjournment or recess of the general
22 assembly, or requests to a state agency or to the
23 general assembly or a committee. A concurrent
24 resolution requires the affirmative vote of a majority
25 of the senators or representatives present and voting
26 unless otherwise specified by statute. A concurrent
27 resolution does not require the governor's approval
28 unless otherwise specified by statute. A concurrent
29 resolution shall be filed with the secretary of the
30 senate or the chief clerk of the house. A concurrent

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1 resolution shall be printed in the bound journal after

2 its adoption.

3 2. A "joint resolution" is a resolution which
 4 requires for approval the affirmative vote of a
 5 constitutional majority of each house of the general
 6 assembly. A joint resolution which appropriates funds
 7 or enacts temporary laws must contain the clause "Be
 8 It Enacted by the General Assembly of the State of
 9 Iowa.", is equivalent to a bill, and must be
 10 transmitted to the governor for his approval. A joint
 11 resolution which proposes amendments to the
 12 Constitution of the State of Iowa, ratifies amendments
 13 to the Constitution of the United States, proposes a
 14 request to Congress or an agency of the government of
 15 the United States of America, proposes to Congress an
 16 amendment to the Constitution of the United States of
 17 America, nullifies an administrative rule, or creates
 18 a special commission or committee must contain the
 19 clause "Be It Resolved by the General Assembly of the
 20 State of Iowa:" and shall not be transmitted to the
 21 governor. A joint resolution shall not amend a
 22 statute in the Code of Iowa.

23 Rule 22

24 Nullification Resolutions

25 A "nullification resolution" is a joint resolution
 26 which nullifies all of an administrative rule, or a
 27 severable item of an administrative rule adopted
 28 pursuant to chapter 17A of the Code. A nullification
 29 resolution shall not amend an administrative rule by
 30 adding language or by inserting new language in lieu

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1 of existing language.

2 A nullification resolution is debatable, but cannot
 3 be amended on the floor of the house or senate. The
 4 effective date of a nullification resolution shall be
 5 stated in the resolution. Any motions filed to
 6 reconsider adoption of a nullification resolution must
 7 be disposed of within one legislative day of the
 8 filing.

9 Rule 23

10 Consideration of Vetoes

11 1. The senate and house calendar shall include a
 12 list known as the "Veto Calendar." The veto calendar
 13 shall consist of:

- 14 a. Bills returned to that house by the governor in
 15 accordance with Article III, section 16 of the
 16 Constitution of the State of Iowa.
- 17 b. Appropriations items returned to that house by

18 the governor in accordance with Article III, section
19 16 of the Constitution of the State of Iowa.

20 c. Bills and appropriations items received from
21 the other house after that house has voted to override
22 a veto of them by the governor.

23 2. Vetoed bills and appropriations items shall
24 automatically be placed on the veto calendar upon
25 receipt. Vetoed bills and appropriations items shall
26 not be referred to committee.

27 3. Upon first publication in the veto calendar,
28 the senate majority leader or the house majority
29 leader may call up a vetoed bill or appropriations
30 item at any time.

Page 19

1 4. The affirmative vote of two-thirds of the
2 members of the body by record roll call is required on
3 a motion to override an executive veto or item veto.

4 5. A motion to override an executive veto or item
5 veto is debatable. A vetoed bill or appropriation
6 item cannot be amended in this case.

7 6. The vote by which a motion to override an
8 executive veto or item veto passes or fails to pass
9 either house is not subject to reconsideration under
10 senate rule 24 or house rule 73.

11 7. The secretary of the senate or the chief clerk
12 of the house shall immediately notify the other house
13 of the adoption or rejection of a motion to override
14 an executive veto or item veto.

15 8. All bills and appropriations items on the veto
16 calendar shall be disposed of before adjournment sine
17 die, unless the house having a bill or appropriation
18 item before it declines to do so by unanimous consent.

19 9. Bills and appropriations items on the veto
20 calendar are exempt from deadlines imposed by joint
21 rule 20.

Rule 24

General Assembly

Budget

22 The senate and the house shall each adopt by
23 resolution a budget for the payment of expenses,
24 salaries, per diem, and other items. Subsequent to
25 approval by the legislative council pursuant to
26 section 2.12, the senate and the house shall adopt by
27 concurrent resolution a budget for the central
28
29
30

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1 legislative staff agencies.

2 Rule 25

3 Smoking

4 Smoking shall not be permitted in any areas of the
5 capitol building controlled jointly by the senate and
6 the house. However, one house may designate smoking
7 areas within areas of the capitol building controlled
8 exclusively by that house.

On motion by Kremer of Buchanan, the following amendment
H-3001, was adopted by unanimous consent:

H-3001

1 Amend House Concurrent Resolution 7 as follows:

2 1. By striking page 5, line 4, through page 6,
3 line 9, and inserting the following: "judiciary and
4 ~~law-enforcement~~ committee of the house. Such
5 committee amendments shall not be incorporated into
6 the bill in the originating house but shall be filed
7 separately. Amendments to strike sections of the bill
8 or the committee amendments filed from the floor shall
9 be in order. Following amendment and passage by the
10 second house, only amendments filed ~~form~~ from the
11 floor which strike sections of the amendment of the
12 second house or amendments files filed from the floor
13 by the judiciary ~~or judiciary and law-enforcement~~
14 committee which perfect or strike sections of the
15 amendment of the second house shall be in order.

16 A bill recommended by the code editor which is
17 introduced by a committee of the house or senate
18 within the first four weeks of convening of a
19 legislative session and which contains code
20 corrections beyond those of a nonsubstantive nature
21 may be amended pursuant to amendments filed by the
22 judiciary committee of the senate or the judiciary and
23 ~~law-enforcement~~ committee of the house. Such
24 committee amendments shall not be incorporated into
25 the bill in the originating house but shall be filed
26 separately. Such a bill shall be limited to
27 corrections which: Adjust language to reflect current
28 practices, insert earlier omissions, delete
29 redundancies and inaccuracies, delete temporary
30 language, resolve inconsistencies and conflicts,
31 update ongoing provisions, and remove ambiguities.
32 Amendments to strike sections of the bill or the
33 committee amendments filed from the floor shall be in
34 order. Following amendment and passage by the second
35 house, only amendments filed from the floor which

36 strike sections of the amendment of the second house
37 or amendments filed from the floor by the judiciary or
38 judiciary and law enforcement committee which perfect
39 or strike sections of the of the amendment of the".

Rants of Woodbury moved the adoption of House Concurrent Resolution 7.

A non-record roll call was requested.

The ayes were 84, nays none.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 7** be immediately messaged to the Senate.

SPONSOR ADDED

(House Concurrent Resolution 4)

Hurley of Fayette, requested to be added as a sponsor of House Concurrent Resolution 4.

SUBCOMMITTEE ASSIGNMENTS

House File 3

State Government: Renken, Chair; Bernau and Disney.

House File 6

Human Resources: Carroll, Chair; Hurley and Moreland.

House File 11

Transportation: Brauns, Chair; Larkin and Main.

House File 17

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House File 20

Human Resources: Boddicker, Chair; Harper and Schulte.

House File 30

Natural Resources: Weidman, Chair; Huseman and O'Brien.

House Concurrent Resolution 4

State Government: Tyrrell, Chair; Bradley and Connors.

House Concurrent Resolution 6

Labor and Industrial Relations: Boddicker, Chair; Jochum and Renken.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 3**

State Government: Martin, Chair; Jacobs and Larkin.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

House File 15, a bill for an act relating to the juror source list by providing an additional date for updating the motor vehicle operators list and voter registration list, and deleting the reference to public utility customers lists as available comprehensive source lists.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 1995.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:17 p.m. until 8:30 a.m., January 13, 1995 at the Gaskell Room in the Veterans Memorial Auditorium, Des Moines.

JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

South Gaskell Room
Veterans Memorial Auditorium
Des Moines, Iowa, Friday, January 13, 1995

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

Prayer was offered by the Honorable Richard Vande Hoef, state representative from Osceola County.

The Journal of Thursday, January 12, 1995 was approved.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Kremer of Buchanan, Garman of Story and Jochum of Dubuque.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

The joint convention reconvened at the auditorium, south Gaskell Room at 8:52 a.m., President Boswell presiding.

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

President Boswell declared a quorum present and the joint convention duly organized.

The report of the canvass of the vote was read by the Secretary of the joint convention as follows:

MR. PRESIDENT AND GENTLEMEN AND LADIES OF THE JOINT CONVENTION:

Your tellers, appointed by the President of the Senate and the Speaker of the House of Representatives to canvass the vote cast for candidates for Governor and Lieutenant Governor at the election held November 8, 1994, beg leave to make the following report of the total vote cast for Governor:

Terry E. Branstad.....	566,395
Bonnie J. Campbell	414,453
Richard O'Dell Hughes.....	5,505
Veronica Wells Butler.....	3,737
Carl E. Olsen.....	2,772
Scattering.....	4,386

And the total vote cast for Lieutenant Governor at the election held November 8, 1994:

Joy Corning	566,395
Leonard L. Boswell	414,453
Monica Davis	5,505
Robert Stowe	3,737
Brenda Carey	2,772
Scattering	2,990

All of Which is most respectfully submitted.

BILL FINK
Teller of the Senate
RODNEY N. HALVORSON
Assistant Teller
WILMER RENSINK
Assistant Teller

DWIGHT L. DINKLA
Teller of the House
GERALD E. CORNELIUS
Assistant Teller
RICHARD L. LARKIN
Assistant Teller

ELIZABETH A. ISAACSON
Secretary of the Joint Convention

Senator Fink of Warren moved that the report be adopted.

The motion prevailed and the report was adopted.

President Boswell of the joint convention announced that the Honorable Terry E. Branstad and the Honorable Joy Corning, having received the highest number of votes cast for Governor and Lieutenant Governor of the State of Iowa, respectively, for the ensuing term, or until a successor is duly elected and qualified.

The following certificates were signed in the presence of the joint convention:

CERTIFICATE OF ELECTION
STATE OF IOWA
GENERAL ASSEMBLY
HALL OF THE HOUSE OF REPRESENTATIVES

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Seventy-sixth General Assembly of the State of Iowa, of all the votes cast at the general election held November 8, 1994, for the office of Governor of the State of Iowa, it appeared that Terry E. Branstad received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Thirteenth day of January, A.D., 1995.

RON J. CORBETT
Speaker of the House
BILL FINK

Teller of the Senate
DWIGHT DINKLA
Teller of the House
ELIZABETH A. ISAACSON
Chief Clerk of the House and Secretary of the Joint Convention

LEONARD L. BOSWELL
Presiding Officer of the
Joint Convention

CERTIFICATE OF ELECTION
STATE OF IOWA
GENERAL ASSEMBLY
HALL OF THE HOUSE OF REPRESENTATIVES

GREETING:

This is to certify that upon a canvass in Joint Convention of the two Houses of the Seventy-sixth General Assembly of the State of Iowa, of all the votes cast at the general election held November 8, 1994, for the office of Lieutenant Governor of the State of Iowa, it appeared that Joy Corning received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Thirteenth day of January, A.D., 1995.

RON J. CORBETT
Speaker of the House
BILL FINK

Teller of the Senate
DWIGHT DINKLA
Teller of the House
ELIZABETH A. ISAACSON
Chief Clerk of the House and Secretary of the Joint Convention

LEONARD L. BOSWELL
Presiding Officer of the
Joint Convention

President Boswell then directed that the abstract of votes and certificates of election be filed with the Secretary of State.

Senator Horn of Linn moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Terry E. Branstad and Lieutenant Governor Joy Corning of the official result of the canvass of votes.

The motion prevailed and the President named as such committee Senators Fink of Warren, Halvorson of Webster and Maddox of Polk, on the part of the Senate and Representatives Drake of Pottawattamie, Schulte of Linn and Nelson of Pottawattamie, on the part of the House.

The Joint Convention stood at ease at 9:00 a.m., until the fall of the gavel.

The Joint Convention reconvened at 9:10 a.m., Husak of Tama presiding.

REPORT OF COMMITTEE

Senator Fink of Warren from the joint committee appointed to notify Terry E. Branstad and Joy Corning of their election to the office of Governor and Lieutenant Governor of Iowa, respectively, submitted the following report and moved its adoption:

REPORT OF COMMITTEE

MR. PRESIDENT: As a committee appointed at the Joint Convention to notify the Honorable Terry E. Branstad and the Honorable Joy Corning of their election to the office of Governor and Lieutenant Governor, respectively, we beg leave to report that we have performed the duty assigned to us and that they stand ready to assume duties of the offices to which they were elected.

Respectfully submitted,

JACK DRAKE
LYNN SCHULTE
LINDA NELSON

BILL FINK
ROD HALVORSON
O. GENE MADDOX

The motion prevailed and the report was adopted.

The Joint Convention stood at ease and proceeded to the floor of the auditorium for the inauguration of Governor Terry E. Branstad and Lieutenant Governor Joy Corning.

The Joint Convention reconvened at 9:50 a.m., President Boswell presiding.

Musical accompaniment was provided by the Sioux City Heelen High School Concert Band, Winterset High School Chamber Choir and "New Creation".

The family of Lieutenant Governor Corning was escorted to their seats.

The family of Governor Terry E. Branstad was escorted to their seats.

Members of the 1995 Inaugural Committee were escorted to their seats.

Reverend Daniel Kucera and Reverend Linda Carder were escorted to the rostrum.

Chief Justice Arthur A. McGiverin was escorted to the rostrum.

The Legislative Inaugural Committee, consisting of Senators Priebe of Kossuth, Bisignano of Polk, Sorensen of Boone, Bennett of Ida, Maddox of Polk and McKean of Jones, on the part of the Senate and Representatives Garman of Story, Larson of Linn, Lamberti of Polk, Connors of Polk, Mertz of Kossuth and Schrader of Marion, on the part of the House were escorted to the front of the rostrum.

Lieutenant Governor Joy Corning was escorted to the rostrum.

Governor Terry E. Branstad was escorted to the rostrum.

The colors were advanced by the Iowa National Guard.

The National Anthem was sung by Denise Shipler of Burt.

The Invocation was delivered by Reverend Daniel Kucera, Archbishop of the Dubuque Diocese.

The oath of office was administered to Lieutenant Governor Joy Corning by Chief Justice Arthur A. McGiverin, assisted by Carol Hallquist, Claudia Peyton and Ann Jones, the daughters of Lieutenant Governor, Corning.

President Boswell presented Lieutenant Governor Joy Corning, who offered the following remarks:

Governor Branstad, President Boswell, Speaker Corbett, Chief Justice McGiverin, Justices and Judges, State officials, Senators and Representatives, Distinguished Guests, Family and Friends,

In his Condition of the State message on Tuesday, Governor Branstad focused on Iowa pride, progress, and opportunity. And he emphasized that we want Iowans to feel safer and we want Iowans to build even stronger families.

I see the faces of Iowans gathered here today—young faces, middle-aged faces, children's faces (my own grandchildren's faces), and the faces of older Iowans, the elderly. Your faces—and those of all of our neighbors and friends and relatives—remind me of the abiding pride we have in Iowa people. The Governor and I continually boast of your solid, common sense values, your commitment to responsibility and your care and concern for others.

When I see your faces, I am also reminded of where, indeed, I focus my visions and hopes for a safe, secure, loving, nurturing environment.

I want you and you and each one of you to feel accepted and nurtured and to have the opportunity to reach your full potential as an informed and contributing and effective citizen of our state.

I want that for you whether you are a Jew, a Muslim, a Christian, a Latino, a Caucasian, an African-American, a Southeast Asian, a Native American — whether you live in cities or on farms — whether you are rich or poor, disabled, or differ in your family structure.

All of my adult life—and now, with great commitment during the past four years in this office—

- I have worked with concerned citizens to strengthen and protect the children and families of our state.
- I have worked with citizens to foster acceptance of all people of our state.
- I intend to continue these vital initiatives the next four years, to explore and augment avenues that prevent the problems that devastate lives and eat away at our valuable resources. And I invite and challenge all Iowans to participate in these efforts.

I have other special projects that would fit under these umbrellas, though their titles might suggest yet other goals:

- my workplace literacy project

- chairing the Council on Human Investment
- and chairing the Governor's Cultural Coalition, to name a few.

I intend to enthusiastically continue these also, with renewed vigor and commitment. And, again, I invite your support.

Together we make Iowa the beautiful, bountiful haven that is our home, the place of our grounding, and the land that reverberates our heartbeats and nurtures our highest hopes.

The Children's Choir of Greater Des Moines, presented the songs: The Song of Iowa and America the Beautiful.

The oath of office was administered to Governor Terry E. Branstad by Chief Justice Arthur A. McGiverin, assisted by Mrs. Chris Branstad.

President Boswell presented Governor Terry E. Branstad, who delivered the following inaugural address:

President Boswell, Speaker Corbett, Lieutenant Governor Corning, Chief Justice McGiverin, Justices and Judges, State Officials, Senators and Representatives, Distinguished Guests, Family and Friends.

Each and every time I have recited that oath to uphold our constitution and serve as your Governor, I am awestruck. Goosebumps still run up and down my spine as I think of my place in the long line of distinguished citizens who have served as Chief Executive of this Great State we call Iowa.

They and I have been entrusted by the people to lead this state. From Ansel Briggs to Bob Ray, they have helped mold this land between two great rivers into a special place on God's earth. Through the fickle winds of blizzards and heat, floods and drought, have emerged a unique people. A people who steward the land and feed the world; a people who love God and help their neighbors; a people who understand their place in the world and have the most uncommon, common sense.

I am humbled and honored to be called by those people to serve as their Governor. I thank you for giving me the opportunity to serve you and I gratefully accept the challenge you have bestowed upon me. I pray, and I ask for your prayers, that God will grant me the wisdom to lead this state to its brightest days.

Can we make these years before us the best in our state's history? Just as our ancestors tamed the prairie, can we take the future and make it our own? Can we chop away the underbrush of yesterday's yearnings and resist the modern day temptation to follow blind paths? Of course we can. Of course we will. But we must take a clear-eyed view of who we are and where we are and dare to dream of what we can be.

Who are we? We are first and foremost good people. We believe that certain values are good and right: hard work, honesty, a belief in God, and a commitment to public service. We were all taught these values and they bubble forth in all of us like a spring on a hillside. We may not have known it as kids, but those things that are parents and teachers instilled in us are the heart and soul of what it means to be an Iowan.

We are a people with a deep faith in the value of a good education. We learned early that fortunes can be lost with the shift of the wind. But, as my mother would tell me over and over, "They can never take an education away from you." We know that the education of our children is the ticket to our future and from the one-room township schoolhouse to the fiber optic network, we have never doubted our faith in education.

We are good stewards of the land; with reverence for the natural resources from which grows our productivity. Whether we live in city or country, apartment or farmhouse, we are not far from the land. We understand its bounty is our bounty — its loss our loss. Our values are grounded in the deep black earth that covers this great state.

We are a people committed to quality. From John Deere to Maytag; Winnebago to Pella Corporation, people all over the world know that Iowa means quality and Iowa products are the best on the market. The productivity and skill of our workers in Iowa gets the job done right, the first time.

Iowa is a state of neighbors, and families and small communities. It is a place where we bring over food for the neighbor who is sick; harvest the crops for the family who's suffered a tragedy; cheer on the high school basketball team every Friday night. In Iowa, we are still connected to each other in bonds of friendship, compassion, and civility.

In short, Iowans are good people, with good values rooted in the land, a deep faith in education, and a commitment to quality. Iowans are good neighbors. devoted family members, and active citizens of small communities. That is who we are.

Where are we? In Iowa, we are in the center of things. Smack dab in the center of North America — in the center of our nation. That placement makes us aware and affected by the world around us. We know that what happens in Russia impacts us in Moscow, Iowa. We know that free and open trade means bread on the table of our farm families. We know that our lives and our fortunes are swayed by trends and pressures outside of us and over which we have little control.

Economically, we are strong, with our bins busting, our coffers full, and more people working than ever before in our history. With the world poised to open its borders to trade, Iowa stands to reap untold economic benefits. Rapid changes in technology are shortening distances and allowing Iowans in Madrid to compete with people in Madrid. We live in a time when hard work, quality, and good communities are rare commodities as never before. Iowa stands poised for great opportunities.

Today, who we are — our values and our people — and where we are — in the center of things poised for opportunity — provide us with our greatest opportunities and our greatest challenges.

Our values are in short supply in the world today and that makes them more valuable and attractive. Yet, they are founded on the farm — and the farm is changing. They are framed by the family — and the family unit is stressed. They are connected to the community — and our communities are challenged. Being in the center of things gives us an awareness and an ability to compete in the world marketplace. But we cannot let being in the center of things make us satisfied to be in the middle of the pack.

No, we must dare to dream what kind of state, what kind of people we can be and have the courage to take the steps to get there. The winds of change that sweep this country's plains sweep Iowa, too. We cannot build mountains or walls to keep them out.

Our challenge is to take the best of our past and mold it into a bright future.

It won't be easy. Many of our farms and farmers are stretched to the limit trying to compete with the forces of modern agriculture. Some would like to turn back the clock and legislate away competition. But if we do that, we would be signing our state's economic death warrant. Instead, we need to give our farmers the tools, the products, and the knowledge to compete with anyone in the world.

Many of our families are stressed and near breaking. Some would want government to substitute itself for the family as the glue that holds our society together. But that has proven only to speed up the breakdown of families. Instead, we must place more emphasis on personal and family responsibility, not government sponsored dependency.

Some of our communities are having a tough time coping with a rapidly changing economy. For those, we need to train new leaders, break down the barriers of distance with new technology, and energize the community into building its own future. I will not rest until every part of this state is growing again.

Even the insidious forces of crime seem to be seeping, into some of our proud and safe communities. Our challenge is to stop it and stop it now. When I was young, we lived along highway sixty-nine, and even with that, we didn't lock the doors at night — we didn't even have locks on the doors. When you and I were the age of the children seated in the balcony here today, we could play in the streets without worry. And the thought of injury at school didn't expand beyond the class bully. Iowa can and will return to that gentler era when the dark of night meant peaceful rest and the break of dawn meant peace of mind. We will do it not by coddling the criminal, but by making punishment clear, swift and tough.

As a state, we, too, must not simply sit on the status quo. Sure, our budget is balanced, but there is more to governing than that.

We must remake and continuously improve state government so that it is doing, only what it needs to do and is doing that well.

We cannot afford a tax structure that punishes production and penalizes success. Income taxes and property taxes must be cut and our commitment to education must reach historic highs.

In short, our state must stand-out if we dare to compete. We have the resources — land, people, intelligence, communities — to best anyone, anywhere. If government removes the lead-weights from the legs of Iowans and trains them with the best education system in the world, no one will stop us.

- Our standard of living will rise.
- Our family incomes will shoot up.
- Our exports will take off.

- Our communities will grow.
- Iowa will be the best that it can be.

As your Governor, I will dedicate my next four years to making this dream a reality. But I will need your help. The help of my good friend and partner, Joy Corning, whose advice and calm voice of reason I value. The help of my family — Chris, Eric, Allison, and Marcus — who have all sacrificed so much and given me their unselfish support and love.

The help of the good people of Iowa who have entrusted me with the responsibilities of leadership.

This is a new day in Iowa, new times, with new challenges. And the same old Governor, with the same old principles and the same old values. Well, I don't plan to change my values or my principles — they, like the values of all Iowans, are rooted in the good earth of our state.

But like the people of this state, I plan to use those old-fashioned values and principles to lead Iowa to a bright future.

The future is history we now have a chance to write. My goal is to have the future historians of this state say this about my service as your Governor, "He embraced the traditional values of Iowa's past; faced squarely the challenges of his day; and led Iowa to its most promising future." With your help, I will reach that my most important goal, I have ever set.

Thank you and God bless you.

The benediction was offered by the Reverend Linda Carder of Des Moines.

Governor Terry E. Branstad and Lieutenant Governor Joy Corning were escorted from the rostrum.

Siegrist of Pottawattamie moved that the Joint Convention be now dissolved at 10:46 a.m., which motion prevailed.

The House reconvened at 10:47 a.m., Speaker Corbett in the chair.

Siegrist of Pottawattamie moved that the House adjourn at 10:48 a.m., until 11:00 a.m., Tuesday, January 17, 1995.

INTERIM COMMUNICATIONS RECEIVED

The following communications were received during the interim and filed in the office of the Chief Clerk:

AUDITOR OF STATE

The single audit of the State of Iowa covering the fiscal year ended June 30, 1993, pursuant to Chapter 11.25(1), Code of Iowa.

The Audit Report for the Department of Revenue and Finance (Lottery Division) for the quarter ending June 30, 1994, pursuant to Chapter 99E.11, Code of Iowa.

BOARD OF REGENTS

A report relating to Student Financial Aid Study, pursuant to Chapter 1193.9(1)(1), 1994 Acts of the Seventy-fifth General Assembly.

A report on the progress of Regents institutions in meeting the Strategic Plan for Technology Transfer and Economic Development, pursuant to Chapter 1201.25, 1994 Acts of the Seventy-fifth General Assembly.

CITIZEN'S AID/OMBUDSMAN

The 1993 Annual Report, pursuant to Chapter 2C.18, Code of Iowa.

The Oath of Office and appointment of Duncan C. Fowler as Deputy Citizen's Aid/Ombudsman, pursuant to Chapter 2C.6, Code of Iowa.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

A Progress Report relating to Soy Diesel Demonstration Projects, pursuant to Chapter 1119.32 (1), 1994 Acts of the Seventy-fifth General Assembly.

A report by the Office of Renewable Fuels and Co-Products relating to the Rural Economic Value-Added Mentoring Program, pursuant to Chapter 1119.20, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF CORRECTIONS

A report relating to Comparison of Programs for Male and Female Inmates, pursuant to Chapter 1196.4(1)(h), 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF CULTURAL AFFAIRS

The 1994 Annual Report, pursuant to Chapter 7E.5, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

A Report on the Microbusiness Rural Enterprise Demonstration Project, pursuant to Chapter 1119.34(5), 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF HUMAN RIGHTS

Division of Community Action Agencies

An evaluation of Weatherization/Rehabilitation Funding Options, pursuant to Chapter 1192.4, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF HUMAN SERVICES

Division of Mental Health and Developmental Disabilities, The Annual Report, pursuant to Chapter 225C.6(i), Code of Iowa.

A report by the State-County Management Committee, pursuant to Chapter 1163.2(3)(a), 1994 Acts of the Seventy-fifth General Assembly.

The report on the Personal Assistants Services Program, pursuant to Chapter 1041.5(1)(c), 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF INSPECTIONS AND APPEALS

The Annual Report for Fiscal Year 1994, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF JUSTICE

The Final Report of the Task Force on Mental Illness Intervention by Law Enforcement, pursuant to Chapter 1081.1, 1994 Acts of the Seventy-fifth General Assembly.

The Prosecutor Intern Program Annual Report for Fiscal Year 1994, pursuant to Chapter 13.2(12), Code of Iowa.

DEPARTMENT OF MANAGEMENT

A summary of the Fiscal Year 1996 Budget and Department Requests, submitted to the Legislative Service Bureau, pursuant to Chapter 8.35A (2), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

The Groundwater Program Status Report from July 1, 1992 to June 30, 1993, pursuant to Chapter 455E.8, Code of Iowa.

The Annual Report for Fiscal Year 1993, pursuant to Chapter 7E.3(4), Code of Iowa.

The Energy Fund Disbursement Council Annual Report, pursuant to Chapter 93.11, Code of Iowa.

A report relating to Water Quality in Iowa during 1992 and 1993; also a report relating to Water Quality in Iowa During 1992 and 1993: Assessment Results, pursuant to Chapter 305(b), Federal Clean Water Act.

The 1994 Annual Report of Registry of Hazardous Waste or Hazardous Substance Disposal Sites, pursuant to Chapters 455B.425 and 455B.427, Code of Iowa.

A report relating to Toxic Cleanup Days, pursuant to Chapter 455F.8, Code of Iowa.

DEPARTMENT OF PERSONNEL

The 1994 Affirmative Action in Iowa Report, pursuant to Chapter 19B.5, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Division of Substance Abuse and Health Promotion

A report relating to Iowa's Behavioral Risk Factor Survey, pursuant to Chapter 125.9(6), Code of Iowa.

A report of the Home Care Aide/Chore Program, pursuant to Chapter 170.4(4)(d)(5), 1993 Acts of the Seventy-fifth General Assembly.

The Public Health Nursing Annual Report, pursuant to Chapter 170.4, (4)(c)(6), 1993 Acts of the Seventy-fifth General Assembly.

The Annual Report for Fiscal Year 1993, pursuant to Chapter 135.11, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

The Annual Report for Fiscal Year 1994, pursuant to Chapter 100.33, Code of Iowa.

A Report on Hate/Bias Crime, pursuant to Chapter 729A, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The Annual Report of Highway Research and Development in Iowa, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

The Annual Sufficiency Rating Report, showing the relative conditions of the primary roads, pursuant to Chapter 307A.2(12), Code of Iowa.

A report entitled "1995-1999 Transportation Improvement Program, pursuant to Chapter 307 A.2(12), Code of Iowa.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

The Annual Report of the Drug Enforcement and Abuse Prevention Coordinator, pursuant to Chapter 80E.1(2)(b), Code of Iowa.

IOWA COMMISSION OF PERSONS WITH DISABILITIES

The Annual Report, pursuant to Chapter 216A, Code of Iowa.

IOWA COMMUNICATIONS NETWORK

A Report of Review of Maintenance Contract, pursuant to Chapter 1184.5, 1994 Acts of the Seventy-fifth General Assembly.

Part III Request for Proposal by the Iowa Telecommunications and Technology Commission, pursuant to Chapter 1184.3(e)(3), 1994 Acts of the Seventy-fifth General Assembly.

IOWA HEALTH DATA COMMISSION

A report concerning public policy issues involving health, pursuant to Chapter 1200.4(1)(d), 1994 Acts of the Seventy-fifth General Assembly.

IOWA HIGHER EDUCATION LOAN AUTHORITY

The Annual Report, pursuant to Chapter 261A.21, Code of Iowa.

IOWA STATE UNIVERSITY

A report relating to the Ethanol Production and Livestock Feeding Project, pursuant to Chapter 1119.33(3), 1994 Acts of the Seventy-fifth General Assembly.

IOWA UTILITIES BOARD

A report relating to Nonrate-Regulated Utility Energy Efficiency Plans; Trends and Intended Activities, pursuant to Chapter 476.2(6), Code of Iowa.

The 1993 Annual Report, pursuant to Chapters 7A.1, 7A.10 and 476.16, Code of Iowa.

IOWA RESOURCE ENHANCEMENT AND PROTECTION

A report on the work of the 1994 REAP Congress, pursuant to Chapter 455A.17.3, Code of Iowa.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

The Annual Report for Fiscal Year 1993, pursuant to Chapter 411.5(6)(a), Code of Iowa.

UNIVERSITY OF NORTHERN IOWA

The Annual Report of the Institute for Decision Making, pursuant to Chapter 268, Code of Iowa.

STATE OF CALIFORNIA

Senate Joint Resolution 44, relating to the 10th Amendment and demanding that the federal government cease and desist mandates that are beyond the scope of constitutionally delegated powers.

STATE OF COLORADO

House Joint Resolution 94-1026, relating to the presence of American servicemen who were listed as prisoners of war or missing in action being held against their will in the Southeast Asian nation.

House Joint Resolution 94-1027, relating to legal action by the Colorado Attorney General to challenge federal authority over states.

STATE OF ILLINOIS

Senate Resolution 1279, relating to the 10th Amendment of the United States Constitution and urging the United States Congress to cease and desist, effective immediately, mandates that are beyond the scope of its delegated powers.

House Joint Resolution 86, relating to the presence of American servicemen who were listed as prisoners of war or missing in action being held against their will in the Southeast Asian nation.

House Resolution 2540, relating to the 10th Amendment and demanding that the federal government cease and desist mandates that are beyond the scope of constitutionally delegated powers.

STATE OF KENTUCKY

Senate Resolution 32, relating to the 10th Amendment and demanding that the federal government cease and desist mandates that are beyond the scope of constitutionally delegated powers.

STATE OF LOUISIANA

House Resolution 1, relating to the 10th Amendment and demanding that the federal government cease and desist mandates that are beyond the scope of constitutionally delegated powers.

Senate Concurrent Resolution 11, proposing an amendment to the Constitution of the United States which would provide that no federal tax shall be imposed for the period before the date of the enactment of the tax.

STATE OF MISSOURI

Senate Concurrent Resolution 21, requesting appropriate action by the United States Congress to prohibit the federal government from requiring the states to pay the cost of new or increased programs or activities.

STATE OF NEVADA

Resolution 94-45, Nye County Board of Commissioners, relating to the 10th Amendment and demanding that the federal government cease and desist mandates that are beyond the scope of constitutionally delegated powers.

STATE OF TENNESSEE

Senate Joint Resolution 372, urging the United States Congress to propose an amendment to the Constitution of the United States providing that no court shall have the power to levy or increase taxes.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1994-231 Sister Mary Lee Cox, Holy Ghost School – For being selected D.A.R.E. Teacher of the Year.
- 1994-232 Jana Bryant, Marshalltown – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1994-233 Justin Cox, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-234 Kristen Eastvedt, Kennedy School, Dubuque – For winning first place in the Junior Division of the Group Media category of the Area Education Agency Regional History Day Contest.

- 1994-235 Amanda Buelow, Kennedy School, Dubuque –For winning first place in the Junior Division of the Group Media category of the Area Education Agency Regional History Day Contest.
- 1994-236 Elizabeth Sinnard, Kennedy School, Dubuque –For winning first place in the Junior Division of the Group Media category of the Area Education Agency Regional History Day Contest.
- 1994-237 Jay Sheley, Guthrie Center – For his twenty-nine years of service to the Guthrie County Soil Conservation Service.
- 1994-238 Jana Bryant, Marshalltown – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1994-239 Erica Anne Eaton, Clive – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1994-240 Makeda Reed, Des Moines – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1994-241 Daniel Roberts, Dunlap – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-242 Jeff Zwagerman, Sibley-Ocheyedan Community School District – For winning a FINE Award for their “May Term” recognition project.
- 1994-243 Esther May Willis – For recognition of her one-hundredth birthday, May 21, 1994.
- 1994-244 Steve Connelly, Lansing – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-245 Matt Troendle, Lansing – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-246 Tony Seitz, Lansing – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-247 Norma Haskens, Dubuque – For her twenty-four years of service to Education at Holy Ghost School.
- 1994-248 Barb Roling, Dubuque – For her time and dedication to the Marsville Project.
- 1994-249 John L. Villotti – For receiving the 1994 National PTA Phoebe Apperson Hearst Educator of the year Award.

- 1994-250 Krissy Rydell, Waterloo Columbus High School – For winning the Girls 2A Tennis Doubles Championship.
- 1994-251 Jamie Cahill, Waterloo Columbus High School – For winning the Girls 2A Tennis Doubles Championship.
- 1994-252 Jeff Merry, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-253 National Association of Letter Carriers, Local 257 of Dubuque – For the collection of food items for elderly and low income residents of Dubuque.
- 1994-254 Mary Huber, Cedar Falls – For being named the 1994 National Art Museum Educator of the Year.
- 1994-255 Jan Madson, Hudson – For receiving the 1994 Excellence in Caring Award from the Iowa Nurses Association.
- 1994-256 Bernie and Linda Ceilley – For receiving the Harriman Award for Distinguished Volunteer Service from the National Red Cross.
- 1994-257 Kris Koehn, Williamsburg High School – For winning the 1994 Class 1A Girls' Team State Golf Championship.
- 1994-258 Rocio Balderrama, Williamsburg High School – For winning the 1994 Class 1A Girls' Team State Golf Championship.
- 1994-259 Julie Knudsen, Williamsburg High School – For winning the 1994 Class 1A Girls' Team State Golf Championship.
- 1994-260 Darcy Driscoll, Williamsburg High School – For winning the 1994 Class 1A Girls' Team State Golf Championship.
- 1994-261 Beth Driscoll, Williamsburg High School – For winning the 1994 Class 1A Girls' Team State Golf Championship.
- 1994-262 Girls' Golf Team, Williamsburg High School – For winning the 1994 Class 1A Girls' Team State Golf Championship.
- 1994-263 Ken Thimmesch, Williamsburg High School – For his coaching of and guidance to the winning team of the 1994 Class 1A Girls' Team State Golf Championship.
- 1994-264 Jenni Wedemeyer, Guthrie Center Community High School – For winning the 1994 Class 1A Girls' Team State Golf Championship.

- 1994-265 Julie Vandevanter, Guthrie Center Community High School – For winning the 4x100, 4x200, and 4x400 Relays at the State Track Meet.
- 1994-266 Jess Lewis, Guthrie Center Community High School – For winning the 4x100, 4x200, and 4x400 Relays at the State Track Meet.
- 1994-267 Katie Lewis, Guthrie Center Community High School – For winning the 4x100, 4x200, and 4x400 Relays at the State Track Meet.
- 1994-268 Sunny Gonzales, Guthrie Center Community High School – For winning the 4x100, 4x200, and 4x400 Relays at the State Track Meet.
- 1994-269 Diana Lam, Dubuque – For her committment to quality education for the children of the Dubuque Community School District.
- 1994-270 Raja Chari – For being the 1994 Governor of the Iowa American Legion Boys State.
- 1994-271 Reverend Monsignor James Barta, Dubuque – For his dedicated service to the Loras College and Dubuque Communities.
- 1994-272 Sibley State Bank, Harris Kruse, President, Sibley – For its 100 years of service to the residents of Sibley and Osceola County.
- 1994-273 Scott John Sjobakken, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-274 Jacob Martzahn, Le Claire, – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-275 Trisha Allen, Council Bluffs – For being named to the Academic All-American third team in the womens university division.
- 1994-276 Northeast Council on Substance Abuse (Babes) – For recognition of the First Annual Parents Day.
- 1994-277 Parent Education, Parent Support – For recognition of the First Annual Parents Day.
- 1994-278 Family and Childrens' Council – For recognition of the First Annual Parents Day.
- 1994-279 Parent to Parent – For recognition of the First Annual Parents Day.
- 1994-280 Andrea Boston, Adel – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.

- 1994-281 Jerry Freestone, Adel – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-282 Joe Orton, Adel – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-283 Mandi Pitsenbarger, Perry – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-284 Mike Byers, Maxwell – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-285 Cory Constable, Runnells – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-286 Karie Fick, Mitchellville – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-287 Dustin DeRead, Colfax – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-288 Nikkie Lyon, Danville – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-289 Mindie Reece, Fort Madison – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-290 Seth McCabe, Emmetsburg – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-291 Nathan Reese, Swea City – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-292 Ann Wolf, Ottumwa – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-293 Dusty DeBoit, Council Bluffs – For participating in the National High School Rodeo Finals held in Gillette, Wyoming.
- 1994-294 Mike Armstrong, Central City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-295 Dr. Carl Heinrich, Council Bluffs – For his years of service to Iowa Western Community College and the people of Southwest Iowa.

- 1994-296 Scott Boston, Marshalltown – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-297 D.J. Trettin, Grafton – For his extraordinary rescue efforts which saved the life of his younger brother Jacob.
- 1994-298 Ray Steveson Jr., Marshalltown – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-299 John Jero, Marshalltown – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-300 Blair Hansen, Hudson High School – For leadership in advocating Iowa Juvenile Justice Legislation, 1993-1994.
- 1994-301 Brenda Blockhus, Hudson High School – For leadership in advocating Iowa Juvenile Justice Legislation, 1993-1994.
- 1994-302 Lynn Petersen and the 1993-94 Government Classes, Hudson High School – For leadership in advocating Iowa Juvenile Justice Legislation, 1993-1994.
- 1994-303 Brian Dellaert, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-304 David Theobald, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-305 Roscoe and Neva Maggard, Colfax – For celebrating their sixtieth wedding anniversary.
- 1994-306 Kevin Bresnahan, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-307 Jake Beneke, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-308 Chad McCollough, Vail – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-309 Jeff Schmitz, Westside – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-310 Diane Weitz, Principal of Carter Lake Elementary School – For being chosen to receive a Milken Family Foundation National Educator Award for her “successful strategies for involving parents in the education of their children”.

- 1994-311 Tracy Schmidt, Monticello – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-312 Gordon Dirks, Monticello – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-313 Travis Edwards, Monticello – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-314 Cindy Winckler, Davenport – For being elected the National President of Business and Professional Women.
- 1994-315 Dale Stentz, Marion – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-316 Nathan Cunningham, Springville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-317 Rodney L. Carlson, Neola – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-318 William C. Brown Companies, Dubuque – For their fifty years of innovative dedication and service to Dubuque and the United States by producing quality education textbooks.
- 1994-319 Scott Henderson, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-320 Shawn Henderson, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-321 Kevin Emmert, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-322 Lee Potter, Dubuque – For receiving the Youth Care Worker of the Year Award for his work with the Coalition for Families and Childrens Services.
- 1994-323 Justin Weis, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-324 Benjamin Kowalczyk, Bettendorf – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-325 Caroline Barker, Le Mars – For celebrating her one hundredth birthday.
- 1994-326 David Zoll, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1994-327 Matthew Elder, Council Bluffs – For celebrating his ninetieth birthday.
- 1994-328 Josh Bottorff, Decorah – For winning the 1994 Men's Cross Country Northeast Iowa Conference Championship.
- 1994-329 Doug Dehrkoop, Marshalltown – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-330 Dusty Juhl, Atlantic – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-331 Eric Abel, Walnut – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-332 Kasey Nash, Walnut – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-333 Yolanda Mason, Ottumwa – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1994-334 Daris Tweed, Thompson – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-335 Travis Liles, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-336 Jennifer Lamoreux, Sioux City – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1994-337 Travis Michael Tweed, Thompson – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-338 Adam W. Mangold, Coggon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-339 Elizabeth A. Isaacson, Chief Clerk, Iowa House of Representatives – For her twenty years of dedication and service to the Student Legislature.
- 1994-340 Rita J. Stark, Dubuque – For her twelve years of public service as Director of Nursing at Sunnycrest Manor.
- 1994-341 Clint Dudley, Dyersville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-342 Terry Demmer, Dyersville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1994-343 Adam Bredahl, Thomas Jefferson High School – For being named to the Des Moines Register's Third Team All-State Football Team.
- 1994-344 Tonia Tauke, Abraham Lincoln High School – For being named to the Des Moines Register's Third Team All-State Volleyball Team.
- 1994-345 Christine Lam, Abraham Lincoln High School – For being named to the Des Moines Register's Fifth Team All-State Volleyball Team.
- 1994-346 Jason Tindall, Abraham Lincoln High School – For being named to the Des Moines Register's Second Team All-State Football Team.
- 1994-347 Dan Hadenfeldt, West Des Moines Valley High School – For being named Second Team All-State Placekicker on the INA All-State Football Team.
- 1994-348 Jason Matiyou, Lewis Central High School – For being named to the Des Moines Register's First Team All-State Football Team.
- 1994-349 Chad Deal, Lewis Central High School – For being named to the Des Moines Register's First Team All-State Football Team.
- 1994-350 Brian Otterpohl, Missouri Valley High School – For being selected to the 1994 INA Second Team All-State Football Team.
- 1994-351 Joel E. Harmsen, Marshalltown – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-352 Richard Bakey, Dubuque – For his twenty-nine years of service as an Iowa State Trooper.
- 1994-353 Isaac F. Flake, Wilton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1994-354 Michael Sammons, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 13

Ways and Means: Drake, Chair; Jochum and Van Fossen.

House File 19

Ways and Means: Drake, Chair; Jochum and Van Fossen.

House File 21

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 5

Ways and Means: Larson, Chair; Brammer and Lamberti.

House Study Bill 6

Ways and Means: Renken, Chair; Disney and Holveck.

On previous motion by Siegrist of Pottawattamie, the House adjourned at 10:48 a.m., until 11:00 a.m., Tuesday, January 17, 1995.

JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 17, 1995

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

Prayer was offered by Pastor David Renfro, of St. Paul Lutheran Church, Aurelia.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kimberly Eaton, Clive and Carolyn Smith, Urbandale. They are members of the Moingona Girl Scout Council.

The Journal of Friday, January 13, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk on request of Schrader of Marion.

SUPPLEMENTAL REPORT OF COMMITTEE ON CREDENTIALS

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

CERTIFICATION

STATE OF IOWA

Office of

THE SECRETARY OF STATE

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

I, Paul D. Pate, Secretary of the State of Iowa; custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on January 10, 1995, **Rosemary R. Thomson** was elected to fill a vacancy in the office of State Representative of the Fifty-first District, for the balance of the term which began on January first, 1995.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines this seventeenth day of January, 1995.

PAUL D. PATE, Secretary of State

I hereby acknowledge receipt of the original copy of this document on January 17, 1995.

ELIZABETH A. ISAACSON, Chief Clerk of the House of Representatives

CHARLES LARSON, Chair
LIBBY JACOBS
BRIAN COON
JACK HOLVECK
LINDA NELSON

Larson of Linn moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

Larson of Linn moved that a committee of two be appointed to escort Representative-elect Rosemary Thomson to the well of the House.

The motion prevailed and the Speaker appointed as such committee Larson of Linn and Mertz of Kossuth to escort Representative-elect Rosemary Thomson. The Chief Clerk administered the following oath of office:

OATH OF OFFICE

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

ROSEMARY R. THOMSON

The committee escorted Representative Thomson to her seat.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 12, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 13, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates.

Also: That the Senate has on January 17, 1995 passed the following bill in which the concurrence of the House is asked:

Senate File 17, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILLS

House File 43, by Ollie, a bill for an act relating to wholesaler licenses for multipurpose vehicle converters.

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

House File 44, by Vande Hoef, a bill for an act changing the name of the league of Iowa municipalities to the Iowa league of cities.

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

House File 45, by Rants, Nutt, Klemme and Warnstadt, a bill for an act relating to the performance of duties of the office of recorder on abolition of the office and the filing of documents and providing an effective date and for retroactive applicability.

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

House File 46, by Daggett, a bill for an act providing for the right of access to cemeteries.

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

House File 47, by Houser, a bill for an act establishing English as the official language of the state.

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

SENATE MESSAGE CONSIDERED

Senate File 13, by Szymoniak, Bartz, Kramer and Murphy, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates.

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

COMMITTEE APPOINTMENTS

The Speaker announced the following committee appointments:

- Jerry Cornelius.....to Economic Development Committee
replacing Joe Ertl
- Joe Ertl.....to Human Resources Committee
replacing Jerry Cornelius
- Rosemary Thomson..... Environmental Protection
Natural Resources
State Government
Health and Human Rights
Appropriations Subcommittee

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF REVENUE AND FINANCE

The Annual Report of the Iowa Department of Revenue and Finance, pursuant to Chapter 7A.3(1), Code of Iowa.

IOWA BUSINESS INVESTMENT COPORATION

A proposal for a venture capital company to facilitate development of Iowa small businesses, pursuant to Chapter 1201.29, 1994 Acts of the Seventy-fifth General Assembly.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

- 1995/1 Matt Michels, Dubuque - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995/2 Mark Williams, Dubuque - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995/3 Tony Nemmers, Anamosa - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995/4 Crystal Canny, Ottumwa - For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1995/5 Erin Logas, Cedar Rapids - For leading the Iowa House of Representatives in the Pledge of Allegiance, Monday, January 9, 1995.
- 1995/6 Iaian Bock, Cedar Rapids - For leading the Iowa House of Representatives in the Pledge of Allegiance, Monday, January 9, 1995.
- 1995/7 Jason Denlinger, Dubuque - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995/8 Jayme Arlen, Dubuque - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995/9 Joe Frick, Dubuque - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995/10 Jamie Clasen, Dubuque - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 8

State Government: Gipp, Chair; Running and Tyrrell.

House File 10

State Government: Running, Chair; Ertl and Jacobs.

House File 12

State Government: Drake, Chair; Bradley and Running.

House File 34

State Government: Houser, Chair; Coon and Jochum.

House File 36

Local Government: Vande Hoef, Chair; Jacobs and Myers.

House File 38

Local Government: Houser, Chair; Arnold, Klemme, Larkin and Mundie.

RESOLUTION FILED

HCR 8, by Bell, a concurrent resolution supporting the United Nations' recognition of the Republic of China on Taiwan.

Laid over under **Rule 25**.

On motion by Siegrist of Pottawattamie, the House adjourned at 11:15 a.m. until 8:45 a.m., Wednesday, January 18, 1995.

JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 18, 1995

The House met pursuant to adjournment, Speaker pro tempore Van Maanen in the chair.

Prayer was offered by Reverend Ed Phillips, Riverside United Methodist Church, Fort Dodge.

The Journal of Tuesday, January 17, 1995 was approved.

INTRODUCTION OF BILLS

House File 48, by Millage, a bill for an act relating to school district expenditures for administrative and instructional staff salaries.

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

House File 49, by Kremer, a bill for an act relating to prisoner of war and congressional medal of honor special motor vehicle registration plates.

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

House File 50, by Millage, a bill for an act relating to prohibit the unintentional nonconsensual termination of a pregnancy and providing a penalty.

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

House File 51, by Boddicker, Disney, Klemme, Schulte, Garman and Tyrrell, a bill for an act eliminating requirements relating to use of a multicultural, nonsexist approach and the incorporation of global perspectives in the educational program.

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

SENATE MESSAGE CONSIDERED

Senate File 17, by committee on education, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

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

The House stood at ease at 8:48 a.m., until the fall of the gavel.

The House resumed session at 9:23 a.m., Speaker Corbett in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:40 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Corbett 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 January 18, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 32, a bill for an act relating to the inclusion of school nurses and area education agency professionals in the educational excellence program and providing effective and retroactive applicability dates.

Also: that the Senate has on January 18, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 5, a concurrent resolution to request that Congress propose a Constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to prohibit the physical desecration of the American flag.

JOHN F. DWYER, Secretary

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

A report relating to the Wind Erosion Control Incentive Program, pursuant to Chapter 1198.19, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF CORRECTIONS

A report of the 750 Bed Medium Security Correctional Facility For Men, Newton, Iowa, pursuant to Chapter 1196, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Iowa Product Development Corporation

The 1994 Annual Report, pursuant to Chapter 15E.92, Code of Iowa.

A report on a business development initiative for entrepreneurs with disabilities, pursuant to Chapter 1076, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF MANAGEMENT

The Contract Compliance Annual Report for fiscal year 1994, pursuant to Chapter 19B.7, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

A report of the department to create a task force of funded and nonfunded prevention and treatment programs to study treatment and prevention services areas and the fiscal implication of awarding funds to more than one provider per service area, pursuant to Chapter 1200.4 (3) (a) (1), 1994 Acts of the Seventy-fifth General Assembly.

Division of Substance Abuse and Health Promotion

The 1993 report of Iowa's Behavioral Risk Factor Survey (BRFSS), pursuant to Chapter 125.9 (6), Code of Iowa.

INTERNATIONAL NETWORK ON TRADE, INC.

The 1994 Annual Report pursuant to Chapter 15B.10, Code of Iowa.

IOWA CITIZENS' AIDE/OMBUDSMAN

The 1993 Annual Report, pursuant to Chapter 2C.18, Code of Iowa.

IOWA UTILITIES BOARD

An Annual Report on the status of utility customer contribution funds, pursuant to Chapter 476.66 (6), Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- | | |
|---------|--|
| 1995/11 | Troy Walker, Oskaloosa – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 1995/12 | Earl, Betty and Stan Lingren, Pilot Mound – For being selected as 1994 Iowa Master Pork Producers. |
| 1995/13 | Rodney and Vickie Swanson, Forest City – For being selected as 1994 Iowa Master Pork Producers. |
| 1995/14 | Reuben Skow, Wesley – For being selected as 1994 Iowa Master Pork Producers. |
| 1995/15 | Martin J. Broich, Alta – For being selected as 1994 Iowa Master Pork Producers. |
| 1995/16 | Fred and Millie Lange, Ames – For celebrating their 50th wedding anniversary. |
| 1995/17 | Dean Christiansen, Albert City – For his 300 career wins as a basketball coach. |

SUBCOMMITTEE ASSIGNMENTS

House File 23

Education: Ollie, Chair; Garman and Hanson.

House File 25

Judiciary: Lamberti, Chair; Brammer and Millage.

House File 27

Judiciary: Millage, Chair; Brammer and Hurley.

House File 29

Judiciary: Grubbs, Chair; Kreiman and Veenstra.

House File 31

Judiciary: Millage, Chair; Brammer and Hurley.

House File 32

Judiciary: Nutt, Chair; Kremer and Moreland.

Senate Concurrent Resolution 3

Administration and Rules: Rants, Chair; Connors, Jochum, Van Maanen and Weidman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 1

Education: Grubbs, Chair; Gries and Ollie.

House Study Bill 2

Education: Grubbs, Chair; Gries and Ollie.

House Study Bill 4

Judiciary: Dinkla, Chair; Moreland and Veenstra.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 7 Commerce-Regulation

Relating to certain franchise agreements by amending provisions relating to transfer, termination, and nonrenewal of franchise agreements, and to a civil cause of action for appropriate relief, and repealing certain franchise provisions.

H.S.B. 8 Ethics

Amending the rules governing lobbyists in the House of Representatives.

H.S.B. 9 Ethics

Amending the House code of ethics.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House File 3, a bill for an act relating to the state banner.

Fiscal Note is not required.

Recommended **Do Pass** January 17, 1995.

Committee Resolution (Formerly House Study Bill 3), calling for the convening of a Conference of the States and providing for Iowa's participation in the Conference.

Fiscal Note is not required.

Recommended **Do Pass** January 17, 1995.

Committee Resolution (Formerly House Concurrent Resolution 4), requesting that Congress propose a Constitutional amendment, for ratification by the states, which would specify that Congress and the states have the power to prohibit physical desecration of the American Flag.

Fiscal Note is not required.

Recommended **Do Pass** January 17, 1995.

RESOLUTIONS FILED

HCR 9, by Gipp, a concurrent resolution calling upon Iowa's congressional delegation to support a proposed amendment to the United States Constitution to require a balanced federal budget.

Laid over under **Rule 25**.

HCR 10, by committee on state government, a concurrent resolution calling for the convening of a Conference of the States and providing for Iowa's participation in the Conference.

Laid over under **Rule 25**.

HCR 11, by committee on state government, a concurrent resolution to request that Congress propose a Constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to prohibit the physical desecration of the American flag.

Laid over under **Rule 25**.

SCR 5, by committee on judiciary, a concurrent resolution to request that Congress propose a Constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to prohibit the physical desecration of the American flag.

Laid over under **Rule 25**.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:04 p.m. until 8:45 a.m., Thursday, January 19, 1995.

JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 19, 1995

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

Prayer was offered by Reverend Larry Reigle, Fort Des Moines United Methodist Church, Des Moines.

The Journal of Wednesday, January 18, 1995 was approved.

PETITION FILED

The following petition was received and placed on file:

By Mundie of Webster from twenty-two residents of Calhoun County opposing Chapter 1198.48, 1994 Acts of the Seventy-fifth General Assembly, relating to the Water Quality Protection Fund.

INTRODUCTION OF BILLS

House File 52, by Garman, a bill for an act to limit the frequency of referendums held on a proposal to operate gambling games on excursion gambling boats or to operate gambling games at licensed pari-mutuel racetrack enclosures and providing an effective date.

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

House File 53, by Metcalf, a bill for an act relating to telecommunications and the regulation of telecommunications providers and providing penalties.

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

House File 54, by Disney, a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state.

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

House File 55, by Brunkhorst, a bill for an act relating to driver's license suspension for unlawful or fraudulent use of a license.

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

House File 56, by Brunkhorst, a bill for an act limiting the number of semester hours at the resident tuition rate available to an individual student.

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

House File 57, by Gries, a bill for an act relating to notice of denial, cancellation, or nonrenewal of automobile liability insurance.

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

SENATE MESSAGE CONSIDERED

Senate File 32, by committee on education, a bill for an act relating to the inclusion of school nurses and area education agency professionals in the educational excellence program and providing effective and retroactive applicability dates.

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

HOUSE CONCURRENT RESOLUTION 9 REREFERRED

The Speaker announced that House Concurrent Resolution 9, previously **laid over under Rule 25**, was rereferred to committee on **state government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 18, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 33, a bill for an act relating to the expulsion of a student for bringing a weapon to school.

Also: That the Senate has on January 18, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 37, a bill for an act relating to the control of emissions from grain storage facilities, by imposing a moratorium upon the department of natural resources, and providing an effective date.

Also: That the Senate has on January 18, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 6, a concurrent resolution objecting to a plan proposed by the United States Corps of Engineers to dramatically alter the operation of the Missouri River, and to request that the current operation of the river be maintained or that an alternative plan be considered that does not negatively impact upon the effective operation of the river.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 8:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Corbett in the chair.

SENATE MESSAGES CONSIDERED

Senate File 33, by committee on education, a bill for an act relating to the expulsion of a student for bringing a weapon to school.

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

Senate File 37, by committee on agriculture, a bill for an act relating to the control of emissions from grain storage facilities, by imposing a moratorium upon the department of natural resources, and providing an effective date.

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

SPONSOR ADDED

(House File 38)

Harrison of Scott requested to be added as a sponsor of House File 38.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, 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	James M. Addy	27\1 to 27\2	P\FT	01\13\95
Legislative Research Analyst	Stacie S. Maass	27\3 to	P\FT	01\13\95
Legislative Research Analyst I		29\3		
Legislative Research Analyst	Lon W. Anderson	27\3 to	P\FT	01\13\95
Legislative Research Analyst I		29\2		
Senior Editor	Vivian M. Anders	30\4 to 30\5	P\FT	01\13\95
Assistant Journal Editor	Lois E. Bishop	19\4 to 19\5	P\FT	01\13\95

Executive Secretary to Leader	Carolyn Gaukel	24\4 to 24\5	P\FT	01\13\95
Executive Secretary to Chief Clerk	Betty M. Soener	24\3 to	P\FT	01\13\95
Confidential Secretary to Chief Clerk		27\2		
Administrative Assistant I to Leader	Susan D. Severino	29\4 to	P\FT	01\13\95
Administrative Assistant II to Leader		32\3		
Administrative Assistant III to Speaker Pro Tem	Maryjo F. Welch	35\4 to 35\5	S\O	01\13\95
Sr Legislative Research Analyst	Margaret A. Thomson	38\1 to 38\2	P\FT	01\13\95
Text Processor I	Patricia J. Ashton	19\1 to 19\2	S\O	03\24\95
Recording Clerk II	Alyce Elmitt	24\3 to 24\4	S\O	04\07\95
Doorkeeper	Richard R. Overholser	11\1 to 11\2	S\O	03\24\95
Assistant Bill Clerk	Marie A. Kirby	12\2 to 12\3	S\O	04\07\95
Legislative Secretary	Norma L. Bakros	18\4+2 to 18\5+2	S\O	04\07\95
Legislative Committee Secretary	Kristine L. Brunkhorst	17\1 to 17\2	S\O	03\25\95
Legislative Secretary	Gretchen Cardamon	17\4+2 to 17\5+2	S\O	04\07\95
Legislative Committee Secretary	Ruth A. Daggett	18\4+2 to 18\5+2	S\O	04\07\95
Legislative Committee Secretary	Kitte L. Dormady	16\1 to 16\2	S\O	03\10\95
Legislative Secretary	M. Rosalie Flesher	16\3+2 to 16\4+2	S\O	03\24\95
Legislative Secretary	Audrey J. Gibson	16\5+2 to 16\6+2	S\O	03\24\95
Legislative Committee Secretary	Constance K. Greig	17\1 to 17\2	S\O	04\07\95
Legislative Secretary	Earl Y. Horlyk	15\1 to 15\2	S\O	03\24\95
Legislative Secretary	Mary B. Lawless	16\3+2 to 16\4+2	S\O	04\07\95

Legislative Secretary	Shirley L. Marty	16\3+2 to 16\4+2	S\O	03\24\95
Legislative Secretary	Alma Morris	16\1 to 16\2	S\O	03\24\95
Legislative Secretary	Jon A. Murphy	16\1 to 16\2	S\O	03\10\95
Legislative Secretary	M. Anne B. O'Connell	18\3+2 to 18\4+2	S\O	05\05\95
Legislative Committee Secretary	Michael D. O'Toole	17\1 to 17\2	S\O	03\24\95
Legislative Committee Secretary	Julie K. Pierce	17\3 to 17\4	S\O	04\07\95
Legislative Committee Secretary	Mary A. Rhoads	17\4+2 to 17\5+2	S\O	04\07\95
Legislative Secretary	Martha G. Ricklefs	15\2 to 15\3	S\O	01\27\95
Legislative Committee Secretary	Stephanie A. Sheil	17\1 to 17\2	S\O	03\24\95
Legislative Secretary	Jean Tannatt	16\1 to 16\2	S\O	03\24\95
Legislative Secretary	Carissa J. Wall	16\1 to 16\2	S\O	03\10\95
Legislative Secretary	Barbara B. Wennerstrum	15\5 to 15\6	S\O	04\07\95

RANTS of Woodbury, Chair

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

The Board of Regents FY 1996-FY 2000 Five Year Building Program, pursuant to Chapter 262A.3, Code of Iowa.

A report relating to the Beginning Farm Center pursuant to Chapter 1193.22 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

A report relating to Weights and Measures Fee Analysis, pursuant to Chapter 1198, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF CORRECTIONS

The Literacy Project Report, pursuant to Chapter 196.4(4), 1994 Acts of the Seventy-fifth General Assembly.

A report on the Implementation of the Toborg Report, pursuant to Chapter 1196.3(2), and 1196.4(5), 1994 Acts of the Seventy-fifth General Assembly.

A report on Elderly and Infirm Inmates, pursuant to Chapter 1196.12, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF EDUCATION
Division of Community Colleges

A report on the Community College Funding Formula, pursuant to Chapter 101.208 of the 1993 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF PUBLIC HEALTH

A report on the Nutritional Risk Survey Conducted on Clients of Home Care Aide and the Iowa Senior Health Programs, pursuant to Chapter 1200, 1994 Acts of the Seventy-fifth General Assembly.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

A report relating to the Youthful Offender Program, pursuant to Chapter 80E, Code of Iowa.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

A summary of reported savings by departments from use of the Iowa Communications network for FY 1994, pursuant to Chapter 1184, 1994 Acts of the Seventy-fifth General Assembly.

The draft five-year financial plan pursuant to Chapter 1189.5(3)(f), 1994 Acts of the Seventy-fifth General Assembly.

PRESERVES ADVISORY BOARD

The 1993-1994 Biennial Report, pursuant to Chapter 465C, Code of Iowa.

PSEUDORABIES ADVISORY COMMITTEE

The 1995 Report on Calendar Year 1994 Activities, pursuant to Chapter 166D.3, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995/18 Martin J. Broich, Alta – For being selected a 1994 Iowa Master Pork Producer.
- 1995/19 John K. Alles, Winterset – For his many years of community service to the Iowa Highway Patrol and the Winterset Police Department.

SUBCOMMITTEE ASSIGNMENTS

House File 40

Labor and Industrial Relations: Millage, Chair; O'Brien and Sukup.

House File 41

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House File 49

Transportation: Branstad, Chair; Mundie and Nelson of Marshall.

Senate File 13

Human Resources: Boddicker, Chair; Harper and Schulte.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 10 Technology

Authorizing cities and counties access to the Iowa communications network.

H.S.B. 11 State Government

Proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes.

H.S.B. 12 State Government

Proposing an amendment to the Constitution of the State of Iowa to remove the limitation on fines for offenses which may be summarily tried without indictment.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers and employees of the Seventy-sixth general assembly

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3002 and placed on the calendar and Laid over Rule 25 January 18, 1995.

Committee Resolution, relating to permanent rules of the House for the ~~seventy-fifth~~ seventy-sixth general assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 18, 1995.

RESOLUTIONS FILED

HR 2 by committee on administration and rules a resolution relating to permanent rules of the House for the ~~seventy-fifth~~ seventy-sixth general assembly.

Placed on the calendar and Laid over under rule 25.

SCR 6, by committee on agriculture, a concurrent resolution objecting to a plan proposed by the United States Corps of Engineers to dramatically alter the operation of the Missouri River, and o request that the current operation of the river be maintained or that an alternative plan be considered that does not negatively impact upon the effective operation of the river.

Referred to committee on **agriculture**.

AMENDMENT FILED

H-3002

S.C.R.

3

Committee on Administration
and Rules

On motion by Gipp of Winneshiek, the House adjourned at 1:02 p.m. until 1:00 p.m., Monday, January 23, 1995.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 23, 1995

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

Prayer was offered by Father Gordon Gittins, St. Clare's Catholic Church, Clarinda.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Father Gordon Gittins, Clarinda.

The Journal of Thursday, January 19, 1995 was approved.

INTRODUCTION OF BILLS

House File 58, by Murphy, a bill for an act relating to residency restrictions for municipal employees.

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

House File 59, by Kremer, Larson, Hurley, Schulte, Welter and Branstad, a bill for an act relating to silver or bronze star motor vehicle registration plates and providing an effective date.

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

House File 60, by Gries, Grubbs and Ollie, a bill for an act relating to the continuing provision of a health or medical benefit plan for certain teachers and school administrators included in the Iowa public employees' retirement system.

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

House File 61, by Brunkhorst and Weidman, a bill for an act providing immunity from civil liability for an employer who in good faith discloses information about a current or former employee of the employer.

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

House File 62, by Churchill, a bill for an act relating to biennial budgets and providing effective and applicability dates.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 19, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve.

Also: That the Senate has on January 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 7, a bill for an act relating to the knowing transmission of the human immunodeficiency virus and providing penalties.

Also: That the Senate has on January 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 45, a bill for an act changing the name of the league of Iowa municipalities to the Iowa league of cities.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate Joint Resolution 1, by Murphy and Boswell, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 3, a bill for an act relating to the state banner, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 3)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt

Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brammer	Ollie	Running	Wise
---------	-------	---------	------

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:

Brammer of Linn and Wise of Lee, on request of Connors of Polk.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 10

Martin of Scott called up for consideration House Concurrent Resolution 10, a concurrent resolution calling for the convening of a Conference of the States and providing for Iowa's participation in the Conference.

RULE 31.8 SUSPENDED

Larkin of Lee asked and received unanimous consent to suspend Rule 31.8 relating to the timely filing of amendments.

Larkin of Lee offered the following amendment H-3003, filed by him from the floor and moved its adoption:

H-3003

- 1 Amend House Concurrent Resolution 10 as follows:
- 2 1. Page 3, by striking line 20 and inserting the
- 3 following:
- 4 "No more than one of the two legislators from each
- 5 house may be".

Amendment H-3003 was adopted.

On motion by Martin of Scott, the resolution was adopted.

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

1995\20 Gerald Wiltse, Manchester – For receiving the Iowa Volunteer Hall of Fame Award.

SUBCOMMITTEE ASSIGNMENTS

House File 5

State Government: Churchill, Chair; Drake and Running.

House File 48

Education: Hanson, Chair; Cohoon and Veenstra.

House File 51

Education: Boddicker, Chair; Garman and Wise

House Concurrent Resolution 5

State Government: Churchill, Chair; Brammer and Disney.

House Concurrent Resolution 9

State Government: Gipp, Chair; Bernau and Thomson.

Senate File 17

Education: Grubbs, Chair; Gries and Ollie.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 11

State Government: Gipp, Chair; Cataldo and Disney.

House Study Bill 12

State Government: Martin, Chair; Connors and Renken.

AMENDMENT FILED

H-3004

H.R.

2

Doderer of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 1:22 p.m. until 8:45 a.m., January 24, 1995.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 24, 1995

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

Prayer was offered by Father Raymond Higgins, St. Anthony's Church, Des Moines.

The Journal of Monday, January 23, 1995 was approved.

INTRODUCTION OF BILLS

House File 63, by Boddicker, a bill for an act relating to the elimination of provisions of the Code relating to human growth and development:

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

House File 64, by Coon, a bill for an act relating to funeral processions.

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

House File 65, by Daggett, a bill for an act relating to the supplementary weighting of pupils in school districts that share curriculum directors for purposes of the state school foundation program and providing an effective date.

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

House File 66, by Rants, a bill for an act relating to the deduction of labor organization dues from pay and making a penalty applicable.

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

House File 67, by Coon and Cormack, a bill for an act relating to state computer use by state officers and employees.

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

House File 68, by Daggett, a bill for an act requiring a one-year renewal of permanent handicapped identification devices and handicapped registration plates.

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

House File 69, by Coon, a bill for an act relating to a residency requirement for the office of county supervisor.

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

SENATE MESSAGES CONSIDERED

Senate File 7, by Vilsack, a bill for an act relating to the knowing transmission of the human immunodeficiency virus and providing penalties.

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

Senate File 45, by committee on local government, a bill for an act changing the name of the league of Iowa municipalities to the Iowa league of cities.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek on request of Blodgett of Cerro Gordo.

SPECIAL PRESENTATION

Fallon of Polk presented to the House Sumitra Gandhi Kulkarni, of India, and granddaughter of Mahatma Gandhi, the renown former leader of India. Mrs. Kulkarni addressed the House briefly.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 2

Rants of Woodbury called up for consideration House Resolution 2, a resolution relating to permanent rules of the House for the ~~seventy-fifth~~ seventy-sixth general assembly, as follows:

- 1 HOUSE RESOLUTION 2
- 2 BY COMMITTEE ON ADMINISTRATION
- 3 AND RULES
- 4 A Resolution relating to permanent rules of the House
- 5 for the ~~seventy-fifth~~ seventy-sixth general assembly.
- 6 *Be It Resolved By The House Of Representatives,*
- 7 That the permanent rules of the House for the ~~seventy-~~
- 8 ~~fifth~~ seventy-sixth general assembly be as follows:
- 9 DIVISION I - GENERAL RULES
- 10 Rule 1
- 11 Call to Order and Order of Business
- 12 The speaker shall take the chair at the hour to
- 13 which the house has adjourned, and shall immediately
- 14 call the members to order, correct the journal of the
- 15 previous day's proceedings, and proceed to other
- 16 business, including, but not limited to, introduction

17 of bills, reports, messages, communications, business
 18 pending at adjournment, resolutions and bills on their
 19 passage.

20 Rule 2

21 Quorum Call and Time of Convening
 22 The house shall convene each Monday at ~~10:00 a.m.~~
 23 1:00 p.m. and at 8:45 a.m. on all other legislative
 24 days, unless otherwise ordered. The time of convening
 25 shall be recorded in the journal. The house shall not
 26 convene on Sunday during a regular or special session.
 27 The speaker or a member may request a roll call to
 28 determine if a quorum is present.

29 Rule 3

30 Absences from the House

Page 2

1 No member shall be absent without leave while the
 2 house is in session unless the member is sick or
 3 unable to attend.

4 Rule 4

5 Preservation of Order
 6 The speaker shall preserve order and decorum and
 7 speak to points of order in preference to other
 8 members. Subject to an appeal to the house by any
 9 member, the speaker shall decide questions of order
 10 which shall not be debated.

11 The speaker may have the chamber of the house
 12 cleared in case of any disturbance or disorderly
 13 conduct.

14 Only past legislators, state officials, persons
 15 whose presence is deemed by the speaker to be of
 16 special significance to the house, and school classes
 17 accompanied by teachers and seated in the galleries
 18 shall be introduced in the house.

19 The public may take photographs from the galleries
 20 at any time. However, the use of flash bulbs or any
 21 other artificial lighting is prohibited. The press
 22 may photograph from the press section, but may not use
 23 artificial lighting except for live television crews
 24 who receive permission in advance from the chief clerk
 25 of the house or the sergeant-at-arms. Photographic
 26 instruments shall not be used on the house floor at
 27 any time during debate or consideration of a question.

28 Rule 5

29 Rules of Parliamentary Practice
 30 The rules of parliamentary practice in Mason's

Page 3

1 Manual of Legislative Procedure shall govern the house
 2 in all cases where they are not inconsistent with the
 3 standing rules of the house or the joint rules of the
 4 senate and house.

5 Rule 5A

6 House Budget

7 The speaker of the house shall annually prepare a
8 proposed budget for the house of representatives for
9 the payment of expenses, salaries, per diems, and
10 other items. The proposed budget shall be submitted
11 on the fourteenth day of each legislative session to
12 the house committee in charge of administration, which
13 shall approve a proposed budget in house resolution.
14 form within thirty days of receiving the proposed
15 budget from the speaker. The house shall adopt a
16 budget within thirty days of the introduction of the
17 house resolution.

18 Rule 6

19 The Speaker Pro Tempore

20 The house shall, at its pleasure, elect a speaker
21 pro tempore. When the speaker shall for any cause be
22 absent, the speaker pro tempore shall preside, except
23 when the chair is filled by appointment by either the
24 speaker or the speaker pro tempore. If a vacancy
25 occurs in the office of speaker, the speaker pro
26 tempore shall assume the duties and responsibilities
27 of the speaker until such time as the house shall
28 elect a new speaker. The speaker or the speaker pro
29 tempore shall have the right to name any member to
30 perform the duties of speaker, but such substitution

Page 4

1 shall not extend beyond the adjournment. The acts of
2 the speaker pro tempore shall have the same validity
3 as those of the speaker. In the absence of both the
4 speaker and the speaker pro tempore, the house shall
5 name a speaker who shall preside over it and perform
6 all the duties of the speaker with the exception of
7 signing bills, until such time as the speaker or
8 speaker pro tempore shall be present, and the person's
9 acts shall have the same force and validity as those
10 of the regularly elected speaker.

11 Rule 7

12 Amendment and Suspension of Rules

13 A motion to change or rescind a standing rule or
14 order of the house requires one day's notice. A
15 motion to suspend a rule, or to table or take from the
16 table a matter, requires an affirmative vote of a
17 constitutional majority. Postponing or changing the
18 order of business requires an affirmative vote of a
19 constitutional majority.

20 Rule 8

21 Violation of House Rules

22 The speaker shall, or any member may, call to order
23 a member who transgresses the rules of the house.
24 With leave of the house, the member called to order
25 may be permitted to explain. If the case requires it,

- 26 the member shall be subject to censure of the house.
 27 Rule 9
 28 Referral of Rule Violations
 29 The speaker shall, upon complaint of a member, or
 30 upon the speaker's own motion, refer any alleged

Page 5

- 1 violation of house or joint rules by house members,
 2 employees or staff to the house ethics committee upon
 3 an initial finding that an investigation is warranted.
 4 The ethics committee shall investigate such
 5 allegations and report them back to the house with a
 6 recommendation.

7 Rule 10

- 8 Recognition and Decorum in Debate
 9 A member who wishes to speak in debate or deliver
 10 any matter to the house shall be appropriately
 11 attired, with male members wearing coat or tie, shall
 12 raise the microphone and, after recognition by the
 13 chair, shall respectfully address the presiding
 14 officer by saying "Mr. or Madam Speaker", shall
 15 confine all remarks to the question under debate, and
 16 shall avoid personalities.

17 Rule 11

- 18 Limit on Debate
 19 No member shall speak more than once on the same
 20 question, without leave of the speaker, nor more than
 21 twice until every member choosing to speak has spoken,
 22 except as provided in Rule 81. A member shall be
 23 limited to ten minutes debate on a bill being
 24 considered prior to its last reading, but may be
 25 granted an extension of time by consent of the house.

26 Rule 12

- 27 Decorum During Debate
 28 No member shall leave the house while the speaker
 29 is putting a question. No one shall pass between the
 30 speaker and a member who is speaking or two members

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- 1 who have been recognized by the speaker.

2 Rule 13

- 3 Stating the Question
 4 When a motion is made, it shall be stated by the
 5 speaker. A motion made in writing shall be passed to
 6 the desk before it is debated.

7 Rule 14

- 8 Putting the Question
 9 Questions shall be distinctly put in this form:
 10 "All those in favor of (the question) shall say
 11 'aye,'" and after the affirmative voice is expressed,
 12 "All those opposed to (the question) shall say 'no.'"

13 If the speaker is in doubt or a member of the house
14 requests, a nonrecord roll call vote shall be taken.

15 DIVISION II - EMPLOYEES OF THE HOUSE

16 Rule 15

17 Chief Clerk of the House

18 The chief clerk of the house shall serve as
19 parliamentary and chief administrative officer of
20 the house under the direction of the speaker of the
21 house. The chief clerk shall supervise the chief
22 clerk's office; be responsible for the custody and
23 safekeeping of all bills, resolutions, and amendments
24 filed, except when they are in the custody of a
25 committee; have charge of the daily journal; have
26 control of all rooms assigned for the use of the
27 house; attest to the accuracy and correctness of text
28 and action on bills and resolutions; process the
29 handling of amendments when filed and during the floor
30 consideration of bills; insert adopted amendments into

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1 bills before transmittal to the senate and prior to
2 final enrollment; supervise legislative printing and
3 the distribution of printed material; and perform all
4 other duties pertaining to the office of the chief
5 clerk.

6 Rule 16

7 Reserved

8

9 Rule 17

10 Sergeant-At-Arms

11 The sergeant-at-arms shall execute all orders of
12 the house and the presiding officer; perform all
13 assigned duties related to the policing and good order
14 of the house; supervise the entrance and exit of all
15 persons to and from the chamber; promptly execute all
16 messages, etc.; provide that the chamber is properly
17 ventilated and open for the use of the members; and
18 perform all other services pertaining to the office of
19 sergeant-at-arms.

20 Rule 18

21 Secretaries

22 All secretaries of the house shall be under the
23 general direction of the speaker and the chief clerk.
24 Secretaries shall be on duty at the house from 8:30
25 a.m. to 4:30 p.m. except when excused by the member to
26 whom the secretary is assigned. Secretaries shall
27 perform such additional duties as may be assigned to
28 them by the chief clerk.

29 Rule 19

30 Extra Compensation of Employees

Page 8

1 No employee shall receive any extra compensation,

2 except as provided by the house, or tips for services
3 performed while on duty. Any violation of this rule
4 shall be grounds for removal.

5 DIVISION III - VISITORS AND LOBBYISTS

6 Rule 20

7 Admission to the House; Lobbying

8 The chamber of the house shall include the
9 vestibule, restrooms, cloak room, lounge, visitors'
10 galleries, and floor of the house.

11 The floor of the house shall consist of that area
12 between the press box, speaker's station, and the
13 south wall behind the last row of desks occupied by
14 representatives, excluding the visitors' galleries.
15 During a legislative day while the house is in
16 session, and one-half hour before the house convenes
17 and one-half hour after the house recesses or
18 adjourns, no person shall be admitted to the floor of
19 the house except:

20 1. Members of the general assembly and authorized
21 house employees in the performance of their duties.

22 2. Former members of the general assembly who are
23 not registered lobbyists.

24 3. A general assembly member's family.

25 4. Representatives of the press, radio, and
26 television who shall go directly to and from the press
27 box.

28 5. Legislative interns approved by the chief clerk
29 who shall go directly to and from the seat of their
30 assigned representative or to be seated in the

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1 perimeter seating area.

2 6. Chair, co-chair, and the executive secretary of
3 a political party having members serving in the
4 general assembly.

5 7. Personnel of the code editor's office,
6 legislative service bureau, legislative fiscal bureau,
7 citizens' aide/ombudsman's office, computer support
8 bureau and administrative rules review committee
9 staff.

10 8. The governor's executive assistants and
11 administrative assistants, members of the state
12 executive council, the lieutenant governor, the
13 attorney general, and the administrative rules
14 coordinator, all of whom shall be confined to the
15 perimeter area.

16 The current status of former members of the general
17 assembly shall govern their access to the floor under
18 these rules.

19 No other persons shall be allowed on the house
20 floor without permission of the presiding officer of
21 the house.

22 No person admitted to the floor of the house,

23 except members of the general assembly, shall, while
24 the house is in session, lobby or attempt to exercise
25 any influence with any member for or against any
26 matter then pending or that may thereafter be
27 considered by the house.

28 Notwithstanding the provisions of this rule
29 regarding admission to the floor of the house, a
30 registered lobbyist shall not be admitted to the floor

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1 of the house on any day when the house is in session
2 or committees are scheduled to meet from one-half hour
3 before the house convenes or 8:45 a.m., whichever is
4 earlier, until one-half hour after the house adjourns
5 or until 4:30 p.m., whichever is later. A registered
6 lobbyist or other person may be admitted to the house
7 when the house is not in session to gain access to a
8 committee room.

9 Each lobbyist shall be given a copy of this rule
10 when the lobbyist registers.

11 Each member, employee of the house, and registered
12 lobbyist shall report violations of this rule
13 immediately to the sergeant-at-arms.

14 Any person for cause may be summarily dismissed
15 from the chamber of the house, by action of the house,
16 and shall forfeit that person's right to admission
17 thereafter.

Rule 20A

Legislative Interns

20 Only one legislative intern per member of the house
21 is allowed on the floor of the house at any one time.

Rule 21

Distribution of Literature

24 No person except a member or employee of the house
25 of representatives shall generally distribute or cause
26 to be distributed any pamphlets, material, or other
27 printed literature to the members' desks in the house.
28 An employee of the house shall generally distribute or
29 cause to be distributed such literature only on behalf
30 of the employee's office or staff.

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1 All copies of pamphlets, material, or printed
2 literature distributed by a member or employee of the
3 house of representatives shall bear the name of the
4 member or employee's office or staff.

5 Other distributions of pamphlets, material, or
6 other printed literature shall bear their source of
7 origin and be distributed through the legislative post
8 office by completing a form containing a member's or
9 the chief clerk's authorization, with the
10 authorization form attached to one copy of the

11 distribution. The copy with the attached
12 authorization form shall be retained for a reasonable
13 time period by the legislative post office.

14 Rule 22

15 Distribution of Materials

16 Printed by the State

17 A member of the house shall not distribute maps,
18 books, and pamphlets such as, but not limited to
19 Golden-Dome, How a Bill Becomes Law, etc., which have
20 been printed by the state of Iowa and upon which the
21 name of the member of the house has been affixed
22 unless the member has purchased the materials or
23 unless the member has affixed the words "Paid for by
24 the citizens of Iowa and distributed by representative
25 (member's name)."

26 DIVISION IV - FORMS AND PROCEDURES
27 FOR BILLS AND OTHER DOCUMENTS

28 Rule 23

29 Documents Signed by the Speaker

30 All acts and joint resolutions shall be signed by

Page 12

1 the speaker, and all writs, warrants, and subpoenas
2 issued by order of the house, shall be signed by the
3 speaker and attested by the chief clerk. The speaker
4 shall cause certificates of recognition or condolence
5 to be issued by the house which shall be signed by the
6 speaker and the chief clerk.

7 Rule 24

8 Presentation of Petitions

9 All petitions, memorials and other papers addressed
10 to the house shall be signed by the member and filed
11 with the chief clerk or the chief clerk's staff.

12 Rule 25

13 Consideration of Resolutions

14 Action on a resolution, except a memorial
15 resolution, or a proposition requesting information
16 from a state official shall not be taken until one day
17 after the resolution has been placed on the members'
18 desks. After the resolution is adopted, the chief
19 clerk shall transmit certified copies and have the
20 resolution printed in the bound journal. A resolution
21 may be printed in the daily journal upon the approval
22 of the speaker after consultation with the minority
23 leader.

24 Rule 26

25 Unanimous Consent Calendar

26 The speaker may, upon the request of three members,
27 place on a unanimous consent calendar any house
28 resolution or concurrent resolution which does not
29 contain an appropriation and which has been laid over
30 under Rule 25.

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1 If such resolution is placed on the unanimous
2 consent calendar, it may be removed only upon a
3 written request submitted to the speaker by a member
4 of the house.

5 If not removed after five legislative days, the
6 chief clerk shall call up the resolution and without
7 debate the speaker shall pronounce that it has passed
8 by unanimous consent.

9 If the resolution is removed from the unanimous
10 consent calendar, the speaker may again lay the
11 resolution over under Rule 25, place it on a different
12 calendar, or refer the resolution to any of the
13 standing committees of the house.

14 Rule 27

15 Forms of Bills and Joint Resolutions

16 Every house bill shall be introduced by one or more
17 members or by any standing or specially authorized
18 committee of the house, the administrative rules
19 review committee or interim study committee. All
20 bills and joint resolutions introduced shall be
21 prepared by the legislative service bureau with title,
22 enacting clause, text and explanation as directed by
23 the chief clerk of the house. One copy of each bill
24 shall be presented in a bill cover with the number of
25 copies of the bill and the title as directed by the
26 chief clerk.

27 Rule 28

28 Joint and Nullification Resolutions

29 Joint resolutions shall be framed and treated as
30 bills.

Page 14

1 A "nullification resolution" is a joint resolution
2 which nullifies all of an administrative rule, or a
3 severable item of an administrative rule adopted
4 pursuant to chapter 17A of the Code. A nullification
5 resolution shall not amend an administrative rule by
6 adding language or by inserting new language in lieu
7 of existing language.

8 A nullification resolution may be introduced by an
9 individual, a standing committee or the administrative
10 rules review committee, and may be referred to a
11 standing committee.

12 A nullification resolution is debatable, but cannot
13 be amended on the floor of the house.

14 Rule 29

15 Time of Introduction of Bills

16 No bill or joint resolution under individual
17 sponsorship, other than a nullification resolution,
18 shall be read for the first time after 4:00 4:30 p.m.
19 on Friday of the 7th week of the first regular session

20 of the general assembly unless a written request for
 21 drafting the bill has been filed with the legislative
 22 service bureau before that time.
 23 After adjournment of the first regular session,
 24 bills may be prefiled at any time before the convening
 25 of the second regular session. No bill or joint
 26 resolution under individual sponsorship, other than a
 27 nullification resolution, shall be read for the first
 28 time after 4:00 4:30 p.m. on Friday of the 2nd week of
 29 the second regular session of the general assembly
 30 unless a written request for drafting the bill has

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1 been filed with the legislative service bureau before
 2 that time.
 3 However, bills or joint resolutions sponsored by
 4 standing committees or the administrative rules review
 5 committee, co-sponsored by the majority and minority
 6 floor leaders, or companion bills sponsored by the
 7 house majority leader and the senate majority leader
 8 may be drafted and introduced at any time permissible
 9 under ~~Joint~~ Rule 20 29A. House, concurrent, and
 10 nullification resolutions may be introduced at any
 11 time.

Rule 29A

Time of Committee Passage and Consideration of Bills

12
 13
 14
 15 1. This rule does not apply to concurrent or
 16 simple resolutions, joint resolutions nullifying
 17 administrative rules, bills passed by both houses in
 18 different forms, or bills or appropriation items on
 19 the veto calendar. Subsection 2 of this rule does not
 20 apply to appropriations bills, ways and means bills,
 21 legalizing acts, administrative rules review committee
 22 bills, bills cosponsored by the majority and minority
 23 floor leaders of the house, bills in conference
 24 committee, and companion bills sponsored by the
 25 majority floor leaders of both houses after
 26 consultation with the respective minority floor
 27 leaders. For the purposes of this rule, a joint
 28 resolution is considered as a bill. To be considered
 29 an appropriations or ways and means bill for the
 30 purposes of this rule, the committee on appropriations

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1 or the committee on ways and means must either be the
 2 sponsor of the bill or the committee of first referral
 3 in the house.
 4 2. To be placed on the calendar in the house, a
 5 house bill must be first reported out of the committee
 6 of first referral by Friday of the 10th week of the
 7 first session and the 8th week of the second session.

8 A senate bill must be first reported out of the
9 committee of first referral in the house by Friday of
10 the 13th week of the first session and the 11th week
11 of the second session to be placed on the house
12 calendar.
13 3. During the 11th week of the first session and
14 the 9th week of the second session, the house shall
15 consider only bills originating in the house and
16 unfinished business. During the 14th week of the
17 first session and the 12th week of the second session,
18 the house shall consider only bills originating in the
19 senate and unfinished business. Beginning with the
20 15th week of the first session and the 13th week of
21 the second session, the house shall consider only
22 bills passed by both houses, bills exempt from
23 subsection 2 and unfinished business.
24 4. A motion to reconsider filed and not disposed
25 of on an action taken on a bill or resolution which is
26 subject to a deadline under this rule may be called up
27 at any time before or after the day of the deadline by
28 the person filing the motion or after the deadline by
29 the majority floor leader, notwithstanding any other
30 rule to the contrary.

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1 Rule 30
2 Introduction and Reading of Bills
3 All bills and resolutions to be introduced in the
4 house shall be typed in proper form and filed with the
5 chief clerk no later than 4:30 p.m. on the legislative
6 day preceding its introduction.
7 Every bill shall receive two readings but no bill
8 shall receive its first and last readings on the same
9 day.
10 A "reading of a bill" as required by these rules
11 shall consist of a reading of the title and enacting
12 clause unless otherwise demanded by a house member.
13 Rule 31
14 First Reading, Commitment, and Amendment
15 31.1. A bill is introduced into the house by an
16 initial or "first reading of the bill".
17 31.2. When the house is in session the first
18 reading shall consist of a "reading" as provided in
19 Rule 30.
20 31.3. Upon a first reading of the bill, the
21 speaker shall state that it is ready for commitment or
22 amendment; and the speaker shall commit it to the
23 standing or select committee, or to a committee of the
24 whole house. If to a committee of the whole house,
25 the house shall determine on what day.
26 31.4. On a day when the house is not in session,
27 the speaker shall cause a statement, which shall

28 consist of the title, enacting clause, bill number and
29 committee to which the bill is referred to be
30 published in the house journal. This publication

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1 shall constitute a first reading and commitment and
2 shall contain the notation "read and committed under
3 Rule 31.4".

4 31.5. All amendments offered to bills on file or
5 on the regular calendar shall be accompanied by such
6 copies as the chief clerk shall direct.

7 31.6. Such amendments shall give the number of the
8 bill sought to amend and the chief clerk shall
9 designate each such amendment thus: Amendment to
10 House File _____, or Senate File _____, by
11 _____.

12 31.7. A bill reported out by committee shall go to
13 the speaker who shall direct that the bill be placed
14 on the regular calendar unless it covers subject
15 matter more properly within the jurisdiction of some
16 other standing committee, in which case the speaker
17 shall refer the bill to the proper standing committee.
18 In order to expedite important business and set a
19 definite time for the bill's consideration, the
20 speaker may direct the bill to be placed on the
21 special order calendar.

22 31.8. No amendment to the rules of the house, to
23 any resolution or bill, except technical amendments
24 and amendments to bills substituted for by senate
25 files containing substantially identical title,
26 language, subject matter, purpose and intrasectional
27 arrangement, shall be considered by the membership of
28 the house without a copy of the amendment having been
29 filed with the chief clerk by 4:00 p.m. or within one-
30 half hour of adjournment, whichever is later, on the

Page 19

1 day preceding floor debate on the amendment. If the
2 House adjourns prior to 2:00 p.m. on Friday, the final
3 deadline is two hours after adjournment. However,
4 committee amendments filed pursuant to the submission
5 of the committee report may be accepted after this
6 deadline. This provision shall not apply to any
7 proposal debated on the floor of the house after the
8 fourteenth week of the first session and the twelfth
9 week of the second session. No amendment or amendment
10 to an amendment to a bill, rule of the house, or
11 resolution shall be considered by the membership of
12 the house without a copy of the amendment being on the
13 desks of the entire membership of the house prior to
14 consideration.

15

Rule 32

16 Commitment of Appropriation and Revenue Bills

17 All bills to appropriate money shall be referred to
18 the appropriations committee, and all bills pertaining
19 to the levy, assessment, or collection of taxes shall
20 be referred to the committee on ways and means.

21

Rule 33

22

Regular Calendar

23 Bills, nullification resolutions, and joint

24 resolutions reported out for passage, or amendment and
25 passage, or without recommendation, by a committee,
26 shall be arranged on a regular calendar by the chief
27 clerk each day at 4:30 p.m. in the order of the file
28 number of the bills and following the preceding
29 legislative day's regular calendar. Priority shall be
30 given to house over senate file numbers and to joint

Page 20

1 resolutions over bills in the arrangement of the
2 regular calendar.

3

Rule 34

4

Debate and Special Order Calendars

5 The majority floor leadership shall cause to be
6 prepared and distributed to the members at the opening
7 of each session day when floor action is scheduled, a
8 daily debate calendar consisting of bills,
9 nullification resolutions, and joint resolutions from
10 the regular calendar setting forth the number and
11 title of bills, nullification resolutions, and joint
12 resolutions for the next session day that floor action
13 is scheduled.

14 The majority floor leadership shall cause to be
15 prepared and distributed to the members at the opening
16 of each session day when floor action is scheduled, a
17 special order calendar setting forth the number and
18 title of bills, nullification resolutions, and joint
19 resolutions and the date upon which debate is
20 scheduled to begin on each of them, which can be no
21 sooner than five session days from the first date of
22 publication on the regular calendar.

23 This rule does not apply to bills which have passed
24 both houses in different forms, reconsiderations, or
25 veto reconsiderations.

26

Rule 35

27

Noncontroversial Calendar

28 The majority floor leadership may cause to be
29 prepared a noncontroversial calendar consisting of
30 bills and joint resolutions from the regular calendar.

Page 21

1 The noncontroversial calendar shall appear under
2 separate heading on the regular calendar.

3 Notwithstanding Rule 34, a bill or joint resolution
 4 on the noncontroversial calendar may be called up for
 5 debate at any time by the majority leader beginning
 6 the third legislative day after it appears on the
 7 noncontroversial calendar. A bill or joint resolution
 8 shall be stricken from the noncontroversial calendar
 9 if a written objection to the bill or joint resolution
 10 is filed with the chief clerk prior to the time the
 11 bill or joint resolution is called up by the majority
 12 leader.

13 Debate on a bill or joint resolution from the
 14 noncontroversial calendar shall be limited to ten
 15 minutes. If debate exceeds ten minutes, the bill or
 16 joint resolution shall be stricken from the
 17 noncontroversial calendar.

18 Rule 36

19 Consideration of Committee Amendments
 20 After a bill has been referred and reported back,
 21 it shall be considered on its first reading after the
 22 amendments of the committee have been read.

23 Rule 37

24 Amendments to Special Order Bills
 25 All amendments, ~~except corrective amendments,~~ to
 26 bills ~~on the special ordered more than five session~~
 27 ~~days in advance of the date set for debate order~~
 28 calendar shall be filed at least ~~two~~ three session
 29 days prior to the date set for debate. Amendments to
 30 an amendment shall be filed at least two session days

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1 prior to the date set for debate. However, corrective
 2 amendments and amendments sponsored by either the
 3 majority floor leader or the minority floor leader may
 4 be filed at any time. Rule 31.8 shall not apply to
 5 these amendments.

6 A corrective amendment is an amendment which does
 7 not substantively change the amendment or the bill.

8 ~~The time limit set for the filing of amendments on~~
 9 ~~specialty ordered bills shall not apply to bills~~
 10 ~~special ordered for less than five session days.~~

11 Rule 38

12 Irrelevant Amendments
 13 No motion or proposition on a subject different
 14 from that under consideration shall be admitted under
 15 color of an amendment.

16 Rule 39

17 Consideration of Bills
 18 Bills, including committee bills, and nullification
 19 resolutions, reported out for passage, for indefinite
 20 postponement, for amendment and passage, or without
 21 recommendation by the committee, shall not be acted
 22 upon until after the second legislative day following
 23 the day the report was printed in the journal.

24 Prior to noon or adjournment, whichever is later,
25 on the last legislative day of the week, the majority
26 leader shall prepare a list of bills reported out of
27 committee that week which have not yet appeared on the
28 regular calendar.
29 The reports of the committees shall not be read
30 while the house is in session except as herein

Page 23

1 provided. The reports shall be printed in the journal
2 immediately after they are filed with the chief clerk.
3 Reports recommending bills for passage, for amendment
4 and passage, or without recommendation shall stand
5 approved unless written objections are filed during
6 the first legislative day following their printing in
7 the journal. If objections are filed, they shall be
8 disposed of as soon as possible. Reports recommending
9 indefinite postponement shall be governed by Rule 44.
10 Upon an affirmative vote of at least a
11 constitutional majority of the members, a report may
12 be read before it is printed in the journal and while
13 the house is in session, and acted upon at once.

Rule 39A

14 Consideration of Conference Committee Reports
15 A conference committee report shall not be acted
16 upon by the house of representatives unless the report
17 contains only issues related to provisions of the bill
18 and amendments to the bill which were adopted by
19 either the senate or the house of representatives and
20 on which the senate and house of representatives
21 differed. If a conference committee report is not
22 acted upon because such action would violate this
23 rule, the inaction on the report shall constitute
24 refusal of the house of representatives to adopt the
25 conference committee report and shall have the same
26 effect as if the conference committee had disagreed.

Rule 40.

29 Consideration of Bills Upon Last Reading
30 No amendment, unless by way of correcting an error

Page 24

1 or omission, shall be received to any bill on its last
2 reading, and no debate shall be allowed on it.

Rule 41

3 Printing of Bills and Joint Resolutions
4 Bills and joint resolutions shall be printed in
5 form as provided by law and by rule. Each house may
6 direct the printing of an additional number of its own
7 bills.
8
9 Legalizing bills of a local or private nature shall
10 be printed in bill form and placed in the files of the
11 members, the same as other bills, in the order of

12 their introduction. The cost of printing shall be
 13 deposited with the treasurer of state in advance at a
 14 rate to be fixed, and the newspaper publication of the
 15 bill shall be without cost to the state. No
 16 legalizing act may be introduced until all provisions
 17 of law have been complied with.

18 Rule 42

19 Certification of Bills

20 The chief clerk shall certify the passage of each
 21 bill and note the date of its passage.

22 Rule 43

23 Rereferral

24 A bill may be rereferred at any time before its
 25 passage and after the report of its referral to
 26 committee.

27 Rule 44

28 Effect of Indefinite Postponement

29 When a question is indefinitely postponed, it shall
 30 not be acted upon again during that session. Any bill

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1 which receives a committee recommendation of
 2 indefinite postponement shall be disposed of within
 3 three legislative days after the printed journal
 4 containing the report has been placed upon the desks
 5 of the members of the house, or the committee
 6 recommendation will be considered adopted.

7 Rule 45

8 Status of Bills Following

9 First Regular Session

10 Except as ~~provided in Rule 3 of the joint rules for~~
 11 those bills which have been adopted by both houses in
 12 different forms, all bills which have not been
 13 withdrawn, defeated or indefinitely postponed, shall
 14 be rereferred to committee upon adjournment of the
 15 first regular session. Within seven days after the
 16 first committee meeting following convening of the
 17 second regular session, the committee chair shall
 18 submit the bill to the full committee for action or
 19 the chair shall reassign the bill to a subcommittee.

20 DIVISION V - COMMITTEE PROCEDURES

21 Rule 46

22 Appointment of Committees

23 All committees shall be appointed by the speaker,
 24 unless otherwise especially directed by the house.

25 Rule 47

26 Order on Question of Commitment

27 When a resolution is offered or a motion made to
 28 refer any subject, and different committees are
 29 proposed, the question shall be taken in the following
 30 order: The committee of the whole house; a standing

Page 26

1 committee; a select committee.

2 Rule 48

3 Study Bills

4 A study bill is any matter which a member of the
5 house wishes to have considered by a standing
6 committee, other than appropriations, and which has
7 not been included in a previously introduced bill.
8 Upon taking possession of a study bill, the committee
9 chair shall notify the speaker and then submit fifteen
10 copies of the bill to the legal counsel's office for
11 numbering.

12 A study bill shall bear the name of the member who
13 wishes to have the bill considered. A study bill
14 submitted by a state agency or board for consideration
15 shall bear the name of the state agency or board. A
16 committee chair may submit a study bill in the name of
17 that committee.

18 Final committee action on a study bill shall not be
19 taken until one day following the notation of the
20 study bill assignment in the house journal.

21 A study bill not prepared by the legislative
22 service bureau may be submitted to a standing
23 committee, but shall not be considered by the full
24 committee unless reviewed and typed in proper form by
25 the legislative service bureau.

26 Rule 49

27 Committee Meetings

28 No committee, except a conference committee or the
29 administrative rules review committee, shall meet
30 while the house is in session without special leave.

Page 27

1 Rule 50

2 Smoking Prohibited

3 Smoking shall not be permitted in the house or in
4 any area of the capitol building controlled by the
5 house or controlled jointly by the house and senate.

6 Rule 50A

7 Nondegradable Polystyrene Cups

8 The use of nondegradable polystyrene cups shall not
9 be permitted on the floor of the house, at the
10 speaker's station, or in the press boxes.

11 Rule 51

12 Assignments to Subcommittee

13 The chair of the committee shall report to the
14 house the bill number of each bill assigned to
15 subcommittee and the names of the subcommittee
16 members. The report shall be printed in the journal.

17 All bills, prior to consideration by the committee,
18 shall be referred by the chair to a subcommittee,
19 unless acted upon by a committee of the whole.

20 The chair may assign bills to subcommittees without
21 a meeting of the committee, but the membership of the
22 subcommittee so appointed shall be reported at the
23 next meeting of the committee.

24 Rule 52

25 Open Meetings

26 Standing committee meetings shall be open, and
27 voting by secret ballot is prohibited. The committee
28 on administration committee and rules may close its
29 meetings to evaluate the professional competency of an
30 individual whose appointment, hiring, performance, or

Page 28

1 discharge is being considered when necessary to
2 prevent needless and irreparable injury to that
3 individual's reputation on the request of the affected
4 individual.

5 Rule 53

6 Quorum and Vote Requirements

7 The committee roll shall be taken at the convening
8 of each meeting to determine the presence of a quorum.
9 A majority of the committee membership shall
10 constitute a quorum.

11 An affirmative vote of a majority of the committee
12 membership is required to report a bill out of
13 committee or to suspend a committee rule.

14 A motion to reconsider may be made only by a
15 committee member who voted on the prevailing side of
16 the question sought to be reconsidered. A motion to
17 reconsider may only be made provided the bill is still
18 in possession of the committee.

19 Rule 54

20 Committee Attendance Record and Report
21 of Committee Form

22 A committee attendance record shall be filed with
23 the chief clerk no later than 10:00 a.m. or two hours
24 after the house convenes, whichever is later, of the
25 legislative day immediately following the day of the
26 committee meeting. The committee attendance record is
27 a public record and may be published in the journal.
28 The committee attendance record shall include the
29 following information:

30 a. The time the meeting convened.

Page 29

1 b. The members present at the meeting.
2 c. The time the meeting adjourned.
3 d. A list of bills receiving final committee
4 disposition.

5 A report of committee form shall be filed with the
6 chief clerk no later than 10:00 a.m. or two hours
7 after the house convenes, whichever is later, of the

8 legislative day immediately following the day of the
9 committee meeting for each study bill, numbered bill
10 or resolution receiving final committee disposition.
11 The report of committee form is a public record and a
12 report of committee action shall be printed in the
13 journal. The report of committee form shall include
14 the following information:

- 15 a. The committee action taken.
 - 16 b. The committee amendment number, if any.
 - 17 c. The roll call vote of the committee on final
18 disposition.
 - 19 d. The minority recommendation, if any.
- 20 Upon final adjournment of the first session and
21 final adjournment of the second session of the general
22 assembly, the chair of each committee shall have
23 placed the committee's book of record containing
24 minutes, roll calls, rules, etc., with the chief clerk
25 for access of any interested person.

26 Rule 55

27 Minority Recommendation

28 The minority of the members of a committee may
29 present its recommendations on the final disposition
30 of a bill to the house by attaching its recommendation

Page 30

1 to the committee report and the same shall be printed
2 in the journal with the committee report.

3 Rule 56

4 Committee Amendment

5 Whenever a committee amendment is proposed which
6 would amend another committee amendment, the amendment
7 shall be drafted in the form of a substitute amendment
8 and shall be considered as such.

9 Rule 57

10 Committee Notice and Agenda

11 Each committee shall prepare and publish a notice
12 and agenda of each committee meeting at least one
13 legislative day prior to the meeting.

14 The notice shall contain the committee name, the
15 date, time, and location of the meeting.

16 The agenda shall contain the matters to be
17 discussed, including a list of bills, joint
18 resolutions, nullification resolutions, and study
19 bills by number. The agenda should contain the names
20 of individuals who are scheduled to appear before the
21 committee and the organization which they represent.

22 A bill, joint resolution, nullification resolution,
23 or study bill shall not be reported out of committee
24 if the bill was not included in the published notice
25 and agenda unless this rule is suspended by a majority
26 of the total membership of the committee.

27 A committee chair may call a meeting without
28 providing the required notice and agenda upon leave of

29 the house if a notice is placed on the desks of
30 committee members and on the bulletin board.

Page 31

1 Rule 58
2 Clearing of Committee Room
3 The chair of a committee may clear the committee
4 room in case of any disturbance or disorderly conduct.

5 Rule 59
6 Committee Amendments
7 All amendments to a bill or resolution adopted in
8 committee shall be incorporated in a single committee
9 amendment or incorporated in a new committee bill.

10 Rule 60
11 Withdrawal of Bills
12 or Nullification Resolutions
13 From Committee
14 A bill or nullification resolution which has been
15 in committee for eighteen legislative days following
16 notation of such referral in the journal may be
17 withdrawn from the committee and placed on the
18 calendar by an affirmative vote of not less than
19 fifty-one members of the house.

20 Rule 61
21 Committee Public Hearings
22 The chair of a committee may call a public hearing
23 for the purpose of receiving public comment on any
24 matter within the purview of the committee.
25 The chair shall call a public hearing upon the
26 written request of committee members according to
27 committee rules, but no more than one-third of the
28 committee members shall be required.
29 A public hearing shall not be called or requested
30 after final action on the bill has been taken by the

Page 32

1 committee. However, a public hearing called or
2 requested before final action has been taken by the
3 committee may be held after final action on the bill
4 has been taken by the committee.
5 The chair shall designate a time and place for a
6 public hearing and provide public notice at least five
7 days prior to a public hearing.
8 A bill for which a public hearing has been called
9 can be voted to the calendar but cannot be debated
10 until after the public hearing has been held.
11 However, public hearings which have been requested
12 during or after the 10th week of the first session and
13 during or after the 8th week of the second session
14 must be held within four legislative days of the date
15 of the request.

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Rule 62

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Limitation on Filing of Claims

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A claim or claim bill, the subject matter of which has been considered or filed for consideration in the house or any of its committees, in two or more prior sessions of the general assembly, shall not be considered by any committee or by the house unless it has been specifically referred to this session by a prior general assembly. The committee on ~~claims~~ appropriations is authorized to set a definite date after which it will not receive claims or claim bills for consideration.

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DIVISION VI - COMMITTEE OF THE WHOLE

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Rule 63

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Organization of Committee of the Whole

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In forming the committee of the whole house, the speaker shall appoint a member to preside in committee and then leave the chair.

Rule 64

Rules in Committee of the Whole

The rules of the house shall be observed in committee of the whole house, so far as they are applicable.

Rule 65

Bills in Committee of the Whole

Bills committed to the committee of the whole house shall first be read in their entirety by the chief clerk or chair and then read again or debated by section, leaving the preamble to be considered last. After report, the bill shall again be subject to debate and amendment before a vote is had on its last reading and passage.

Rule 66

Amendments by Committee of the Whole

All amendments made to a report committed to a committee of the whole house shall be noted and reported as in the case of bills.

DIVISION VII - MOTIONS

Rule 67

Order and Precedence of Motions

The following order and precedence of motions shall govern when a question is under debate:

11. Adjourn.

10. Recess.

9. Questions of privilege.

Page 34

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8. Lay on the table.

7. Previous question.

6. Postpone definitely or to a certain time.

4 5. Refer or commit.

5 4. Defer.

6 3. Amend an amendment.

7 2. Amend.

8 1. Postpone indefinitely.

9 These motions are listed in descending order of
10 precedence.

11 A motion to postpone definitely or to a certain time, to
12 refer or commit, or to postpone indefinitely a particular
13 question shall not be considered more than once on the same day.

14 Adoption of a motion to strike the enacting words is equivalent
15 to rejection of the question.

16 Rule 68

17 Order of Consideration of Amendments

18 Amendments shall be considered by earliest position
19 in the bill. Amendments to the same place in the bill
20 shall be considered by the lowest amendment number.
21 An amendment which inserts language after a line and
22 an amendment which inserts language before the
23 succeeding line shall be considered amendments to the
24 same place in the bill.

25 However, an amendment to strike the enacting clause
26 shall always be considered first. An amendment filed
27 by a committee shall have the next highest order of
28 priority, followed by an amendment to strike
29 everything after the enacting clause and insert new
30 language. An amendment to strike language or to

Page 35

1 strike and insert new language, except an amendment to
2 strike everything after the enacting clause and insert
3 new language, shall not be considered before
4 amendments to perfect all or part of the same portion
5 of the bill.

6 Rule 69

7 Motions Not Debatable

8 The motions to lay on the table, to adjourn, to
9 adjourn to a time certain, for the previous question,
10 to defer, to rerefer, and appeals of a ruling of the
11 presiding officer shall be decided without debate.

12 Rule 70

13 Motion to Adjourn

14 A motion to adjourn shall always be in order,
15 except when a member is speaking or the house is
16 voting.

17 Rule 71

18 Withdrawal of Motions

19 After a motion is stated by the speaker, or read by
20 the chief clerk, it shall be deemed to be in
21 possession of the house, but may be withdrawn by leave
22 of the house.

23 Rule 72

24 Referral and Rereferral

25 Motions and reports may be referred and rereferred
26 at the pleasure of the house.

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Rule 73

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Reconsideration

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a. A motion to reconsider may be made only by a member who voted on the prevailing side of the

Page 36

1 question sought to be reconsidered.

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b. A motion to reconsider may be made not later than adjournment on the day following the day of the action sought to be reconsidered. Where the floor manager voted on the prevailing side, ~~he or she~~ the floor manager has the prior right to make the motion, until adjournment on the day of the action sought to be reconsidered. A motion to reconsider a nullification resolution shall be acted upon not later than adjournment on the legislative day following the day of the action sought to be reconsidered.

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c. A motion to reconsider made following the one hundred fourth calendar day of the first regular session, or the ninety-fourth calendar day of the second regular session, shall be taken up when made. A motion made at any other time may be taken up prior to the third day succeeding the day of the action sought to be reconsidered only if called up by the mover, and after the second day succeeding the day of the action sought to be reconsidered if called up by any member.

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d. The making of a motion to reconsider takes precedence over all other questions.

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e. No motion to reconsider passage, adoption or failure of any bill, nullification resolution or joint resolution shall prevail unless it obtains a constitutional majority. When passage, adoption or failure is reconsidered, questions on amendments may also be reconsidered and shall be disposed of immediately.

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f. A motion that the motion to reconsider be laid on the table is in order. The effect of laying the motion to reconsider on the table is to cause the bill or joint resolution to proceed on its regular course immediately.

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g. In the event that a motion to reconsider is pending at the end of the first session or any extraordinary session of any general assembly, or the general assembly adjourns sine die, and the motion to reconsider has not been voted upon by the house, the motion shall be determined to have failed.

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DIVISION VIII - VOTING

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Rule 74

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Manner of Voting

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Members present may cast their votes, either by operating the voting mechanism located at their

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17 assigned desk or by signaling the speaker from the
18 floor of the house or from the south visitors' gallery
19 if they are unable to vote at assigned desk.
20 The speaker shall enter the votes of members signaling
21 their votes. Upon direction of the speaker or upon
22 request of two members during the taking of the vote
23 of the house on any question, only those members at
24 their desks and voting shall be counted. Members who
25 are not present shall not cast their votes except:
26 a. Members who have not voted may record their
27 votes on any record roll call vote except quorum calls
28 within ten minutes after the vote has been announced,
29 providing the vote does not change the outcome of the
30 vote on that question. A member may request

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1 announcement of the names of members so recorded after
2 the ten-minute period.

3 b. Members meeting in a conference committee or in
4 administrative rules review committee at the time a
5 vote is taken on a question may have their vote
6 recorded within thirty minutes or adjournment,
7 whichever is first of that same legislative day,
8 providing the vote does not change the outcome of the
9 vote on that question.

10 Rule 75

11 Duty of Voting

12 Except as limited in Rule 74, every member who is
13 in the house when a question is put shall vote unless
14 the house has excused that member for special reasons;
15 however, such member must have asked to be excused
16 prior to commencing to take the vote on the main
17 question.

18 Rule 76

19 Limitation on Right to Vote

20 No member shall vote on any question in which that
21 person is financially interested.

22 Rule 77

23 Call of the House

24 Upon written request of five members, the presiding
25 officer shall compel attendance of absent and
26 unexcused members for the consideration of specified
27 bills or resolutions.

28 A call of the house shall specify the propositions
29 to which it is to apply, and must be put into effect
30 before roll call is taken on the proposition. The

Page 39

1 request may be filed at any time before final action
2 upon the propositions with the chief clerk, who shall
3 notify the house immediately.

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Rule 78

5 Method of Calling the House

6 Upon a call of the house, the names of the members
7 shall be called by the chief clerk and the absentees
8 noted, after which the names of the absentees shall
9 again be called. The sergeant-at-arms shall be
10 directed by the speaker to compel the attendance of
11 absent members, unless they are previously excused.
12 Any member occupying ~~his or her~~ the member's seat
13 during a call of the house shall be counted by the
14 speaker and that person's name entered in the journal
15 as being present for the purpose of making a quorum.

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Rule 79

17 Method of Calling the Roll

18 The electrical voting machine shall be used for a
19 call of the house, a quorum call or a roll call vote
20 on any question. If the electrical voting machine is
21 not in operating order when it is necessary to take a
22 record roll call vote, the presiding officer shall
23 order the vote to be taken by calling the roll in
24 alphabetical order, except the name of the presiding
25 officer shall be called last.

26 During the casting of the vote with the voting
27 machine, the individual votes and the vote totals
28 shall be shown on the display boards. Before the
29 voting machine is closed, the presiding officer shall
30 inquire of the house, "Have you all voted?"

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Rule 80

2 Quorum and Record Roll Call Votes

3 A majority of the members shall constitute a
4 quorum.

5 A record roll call vote shall be ordered upon
6 request of any two members. The names of the members
7 requesting the record roll call shall be entered in
8 the journal.

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Rule 81

10 Previous Question

11 When a member moves for a previous question, that
12 member shall state whether the motion will apply to
13 the main question, to all the amendments, or to
14 particular amendments. The motion requires an
15 affirmative vote of at least a constitutional majority
16 of the members. If the motion for a previous question
17 is not adopted, the house shall proceed in the same
18 manner as before the motion was made.

19 If the motion is adopted, all debate must end and
20 the house will vote upon the question except:

21 1. If the motion applies to the main question, the
22 member in charge of the measure will have ten minutes
23 to speak for the purpose of closing discussion before
24 the vote on the measure is taken.

25 2. If the motion applies to an amendment, the
 26 member proposing the amendment will have five minutes
 27 to speak for the purpose of closing discussion before
 28 the vote on the amendment is taken.

29 3. If a member has filed a written request with
 30 the chief clerk of the house indicating ~~his or her~~ the

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1 member's desire to speak on a particular question.
 2 The request must be filed before the motion is made by
 3 the movant. The request allows a member to speak on a
 4 particular question before the closing discussion by
 5 the member who is in charge of the measure or who is
 6 proposing the amendment.

7 Rule 82
 8 Division of the Question

9 Any member may call for a division of the question,
 10 which shall be divided if it comprehends questions so
 11 distinct that one being taken away, the remainder may
 12 stand separately for discussion by the house. A
 13 motion to strike out being lost shall not preclude
 14 either an amendment or a motion to strike out and
 15 insert. A motion to strike out and insert shall be
 16 deemed indivisible.

Connors of Polk asked and received unanimous consent to temporarily defer action on amendment H-3004.

RULE 31.8 SUSPENDED

Witt of Black Hawk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments for the immediate consideration of amendment H-3005.

Witt of Black Hawk offered the following amendment H-3005 filed by him from the floor and moved its adoption:

H-3005

1 Amend House Resolution 2 as follows:
 2 1. Page 2, by striking line 27 and inserting the
 3 following: "any time when the members are voting on a
 4 question put before the house. Photographic
 5 instruments may be used on the house floor at other
 6 times with the consent of the subject or subjects of
 7 the photography."

Amendment H-3005 was adopted.

Shoultz of Black Hawk offered the following amendment H-3004 filed by Doderer of Johnson and moved its adoption:

H-3004

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 5, by striking lines 10 and 11 and
- 3 inserting the following: "any matter to the house,
- 4 shall".

Amendment H-3004 lost.

On motion by Rants of Woodbury, the resolution was adopted.

COMMITTEE APPOINTMENT

The Speaker announced the following committee appointment:

Joe Ertl Technology Committee
 replacing Teresa Garman

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Round Trip Miles
Rosemary R. Thomson	266

Respectfully Submitted,

ROBERT J. BRUNKHORST, Chair
 DAVID A. MILLAGE
 KEITH W. WEIGEL

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, January 23, 1995. Had I been present, I would have voted "aye" on House File 3.

OLLIE of Clinton

COMMUNICATIONS RECEIVED

The following communications was received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

The annual report for the Center for Health Effects of Environmental Contamination, pursuant to Chapter 263.17(4B), Code of Iowa.

DEPARTMENT OF CORRECTIONS
 Division of Prison Industries

A report on Improving and Expanding Vocational\Technical Education in Iowa Prison Industries, pursuant to Chapter 1196.13, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF TRANSPORTATION

The "1994 Iowa Airport Sufficiency Ratings" report, pursuant to Chapter 328.12(11), Code of Iowa.

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995/21 Lia Pierson, Ames – For having received a Rhodes Scholarship.

SUBCOMMITTEE ASSIGNMENTS

House File 44

Local Government: Disney, Chair; Drees and Weidman.

House File 45

Local Government: Klemme, Chair; Carroll and Mertz.

House File 46

Local Government: Brauns, Chair; Huseman and Koenigs.

House File 50

Judiciary: Kremer, Chair; Doderer and Schulte.

House File 55

Transportation: Blodgett, Chair; Carroll and Cohoon.

House File 56

Education: Brunkhorst, Chair; Lord and Mascher.

House File 59

Transportation: Eddie, Chair; Salton and Warnstadt.

House File 60

Education: Gries, Chair; Cornelius and Ollie.

House File 61

Labor and Industrial Relations: Kremer, Chair; Connors and Veenstra.

Senate Joint Resolution 1

Appropriations: Millage, Chair; Gipp and Murphy.

Senate File 7

Judiciary: Kremer, Chair; Bernau and Dinkla.

Senate File 32

Education: Ollie, Chair; Garman and Hanson.

Senate File 33

Education: Nelson of Pottawattamie, Chair; Daggett and Nelson of Marshall.

Senate File 37

Agriculture: Greig, Chair; Huseman and Mundie.

Senate Concurrent Resolution 6

Agriculture: Klemme, Chair; Boggess and Burnett.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 10**

Technology: Myers, Chair; Disney and Schulte.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 13 Technology**

Relating to the fee which may be charged by an Iowa communications network receiving site.

H.S.B. 14 Technology

Relating to fees charged for use of the Iowa communications network.

H.S.B. 15 Technology

Relating to funding for connections to the Iowa communications network for libraries and area education agencies.

H.S.B. 16 Local Government

Relating to administrative procedures of rural water districts.

H.S.B. 17 Economic Development

Relating to the statute of limitations for medical malpractice actions regarding minors under six years of age.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 40, a bill for an act relating to the public employee collective bargaining law by requiring an appropriation prior to implementing items in a collective bargaining award to state employees that require economic adjustments.

Fiscal Note is not required.

Committee Recommendation **Failed to Pass** January 24, 1995.

COMMITTEE ON NATURAL RESOURCES

House File 30, a bill for an act relating to the fee for a combined hunting and fishing license and providing an effective date and applicability provision.

Fiscal Note is required.

Recommended **Do Pass** January 24, 1995.

On motion by Siegrist of Pottawattamie, the House adjourned at 9:15 a.m. until 8:45 a.m., Wednesday, January 25, 1995.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 25, 1995

The House met pursuant to adjournment at 8:49 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Scott Hibben, Oakwood United Methodist Church, Pleasant Hill.

The Journal of Tuesday, January 24, 1995 was approved.

SPECIAL PRESENTATION

Prior to the start of Session for the day, the Pioneer String Quartet of the Des Moines Symphony entertained the House with two selections. They were introduced by Ken Hoepfner, Executive Director of the Des Moines Symphony. The Quartet was sponsored by the Iowa Citizens for the Arts in recognition of Arts Day.

PETITIONS FILED

The following petitions were received and placed on file:

By Gries of Crawford from sixteen constituents opposing the Iowa Franchise Act of 1992.

By Lamberti of Polk from eighty-five citizens of Iowa opposing House File 2, relating to reinstatement of the death penalty.

INTRODUCTION OF BILLS

House Joint Resolution 2, by Jochum, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the term of office of governor.

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

House File 70, by Daggett, a bill for an act relating to filing requirements for energy efficiency plans.

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

House File 71, by Daggett, a bill for an act relating to the release by law enforcement agencies of the names of juveniles taken into custody for an alleged delinquent act.

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

House File 72, by Hanson and Witt, a bill for an act to limit the frequency of referendums held on a proposal to operate gambling games on excursion gambling boats or to operate gambling games at licensed pari-mutuel racetrack enclosures and providing an effective date and retroactive applicability.

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

House File 73, by Gipp, a bill for an act relating to the repeal of the family farm tax credit and providing effective and applicability date provisions.

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

House File 74, by Running, a bill for an act relating to state-funded contracts and requiring bidders to show proof of health care coverage for employees.

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

House File 75, by committee on ways and means, a bill for an act relating to the taxation of shareholders of corporations whose income is taxed to the shareholders and providing an effective and applicability date provision.

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

House File 76, by Bell, a bill for an act relating to establishing a linked investment program for speculative building development.

Read first time and referred to committee on **economic development**.

House File 77, by Jochum, a bill for an act relating to the imposition of a county real estate transfer tax for purposes of a local housing trust fund.

Read first time and referred to committee on **economic development**.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 11

Tyrrell of Iowa called up for consideration House Concurrent Resolution 11, a concurrent resolution to request that Congress propose a Constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to prohibit the physical desecration of the American flag.

**SENATE CONCURRENT RESOLUTION 5
SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 11**

Tyrrell of Iowa asked and received unanimous consent to substitute Senate Concurrent Resolution 5 for House Concurrent Resolution 11.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 5

Tyrrell of Iowa called up for consideration Senate Concurrent Resolution 5, a concurrent resolution to request that Congress propose a Constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to prohibit the physical desecration of the American flag.

Speaker pro tempore Van Maanen of Marion in the chair at 9:08 a.m.

Tyrrell moved that the resolution be read for the last time and placed upon its adoption which motion prevailed and the resolution was read a last time.

Roll call was requested by Garman of Story and Tyrrell of Iowa.

On the question "Shall the resolution be adopted and agreed to by the House?" (S.C.R. 5)

The ayes were, 90:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lambert	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Moreland	Mundie	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, 9:

Bernau
Harper
Shoultz

Burnett
Holveck

Fallon
Millage

Grundberg
Murphy

Absent or not voting, 1:

Doderer

The resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

HOUSE CONCURRENT RESOLUTION 11 WITHDRAWN

Tyrrell of Iowa asked and received unanimous consent to withdraw House Concurrent Resolution 11 from further consideration by the House.

HOUSE FILES REREFERRED

The Speaker announced that House File 33, previously referred to committee on **state government**, was rereferred to committee on **local government**, and House File 54, previously referred to committee on **commerce-regulation**, was rereferred to committee on **state government**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

A report regarding the sale of capital appreciation bonds, pursuant to Chapter 262A.6A, Code of Iowa.

CITIZEN'S AIDE/OMBUDSMAN

The Quarterly Report of the Small Business Ombudsman Program, pursuant to Chapter 28E, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The JTPA Annual Report, pursuant to Chapter 7.B(10), Code of Iowa.

The annual report for fiscal year 1995 from the Iowa Labor-Management Cooperation Council.

DEPARTMENT OF TRANSPORTATION

The 1995 "Transportation System Fact Book" pursuant to Chapter 7A.9, Code of Iowa.

A report on the Continuing Development of Iowa's Transportation Plan, Part 1, pursuant to Chapter 7A.9, Code of Iowa.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

Iowa's Application to the U.S. Department of Justice for funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

WALLACE TECHNOLOGY TRANSFER FOUNDATION

The fifth annual report, pursuant to Chapter 15E.155(15), Code of Iowa.

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995/22 Maynard Dunham, Clinton – For attaining his 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House 54

State Government: Disney, Chair; Thomson and Witt

House File 60 Reassigned

Education: Gries, Chair; Ollie and Warnstadt.

House File 67

State Government: Coon, Chair; Brammer and Renken.

House File 76

Economic Development: Lord, Chair; Heaton and Nelson of Pottawattamie.

House File 77

Economic Development: Tyrrell, Chair; Baker and Main.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 13

Technology: Cormack, Chair; Mertz and Weigel.

House Study Bill 14

Technology: Jacobs, Chair; Hammitt and Kreiman.

House Study Bill 15

Technology: Harrison, Chair; Kreiman and Nutt.

House Study Bill 17

Economic Development: Bradley, Chair; Teig and Warnstadt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 18 ENVIRONMENTAL PROTECTION

Creating a civil action for disparagement of agricultural food products and commodities, and providing an effective date.

H.S.B. 19 COMMERCE-REGULATION

Relating to the conversion of certain consumer transactions.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

House File 29, a bill for an act to provide a presumption that kidnapping has occurred within the state when the body of a kidnapping victim is found within the state.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1995.

COMMITTEE ON STATE GOVERNMENT

Committee Resolution (Formerly House Concurrent Resolution 9), calling upon Iowa's congressional delegation to support a proposed amendment to the United States Constitution to require a balanced federal budget.

Fiscal note is not required.

Recommended **Amend and Do Pass** January 24, 1995.

RESOLUTION FILED

HCR 12, by committee on state government, a concurrent resolution calling upon Iowa's congressional delegation to support a proposed amendment to the United States Constitution to require a balanced federal budget.

Laid over under **Rule 25** and placed on the calendar.

On motion by Gipp of Winneshiek, the House adjourned at 9:45 a.m. until 8:45 a.m., Thursday, January 26, 1995.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 26, 1995

The House met pursuant to adjournment at 9:01 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Bill Douthwaite, Gloria Dei Lutheran Church, Urbandale.

The Journal of Wednesday, January 25, 1995 was approved.

INTRODUCTION OF BILLS

House File 78, by Jochum and Fallon, a bill for an act relating to the partial financing of campaigns for state office from income tax revenues, providing limitations on the amounts that candidates for state office may expend on campaigns, providing for public matching funds for state campaigns and a standing appropriation, providing penalties, and providing effective dates.

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

House File 79, by Jochum and Fallon, a bill for an act providing for voluntary limitation of campaign expenditures and contributions for certain elective officers, providing for disclosure for candidates who do not elect to voluntarily limit campaign expenditures and contributions, and providing penalties and an effective date.

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

House File 80, by Millage, a bill for an act applying the death penalty or life imprisonment to public offenses classified as capital murder, by establishing criteria for the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's applicability.

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

House File 81, by Myers, a bill for an act relating to motorcycle education and providing an effective date and a retroactive applicability provision.

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

House File 82, by Cohoon, a bill for an act requiring mandatory deposits on plastic milk jugs.

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

House File 83, by Coon, a bill for an act relating to property tax exemption schedules for property located in an urban revitalization area and to exemptions from property taxation for improvements to residential property located in an urban revitalization area, and providing an applicability date.

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

House File 84, by Ollie, a bill for an act relating to a city's power to allow eligible electors of the city to propose or request reconsideration of a city ordinance.

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

House File 85, by Coon, a bill for an act relating to the frequency of elections to submit alternative forms of government to the county electorate.

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

House File 86, by Brunkhorst, a bill for an act to eliminate the well contractor certification program.

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

House File 87, by Greig, a bill for an act relating to the goal for the amount of Iowa's land area provided public open space protection.

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

House File 88, by Coon, a bill for an act relating to the purchase of voting machines and electronic voting systems by a county.

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

House File 89, by Brunkhorst, a bill for an act relating to beverage container deposits and providing penalties.

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

ADOPTION OF SUPPLEMENTAL REPORT ON MILEAGE

Brunkhorst of Bremer called up for consideration the Supplemental Report on Mileage, found on page 171 of the House Journal, and moved its adoption.

The motion prevailed and the report was adopted.

HOUSE CONCURRENT RESOLUTION 4 WITHDRAWN

Garman of Story asked and received unanimous consent to withdraw House Concurrent Resolution 4 from further consideration by the House.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 3

Rants of Woodbury called up for consideration Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-sixth general assembly, as follows:

1 SENATE CONCURRENT RESOLUTION 3
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Concurrent Resolution relating to the compensation
4 of chaplains, officers and employees of the
5 seventy-sixth general assembly.

6 Whereas, section 2.11 of the Code provides that
7 "The compensation of the chaplains, officers, and
8 employees of the general assembly shall be fixed by
9 joint action of the house and senate by resolution at
10 the opening of each session, or as soon thereafter as
11 conveniently can be done.", Now Therefore,

12 Be It Resolved By The Senate, The House Concurring,
13 That the compensation for the following officers for
14 the period commencing January 11, 1993 9, 1995 and
15 ending January 9, 1995 13, 1997, shall be within the
16 following ranges:

- 17 Secretary of the Senate and Chief
18 Clerk of the House \$42,000 to \$72,956
19 \$44,373 to \$76,580

20 Within the indicated ranges the exact compensation
21 shall be set or adjusted for the senate officers by
22 the senate rules and administration committee and for
23 the house officers by the house administration and
24 rules committee. The committees shall report the
25 exact compensation assigned to each position on the
26 next legislative day, or, if such action is during the
27 interim, on the first day the senate or house shall
28 convene. Any action by the senate or house to
29 disapprove or amend the report shall be effective the
30 day after the action.

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1 Be It Further Resolved, That the compensation of
2 the employees of the seventy-fifth seventy-sixth
3 general assembly is set, effective from January 11,
4 1993 9, 1995, until January 9, 1995 13, 1997, in

5 accordance with the following salary schedule:

6	#8	#9	#10	#11	#12
7	\$11,564.80	\$12,126.40	\$12,750.40	\$13,395.20	\$14,060.80
8	5.56	5.83	6.13	6.44	6.76
9					
10	#13	#14	#15	#16	#17
11	\$14,768.00	\$15,537.60	\$16,348.80	\$17,160.00	\$17,950.40
12	7.10	7.47	7.86	8.25	8.63
13					
14	#18	#19	#20	#21	#22
15	\$18,824.00	\$19,697.60	\$20,696.00	\$21,652.80	\$22,713.60
16	9.05	9.47	9.95	10.41	10.92
17					
18	#23	#24	#25	#26	#27
19	\$23,816.00	\$24,918.40	\$26,145.60	\$27,372.80	\$28,683.20
20	11.45	11.98	12.57	13.16	13.79
21					
22	#28	#29	#30	#31	#32
23	\$30,076.80	\$31,532.80	\$33,030.40	\$34,652.80	\$36,254.40
24	14.46	15.16	15.88	16.66	17.43
25					
26	#33	#34	#35	#36	#37
27	\$38,064.00	\$39,852.80	\$41,745.60	\$43,763.20	\$45,884.80
28	18.30	19.16	20.07	21.04	22.06
29					
30	#38	#39	#40	#41	#42

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1	\$48,068.80	\$50,398.40	\$52,832.00	\$55,369.60	\$58,032.00
2	23.11	24.23	25.40	26.62	27.90
3	#8	#9	#10	#11	#12
4	\$12,022.40	\$12,625.60	\$13,270.40	\$13,936.00	\$14,643.20
5	5.78	6.07	6.38	6.70	7.04
6					
7	#13	#14	#15	#16	#17
8	\$15,350.40	\$16,161.60	\$17,014.40	\$17,867.20	\$18,678.40
9	7.38	7.77	8.18	8.59	8.98
10					
11	#18	#19	#20	#21	#22
12	\$19,572.80	\$20,488.00	\$21,528.00	\$22,526.40	\$23,628.80
13	9.41	9.85	10.35	10.83	11.36
14					
15	#23	#24	#25	#26	#27
16	\$24,772.80	\$25,916.80	\$27,206.40	\$28,475.20	\$29,848.00
17	11.91	12.46	13.08	13.69	14.35
18					
19	#28	#29	#30	#31	#32
20	\$31,304.00	\$32,801.60	\$34,361.60	\$36,046.40	\$37,731.20
21	15.05	15.77	16.52	17.33	18.14
22					
23	#33	#34	#35	#36	#37
24	\$39,603.20	\$41,454.40	\$43,430.40	\$45,531.20	\$47,736.00

25	19.04	19.93	20.88	21.89	22.95
26					
27	#38	#39	#40	#41	#42
28	\$50,003.20	\$52,416.00	\$54,974.40	\$57,595.20	\$60,382.40
29	24.04	25.20	26.43	27.69	29.03
30	In this schedule, each numbered block shall be the				

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

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

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

30 The following personnel shall not be paid an

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- 1 overtime premium:
- 2 Secretary of the Senate
- 3 Chief Clerk of the House
- 4 Assistant Secretary of the Senate
- 5 Assistant Chief Clerk of the House
- 6 Senate Legal Counsel
- 7 House Legal Counsel
- 8 Finance Officer
- 9 Senior Finance Officer
- 10 Senior Journal Editor
- 11 All Administrative Assistants

- 12 All Research Analysts
 13 All Research Assistants
 14 All Secretaries to Senators and Representatives
 15 All Caucus Staff Directors
 16 All ~~Senior~~ Caucus Secretaries
 17 Administrative, Executive, and Confidential
 18 Secretaries to President, Speaker, Leader or
 19 Secretary of Senate or Chief Clerk of House
 20 This list may be modified pursuant to the annual
 21 review authorized in this resolution.
 22 *Be It Further Resolved*, That part-time employees
 23 shall be compensated at the scheduled hourly rate for
 24 their pay grade and step.
 25 *Be It Further Resolved*, That compensatory time off
 26 shall be granted to employees not eligible for the
 27 overtime pay premium in a uniform manner for all
 28 legislative employees as determined by the legislative
 29 council.
 30 *Be It Further Resolved*, That in the event the

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- 1 salary schedule for employees of the State of Iowa as
 2 promulgated by the personnel commission pursuant to
 3 section 19A.9, subsection 2, Code 1993 1995, is
 4 revised upward at any time during the ~~seventy-fifth~~
 5 seventy-sixth general assembly, such revised schedule
 6 shall simultaneously be adopted for the compensation
 7 of the employees of the ~~seventy-fifth~~ seventy-sixth
 8 general assembly assigned a grade by this resolution.
 9 The pay ranges of those positions specifically listed
 10 on page one of this resolution shall be automatically
 11 adjusted to reflect any cost of living increases
 12 granted to those employees not included in the
 13 collective bargaining ~~agreement~~ agreements made final
 14 under chapter 20 of the Code and increases provided by
 15 the legislative council for agency directors.
 16 *Be It Further Resolved*, That adjustments in the
 17 positions and compensation listed in this resolution
 18 may be made through an annual interim review of all
 19 legislative employees for internal equity and to
 20 assure compliance with appropriate legal standards for
 21 granting of overtime and compensatory time off. Such
 22 review shall be conducted by a legislative committee
 23 made up of members of the service committee of
 24 legislative council and the appropriate salary
 25 subcommittees of the senate and house. Only one such
 26 review may be done in any fiscal year and adjustments
 27 suggested must be approved by the appropriate hiring
 28 body.
 29 *Be It Further Resolved*, That the employees of the
 30 ~~seventy-fifth~~ seventy-sixth general assembly be placed

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1	in the following pay grades:	
2	EMPLOYEES OF THE HOUSE	
3	Sr. Assistant Chief Clerk of the House	Grade 41
4	Assistant Chief Clerk of the House III	Grade 38
5	Assistant Chief Clerk of the House II	Grade 35
6	Assistant Chief Clerk of the House I	Grade 32
7	Legal Counsel II	Grade 35
8	Legal Counsel I	Grade 32
9	Legal Counsel	Grade 30
10	Sr. Caucus Staff Director	Grade 41
11	Caucus Staff Director	Grade 38
12	Administrative Assistant to Leader	
13	or Speaker	Grade 27
14	Administrative Assistant I to Leader	
15	or Speaker	Grade 29
16	Administrative Assistant II to Leader	
17	or Speaker	Grade 32
18	Administrative Assistant III to Leader	
19	or Speaker	Grade 35
20	Sr. Administrative Assistant to	
21	Leader or Speaker	Grade 38
22	Research Assistant	Grade 24
23	Legislative Research Analyst	Grade 27
24	Legislative Research Analyst I	Grade 29
25	Legislative Research Analyst II	Grade 32
26	Legislative Research Analyst III	Grade 35
27	Sr. Legislative Research Analyst	Grade 38
28	Secretary to Leader or Speaker	Grade 19
29	Caucus Secretary	Grade 21
30	Senior Caucus Secretary	Grade 24

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1	Administrative Secretary to Leader,	
2	Speaker, or Chief Clerk	Grade 21
3	Executive Secretary to Leader,	
4	Speaker or Chief Clerk	Grade 24
5	Confidential Secretary to Leader,	
6	Speaker, or Chief Clerk	Grade 27
7	Clerk to Chief Clerk	Grade 16
8	Supervisor of Secretaries	Grade 21
9	Supervisor of Secretaries I	Grade 24
10	Supervisor of Secretaries II	Grade 27
11	Senior Editor	Grade 30
12	Editor II	Grade 25
13	Editor I	Grade 22
14	Assistant Editor	Grade 19
15	Compositor/ <u>Desk Top Specialist</u>	Grade 17
16	Sr. Text Processor	Grade 25
17	Text Processor II	Grade 22
18	Text Processor I	Grade 19

19 Senior Finance Officer	Grade 31
20 Finance Officer II	Grade 27
21 Finance Officer I	Grade 24
22 Assistant Finance Officer	Grade 21
23 Recording Clerk II	Grade 24
24 Recording Clerk I	Grade 21
25 Assistant Legal Counsel	Grade 27
26 Engrossing & Enrolling Processor	Grade 27
27 Assistant to the Legal Counsel	Grade 19
28 Indexer II	Grade 25
29 Indexer I	Grade 22
30 Indexing Assistant	Grade 19

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1 Supply Clerk	Grade 16
2 Switchboard Operator	Grade 14
3 Legislative Secretary	Grade 15
4 Legislative Committee Secretary	Grade 17
5 Bill Clerk	Grade 14
6 Assistant Bill Clerk	Grade 12
7 Postmaster	Grade 12
8 Sergeant-at-Arms	Grade 17
9 Assistant Sergeant-at-Arms	Grade 14
10 Chief Doorkeeper	Grade 12
11 Doorkeepers	Grade 11
12 Pages	Minimum Wage

13 EMPLOYEES OF THE SENATE

14 Sr. Assistant Secretary of the Senate	Grade 41
15 Assistant Secretary of the Senate III	Grade 38
16 Assistant Secretary of the Senate II	Grade 35
17 Assistant Secretary of the Senate I	Grade 32
18 Legal Counsel II	Grade 35
19 Legal Counsel I	Grade 32
20 Legal Counsel	Grade 30
21 Sr. Caucus Staff Director	Grade 41
22 Caucus Staff Director	Grade 38
23 Administrative Assistant to Leader	
24 or President	Grade 27
25 Administrative Assistant I to Leader	
26 or President	Grade 29
27 Administrative Assistant II to Leader	
28 or President	Grade 32
29 Administrative Assistant III to Leader	
30 or President	Grade 35

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1 Sr. Administrative Assistant to	
2 Leader or President	Grade 38
3 Research Assistant	Grade 24
4 Legislative Research Analyst	Grade 27
5 Legislative Research Analyst I	Grade 29

6	Legislative Research Analyst II	Grade 32
7	Legislative Research Analyst III	Grade 35
8	Sr. Legislative Research Analyst	Grade 38
9	Caucus Secretary	Grade 21
10	Senior Caucus Secretary	Grade 24
11	Secretary to Leader or President	Grade 19
12	Administrative Secretary to Leader, President, or Secretary of the Senate	Grade 21
14	Executive Secretary to Leader, President, or Secretary of the Senate	Grade 24
16	Confidential Secretary to Leader, President, or Secretary of the Senate	Grade 27
18	Supervisor of Secretaries	Grade 21
19	Supervisor of Secretaries I	Grade 24
20	Supervisor of Secretaries II	Grade 27
21	Senior Editor	Grade 30
22	Editor II	Grade 25
23	Editor I	Grade 22
24	Assistant Editor	Grade 19
25	Compositor/ <u>Desk Top Specialist</u>	Grade 17
26	Assistant Legal Counsel	Grade 27
27	Assistant to the Legal Counsel	Grade 19
28	Proofreader	Grade 16
29	Senior Finance Officer	Grade 31
30	Finance Officer II	Grade 27

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1	Finance Officer I	Grade 24
2	Assistant Finance Officer	Grade 21
3	Recording Clerk II	Grade 24
4	Recording Clerk I	Grade 21
5	Indexer II	Grade 25
6	Indexer I	Grade 22
7	Indexing Assistant	Grade 19
8	Records and Supply Clerk	Grade 18
9	Switchboard Operator	Grade 14
10	Legislative Secretary	Grade 15
11	Legislative Committee Secretary	Grade 17
12	Bill Clerk	Grade 14
13	Assistant Bill Clerk	Grade 12
14	Postmaster	Grade 12
15	Sergeant-at-Arms	Grade 17
16	Assistant Sergeant-at-Arms	Grade 14
17	Chief Doorkeeper	Grade 12
18	Doorkeepers	Grade 11
19	Pages	Minimum Wage
20	<i>Be It Further Resolved</i> , That there shall be four	
21	classes of appointments as employees of the general	
22	assembly:	
23	A "permanent full-time" or "permanent part-time"	
24	employee is one who is employed the year around and	
25	eligible to receive state benefits.	

26 An "exempt full-time" employee is one who is
 27 employed for the period of the sessions with
 28 extensions post-session and pre-session as scheduled.
 29 This class is eligible to receive state benefits with
 30 the cost of benefits to the state to be paid by the

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1 employee when not on the payroll.
 2 A "session-only" employee is one who is employed
 3 for only a portion of the year, usually the
 4 legislative session. This class is not eligible for
 5 state benefits, except IPERS, and insurance as
 6 provided in section 2.40.
 7 A "part-time" employee is one who is employed to
 8 work less than 40 hours per week. This class is not
 9 eligible for state benefits, except IPERS if eligible.
 10 *Be It Further Resolved*, That the exact
 11 classification for individuals in a job series created
 12 by this resolution shall be set or changed for senate
 13 employees by the senate rules and administration
 14 committee and for the house employees by the house
 15 administration and rules committee. The committees
 16 shall base the classification upon the following
 17 factors:
 18 1. The extent of formal education required of the
 19 position; and,
 20 2. The extent of the responsibilities to be
 21 assigned to the position; and,
 22 3. The amount of supervision placed over the
 23 position; and,
 24 4. The number of persons the position is assigned
 25 to supervise and skill and responsibilities of those
 26 positions supervised.
 27 The committees shall report the exact
 28 classifications assigned to each individual on the
 29 next legislative day, or, if such action is during the
 30 interim, on the first day the senate or house shall

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1 convene. Any action by the senate or house to
 2 disapprove a report or a portion of a report shall be
 3 effective the day after the action.
 4 Recommendations for a pay grade for a new position
 5 shall be developed in accordance with the factor
 6 scores in the comparable worth report. Beginning in
 7 1995 1997, every four years the senate rules and
 8 administration committee, the house administration
 9 committee, and the legislative council shall review
 10 all positions in the legislative branch to assure
 11 conformity to comparable worth.
 12 *Be It Further Resolved*, That a senator or

13 representative may employ a secretary who in the
14 judgment of the senator or representative employing
15 such person, possesses the necessary skills to perform
16 the duties such senator or representative shall
17 designate, under the administrative direction, as
18 appropriate, of the secretary of the senate or the
19 chief clerk of the house.

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

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1 designation as the secretary to the committee in the
2 following order:

3 First: The secretary to the chairperson.

4 Second: The secretary to the committee's vice-
5 chairperson.

6 Third: The secretary to any other member of the
7 committee.

8 Fourth: The secretary to any other member in the
9 same house as the committee.

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

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

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

22 a) increases in salary grade or step based on
23 evaluation of their job performance and
24 recommendations of their administrative officers,
25 subject to approval of the senate committee on rules
26 and administration or the house committee on
27 administration and rules, as appropriate, provided,
28 however, that for promotions between classes with a
29 three or more pay grade difference, the employee shall
30 be given a two-step increase in pay or the employee's

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1 salary shall be adjusted to the entry level in the
2 grade of the new position, whichever is greater; or

3 b) mobility within pay steps at the discretion of
 4 the chief clerk of the house upon recommendation by
 5 the employee's division supervisor on the part of the
 6 house, and the discretion of the employee's division
 7 supervisor on the part of the senate, subject to the
 8 approval of the house committee on administration and
 9 rules or the senate committee on rules and
 10 administration, as appropriate — in accord with the
 11 following schedule:

12 (1) Progression from step "1" to "2" for a newly
 13 hired employee — six months of actual employment.

14 (2) Progression from step "1" to "2" following
 15 promotion within a job series — twelve months of
 16 actual employment in that position.

17 (3) Progression from step "2" to "3", and step "3"
 18 to "4", and step "4" to "5", and step "5" to "6" —
 19 twelve months of actual employment.

20 *Be It Further Resolved*, that in addition to the
 21 steps provided in the preceding paragraph, that
 22 secretaries to senators and representatives who were
 23 employees of the senate or house of representatives
 24 during any general assembly prior to January 9, 1989,
 25 and who have received certification for passing a
 26 typing and shorthand performance examination shall be
 27 eligible for two additional steps.

28 *Be It Further Resolved*, That in addition to the
 29 steps provided in the preceding paragraph, that
 30 secretaries to senators and representatives shall be

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1 eligible for a maximum of three additional grades
 2 beyond grade 15, in any combination, as provided in
 3 this paragraph:

4 1. One additional grade for a secretary to a
 5 standing committee chair, ethics committee chair or
 6 appropriations subcommittee chair who is not the
 7 designated committee secretary.

8 2. One additional grade for a secretary to a vice-
 9 chairperson or ranking member of a standing committee,
 10 ethics committee or appropriations subcommittee.

11 3. One additional grade for a secretary to the
 12 chairperson of the chaplain's committee.

13 4. Two additional grades for a secretary to an
 14 assistant floor leader or speaker pro tempore or
 15 president pro tempore.

16 5. One additional grade for a designated committee
 17 secretary who is also the designated committee
 18 secretary for an additional standing committee, ethics
 19 committee, or appropriations subcommittee.

20 *Be It Further Resolved*, That in the event the
 21 secretary to the chairperson of the chaplain's
 22 committee is the secretary to the president, speaker,

23 or the majority or minority leader, such secretary

24 shall receive one additional step.

25 *Be It Further Resolved*, That the entrance salary
26 for employees of the general assembly shall be at step
27 1 in the grade of the position held. Such employee
28 may be hired above the entrance step if possessing
29 outstanding and unusual experience for the position,
30 provided that the entrance is not beyond step 3. Such

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1 employee who is hired above the entrance step shall be
2 mobile above that step in the same period of time as
3 other employees in that same step. An officer or
4 employee who is moved to another position may be
5 considered for partial or full credit for their
6 experience in the former position in determining the
7 step in the new grade.

8 The entry level for the position of research
9 analyst shall be Legislative Research Analyst, unless
10 extraordinary conditions justify increasing that entry
11 level; however, that entry level may not be increased
12 beyond Legislative Research Analyst I. A research
13 analyst must have shown knowledge of legislative rules
14 and procedures as well as the Code of Iowa to be
15 considered at any level above a Legislative Research
16 Analyst.

17 *Be It Further Resolved*, That a pay increase for
18 employees of one step within the pay grade for the
19 position may be made for exceptionally meritorious
20 service in addition to step increases provided for in
21 this resolution, at the discretion of the chief clerk
22 upon recommendation by the employee's division
23 supervisor on the part of the house, and upon
24 recommendation by the employee's division supervisor
25 on the part of the senate, and the approval of the
26 senate committee on rules and administration or the
27 house committee on administration and rules.
28 Exceptionally meritorious service pay increases shall
29 be governed by the following:

30 a. The employee must have served in the position

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1 for at least twelve months;

2 b. Written justification, setting forth in detail
3 the nature of the exceptionally meritorious service
4 rendered, must be submitted to the senate rules and
5 administration committee or house administration and
6 rules committee and approved in advance of granting
7 the pay increase;

8 c. No more than one exceptionally meritorious
9 service pay increase may be granted in any twelve-

10 month period.

11 d. Such meritorious service pay increase shall not
12 be granted beyond the six-step maximum for that
13 position.

14 *Be It Further Resolved*, That the senate rules and
15 administration committee and the house administration
16 and rules committee shall both hire officers and
17 employees for their respective bodies and fill any
18 vacancies which may occur, to be effective at such
19 time as they shall set. The committee shall report
20 the names of those it has hired for the positions
21 specified in this resolution or the filling of any
22 vacancies on the next legislative day or, if such
23 action is during the interim, on the first day the
24 senate or house shall convene. Any action by the
25 senate or house to amend or disapprove a report or a
26 portion of a report shall be effective the day after
27 the action.

28 The chief clerk of the house shall submit to the
29 house committee on administration and rules and the
30 secretary of the senate shall submit to the senate

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1 committee on rules and administration the list of
2 names, or amendments thereto, of employee
3 classifications and recommended pay step for each
4 officer and employee. Such list shall include
5 recommendations for the pay step for all employees.
6 Each respective committee shall approve or amend the
7 list of recommended classifications and pay steps and
8 publish said list in the journal.

9 *Be It Further Resolved*, That permanent employees of
10 the general assembly shall receive vacation
11 allowances, sick leave, health and accident insurance,
12 life insurance, and disability income insurance as are
13 provided for full-time permanent state employees. The
14 computations shall be maintained by the finance
15 officers in each house and coordinated with the
16 department of management revenue and finance.

17 *Be It Further Resolved*, That should any employee
18 have a grievance, the grievance shall be resolved as
19 provided by procedures determined by the senate rules
20 and administration committee for senate employees or
21 the house administration and rules committee for house
22 employees.

23 *Be It Further Resolved*, That ~~it is the intent of~~
24 the general assembly ~~that the legislative council~~
25 adopt a resolution similar to this resolution which
26 provides for the compensation and benefits of all
27 legislative central staff agency employees for the
28 ~~seventy-fifth~~ seventy-sixth general assembly. The
29 resolution shall be adopted as soon as practicable

30 after the ~~first meeting of the legislative council~~

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1 ~~during the 1993 session~~ convening of the seventy-sixth
2 general assembly, and published in the journals of the
3 senate and house.
4 *Be It Further Resolved*, That the compensation of
5 chaplains officiating at the opening of the daily
6 sessions of the house of representatives and the
7 senate of the ~~seventy-fifth~~ seventy-sixth general
8 assembly be fixed at ten dollars for each house of the
9 general assembly, and that mileage for chaplains be
10 fixed at the rate of twenty-one cents per mile to and
11 from the State Capitol.

Rants of Woodbury offered the following amendment H-3002 filed by the committee on administration and rules and moved its adoption:

H-3002

1 Amend Senate Concurrent Resolution 3, as passed by
2 the Senate, as follows:
3 1. Page 5, line 16, by striking the word "Senior"
4 and inserting the following: "Senior".
5 2. Page 5, by inserting after line 21 the follow-
6 ing:
7 "Beginning with the convening of the Seventy-
8 seventh General Assembly, all caucus secretaries shall
9 not be paid an overtime premium."
10 3. Page 7, lines 18 and 19, by striking the words
11 "Leader or Speaker" and inserting the following:
12 "Leader, or Speaker, or Speaker Pro Tempore".
13 4. Page 13, line 8, by inserting after the words
14 "house administration" the following: "and rules".
15 5. Page 15, line 3, by striking the words "pay
16 steps" and inserting the following: "a pay steps
17 grade".

The committee amendment H- 3002 was adopted.

On motion by Rants of Woodbury, the resolution, as amended, was adopted.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:23 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:08 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House File 90, by Larson, a bill for an act increasing the research activities tax credit for purposes of the state individual and corporate income taxes and providing effective and applicability date provisions.

Read first time and referred to committee on **economic development**.

House File 91, by Coon, a bill for an act redefining the purpose of a geographic computer database system for bonding purposes by a county.

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

House File 92, by Cataldo, a bill for an act relating to the frequency of a request for review of a child support order being enforced by the child support recovery unit.

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

House File 93, by Connors, a bill for an act requiring seat belts in truck beds and making existing penalties applicable.

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

House File 94, by committee on judiciary, a bill for an act to permit certain dissolutions of marriage to take place without a hearing.

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

House File 95, by Rants, a bill for an act concerning a reduction in automobile liability premiums for certain drivers aged fifty-five or older and providing an effective date.

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

House File 96, by Houser, a bill for an act relating to the office hours of the county commissioner of elections.

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

House File 97, by committee on ways and means, a bill for an act relating to the reduction in the individual income tax rates, providing for surplus moneys to replace the general fund revenue loss as a result, establishing a rate reduction replacement fund, and appropriating moneys to the cash reserve fund, and providing effective and retroactive applicability date provisions.

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

SPECIAL PRESENTATION

Bernau of Story presented to the House Lia Pierson of Ames. Lia is one of only thirty-two Americans to be selected as a Rhodes Scholar and only the fifth Iowa State University student to receive this award. Lia is majoring in chemical engineering and has also been very active in various extracurricular activities. She will be attending Oxford University in England this fall.

The House rose and expressed its welcome.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

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

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Assistant Chief Clerk I	Gregory A. Spenner	32\1	E\FT
Assistant Chief Clerk I	Jason W. Gross	32\1	E\FT
Sr. Caucus Staff Director	Warren L. Fye	41\3	P\FT
Sr. Caucus Staff Director	Paulee Lipsman	41\4	P\FT
Administrative Assistant II to Speaker	A. John Davis	32\3	P\FT
Administrative Assistant II to Speaker	Jeffrey G. Mitchell	32\2	P\FT
Executive Secretary to Speaker	Susan Bruckshaw	24\1	E\FT
Administrative Assistant III to Speaker Pro Tempore	Maryjo F. Welch	35\5	S\O
Senior Administrative Assistant to Leader	Mark W. Brandsgard	38\6	P\FT
Administrative Assistant II to Leader	Susan D. Severino	32\3	P\FT
Administrative Secretary to Leader	Becky L. Lorenz	21\1	P\PT
Legislative Research Analyst I	Lon W. Anderson	29\2	P\FT
Legislative Research Analyst	Patricia A. Axmear	27\1	P\FT
Legislative Research Analyst I	Pamela H. Dugdale	32\2	P\FT
Legislative Research Analyst	Elizabeth L. Henderson	27\3	P\FT
Legislative Research Analyst I	Stacie Maass	29\3	P\FT

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Research Analyst I	Lewis Olson	29\2	P\FT
Legislative Research Analyst	Craig R. Schoenfeld	27\1	P\FT
Senior Legislative Research Analyst	Margaret Ann Thomson	38\2	P\FT
Senior Caucus Secretary	Bruce G. Brandt	24\6	P\FT
Legislative Research Analyst	James M. Addy	27\2	P\FT
Legislative Research Analyst II	Mary C. Braun	32\3	P\FT
Senior Legislative Research Analyst	Edward J. Conlow	38\3	P\FT
Senior Legislative Research Analyst	Mary E. O. Fleckenstein	38\6	P\FT
Senior Legislative Research Analyst	Thomas R. Patterson	38\6	P\FT
Legislative Research Analyst III	Joseph P. Romano	35\2	P\FT
Legislative Research Analyst I	Jenifer L. Parsons	29\3	P\FT
Caucus Secretary	Ingrid L. Johnson	21\2	P\FT
Executive Secretary to Speaker	Carolyn Gaukel	24\5	P\PT
Secretary Supervisor I	Colleen Dillon	24\6	P\FT
Recording Clerk II	Alyce Elmitt	24\3	S\O
Confidential Secretary to Chief Clerk	Betty M. Soener	27\2	P\FT
Clerk to Chief Clerk	E. Kay Bales	16\1	S\O
Senior Journal Editor	Vivian M. Anders	30\5	P\FT
Assistant Journal Editor	Lois E. Bishop	19\5	P\FT
Compositor Desk Top Specialist	David Lee Stanley	17\1	P\FT
Senior Finance Officer	Billie Jean Walling	31\6	P\FT
Finance Officer II	Debra K. Rex	27\6	P\FT
Assistant Legal Counsel	E. Jane Fowler	27\6	P\FT
Engrossing\Enrolling Processor	Pauline E. Kephart	27\6	S\O
Text Processor I	Patricia J. Ashton	19\1	S\O
Assistant to the Legal Counsel	Doreen R. Terrell	19\1	S\O
Indexer II	Juanita F. Swackhammer	25\6	P\FT
Indexing Assistant	Kristin L. Wentz	19\3	P\FT
Switchboard Operator	Madeline E. James	14\6	S\O
Switchboard Operator	Lisa Marie Galvan	14\1	S\O
Bill Clerk	Mildred Stewart	14\6	S\O
Assistant Bill Clerk	Marie A. Kirby	12\2	S\O
Postmaster	William C. Walling	12\2	S\O
Sergeant-at-Arms	Cecil M. Rhoads	17\2	S\O
Assistant Sergeant-at-Arms	Marvin Hollingshead	14\2	S\O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Doorkeeper	Maynard L. Boatwright	11\3	S\O
Doorkeeper	Dwight H. Dugan	11\3	S\O
Doorkeeper	Alfred H. Edwards	11\3	S\O
Doorkeeper	Orson R. McNitt	11\2	S\O
Doorkeeper	Kathleen L. O'Leary	11\3	S\O
Doorkeeper	Richard R. Overholser	11\1	S\O
Doorkeeper	Wilbur N. Rhoads	11\2	S\O
GROUP I			
Speaker's Page	Mary K. Earnhardt	\$4.65 per hour	S\O
Chief Clerk's Page	Jay C. McLaren	\$4.65 per hour	S\O
Chief Clerk's Page	Chad P. Vande Lune	\$4.65 per hour	S\O
Page	Brooke A. Barnett	\$4.65 per hour	S\O
Page	Tara A. Bartosh	\$4.65 per hour	S\O
Page	Emelie M. Boelter	\$4.65 per hour	S\O
Page	Amy N. Fabor	\$4.65 per hour	S\O
Page	Peter A. Grandgeorge	\$4.65 per hour	S\O
Page	De Ann Hart	\$4.65 per hour	S\O
Page	Scott C. Hultgren	\$4.65 per hour	S\O
Page	Aaron J. Johnson	\$4.65 per hour	S\O
Page	Miekka N. Katter	\$4.65 per hour	S\O
Page	Joshua L. Ladwig	\$4.65 per hour	S\O
Page	Deana D. Lauritzen	4.65 per hour	S\O
Page	Matthew J. Loecke	\$4.65 per hour	S\O
Page	Rachel R. Marienau	\$4.65 per hour	S\O
Page	Jennifer M. McNally	\$4.65 per hour	S\O
Page	Kelly M. O'Brien	\$4.65 per hour	S\O
Page	Cambre A. Pickle	\$4.65 per hour	S\O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Page	Katy M. Routh	\$4.65	S\O
		per hour	
Page	Jennifer L. Smith	\$4.65	S\O
		per hour	
Page	Sara E. Stone	\$4.65	S\O
		per hour	
Page	Ryan A. Verhulst	\$4.65	S\O
		per hour	
Page	Toni L. Verlengia	\$4.65	S\O
		per hour	
Page	Kelly J. Vogel	\$4.65	S\O
		per hour	
GROUP II			
Page	Jennifer L. Banger	\$4.65	S\O
		per hour	
Page	Jonathan P. Bockert	\$4.65	S\O
		per hour	
Page	Rebecca C. Booth	\$4.65	S\O
		per hour	
Page	Tanya R. Douglas	\$4.65	S\O
		per hour	
Page	Amanda D. Dykstra	\$4.65	S\O
		per hour	
Page	Daniel R. Goos	\$4.65	S\O
		per hour	
Page	Traci M. Heim	\$4.65	S\O
		per hour	
Page	Cora A. Lubbert	\$4.65	S\O
		per hour	
Page	Brian S. Mensen	\$4.65	S\O
		per hour	
Page	Sara Ann Nelson	\$4.65	S\O
		per hour	
Page	Holly A. Norman	\$4.65	S\O
		per hour	
Page	Sarah E. Pederson	\$4.65	S\O
		per hour	
Page	Jeremy A. Plagman	\$4.65	S\O
		per hour	
Page	Josie J. Roslansky	\$4.65	S\O
		per hour	
Legislative Secretary	Melonie Rae Allyn	16\2	S\O
Legislative Secretary	Cheryl K. Arnold	16\1	S\O
Legislative Secretary	Norma L. Bakros	18\4+2	S\O
Legislative Committee Secretary	Mindi K. Balmer	17\1	S\O
Legislative Secretary	Susan M. Betsinger	16\1	S\O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Secretary	Sandra J. Blodgett	17\2	S\O
Legislative Secretary	Frank H. Boggess	15\1	S\O
Legislative Secretary	Alberta B. Bowdre	16\2	S\O
Legislative Secretary	Patricia A. Bradley	16\1	S\O
Legislative Secretary	Grace R. Branstad	15\3+2	S\O
Legislative Secretary	Joan K. Brauer	16\4	S\O
Legislative Secretary	Matthew J. Brewer	15\1	S\O
Legislative Committee Secretary	Kristine L. Brunkhorst	17\1	S\O
Legislative Secretary	Gretchen Cardamon	17\4+2	S\O
Legislative Secretary	R. Jeannene Cochran	16\6+2	S\O
Legislative Secretary	Marjorie I. Connors	17\2	S\O
Legislative Secretary	Wanda L. Cornelius	16\1	S\O
Legislative Committee Secretary	Phyllis R. Cowles	17\6+2	S\O
Legislative Committee Secretary	Ruth A. Daggett	18\4+2	S\O
Legislative Secretary	Kitte L. Dormady	16\1	S\O
Legislative Secretary	Shirley J. Drake	16\2	S\O
Legislative Committee Secretary	Brian E. Dumas	18\1	S\O
Legislative Committee Secretary	Matt M. Dummermuth	17\1	S\O
Legislative Secretary	Joan R. Eggen	16\6+2	S\O
Legislative Committee Secretary	Helen R. Ertl	17\2	S\O
Legislative Secretary	M. Rosalie Flesher	16\3+2	S\O
Legislative Committee Secretary	Nancy D. Frank	17\2	S\O
Legislative Committee Secretary	LaVena M. Fries	17\6+2	S\O
Legislative Secretary	Matthew L. Gannon	16\1	S\O
Legislative Secretary	Erich J. Gaukel	16\1	S\O
Legislative Secretary	Audrey J. Gibson	16\5+2	S\O
Legislative Secretary	Mary S. Green	15\1	S\O
Legislative Committee Secretary	Constance K. Grieg	17\1	S\O
Legislative Secretary	Dorothy A. Gries	15\2	S\O
Legislative Committee Secretary	Susan L. Grundberg	17\2	S\O
Legislative Secretary	Doris E. Guess	16\3	S\O
Legislative Secretary	Warren S. Gunnels	17\1	S\O
Legislative Committee Secretary	Matthew J. Haindfield	17\1	S\O
Legislative Secretary	Carol F. Hansen	16\2	S\O
Legislative Secretary	Mary E. Heaton	16\1	S\O
Legislative Secretary	Nancy J. Hendrickson	16\1	S\O
Legislative Secretary	Deborah L. Holman	18\1	S\O
Legislative Secretary	Earl Y. Horlyk	15\1	S\O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Secretary	Chad M. Hoseth	15\1	S\O
Legislative Secretary	David E. Kindwall	16\1	S\O
Legislative Secretary	Jennifer J. Kingland	16\1	S\O
Legislative Committee Secretary	Karen F. Klemme	17\2	S\O
Legislative Secretary	Joan M. Koenigs	16\4+2	S\O
Legislative Committee Secretary	Teresa L. Landmark	17\1	S\O
Legislative Secretary	Shanon L. Lane	15\1	S\O
Legislative Secretary	Matthew P. Lathrop	16\1	S\O
Legislative Secretary	Mary B. Lawless	16\3+2	S\O
Legislative Secretary	JoAnn M. Leachman	16\4+2	S\O
Legislative Secretary	Sharron M. Main	15\1	S\O
Legislative Secretary	M. Maxine Mann	15\6+2	S\O
Legislative Committee Secretary	Robert B. Martin	17\2	S\O
Legislative Secretary	Shirley L. Marty	16\3+2	S\O
Legislative Secretary	Dolores R. Matson	16\3+2	S\O
Legislative Secretary	Dorothy A. Mauro	16\3+2	S\O
Legislative Secretary	Gregory M. McCleary	16\1	S\O
Legislative Secretary	Madeline J. Meyer	16\2	S\O
Legislative Committee Secretary	Twyla L. Miller	17\3+2	S\O
Legislative Secretary	Alma Morris	16\1	S\O
Legislative Secretary	V. Faye Mundie	16\2	S\O
Legislative Secretary	Jon A. Murphy	16\1	S\O
Legislative Secretary	Terrence L. Neuzil	16\2	S\O
Legislative Secretary	M. Anne B. O'Connell	18\3+2	S\O
Legislative Committee Secretary	Michael D. O' Toole	17\1	S\O
Legislative Secretary	Aaron S. Pickrell	16\1	S\O
Legislative Committee Secretary	Julie K. Pierce	17\3	S\O
Legislative Committee Secretary	Dorothy E. Potthoff	17\5+2	S\O
Legislative Secretary	Carolyn J. Ramsay	18\3+2	S\O
Legislative Secretary	Donald A. Ray	16\2	S\O
Legislative Committee Secretary	Kathleen M. Rehberg	17\1	S\O
Legislative Committee Secretary	Mary A. Rhoads	17\4+2	S\O
Legislative Secretary	Martha G. Ricklefs	15\2	S\O
Legislative Secretary	Sharon R. Robinson	16\6	S\O
Legislative Secretary	Mark A. Roepke	16\1	S\O
Legislative Secretary	Darlene M. Salton	16\1	S\O
Legislative Secretary	Roberta J. Schrader	15\2	S\O
Legislative Secretary	Wilma R. Scienszinski	16\3	S\O
Legislative Committee Secretary	Stephanie A. Sheil	17\1	S\O
Legislative Secretary	Curt S. Smith	16\1	S\O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Secretary	Vinita J. Smith	16\2	S\O
Legislative Committee Secretary	Betty J. Sorenson	17\1	S\O
Legislative Secretary	Phyllis A. Stewart	16\1	S\O
Legislative Committee Secretary	Harriet J. Stromer	17\6+2	S\O
Legislative Secretary	Jean Tannatt	16\1	S\O
Legislative Secretary	Jo Ann Thomas	16\3+2	S\O
Legislative Secretary	Eileen M. Tyler	16\3	S\O
Legislative Secretary	Sherry L. Van Hooser	15\1	S\O
Legislative Committee Secretary	Harriet Vande Hoef	18\4	S\O
Legislative Secretary	Janice G. Veenstra	15\1	S\O
Legislative Secretary	Carissa J. Wall	16\1	S\O
Legislative Committee Secretary	Ruth A. Welter	17\2	S\O
Legislative Secretary	Barbara B. Wennerstrum	15\5	S\O

RANTS of Woodbury, Chair

REPORT OF HOUSE ADMINISTRATION COMMITTEE

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

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Assistant Chief Clerk I	Jason W. Gross	32\1	E\FT	01\23\95

The following is a resignation from the officers and employees of the House:

Assistant Chief Clerk I	Gregory A. Spenner	32\1	E\FT	01\26\95
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RANTS of Woodbury, Chair

PRESENTATION OF VISITORS

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

Forty-eight seniors and one German Foreign Exchange student, from BCL-UW High School, Conrad, accompanied by Nick Kluever. By Sukup of Franklin and Renken of Grundy.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\23 Lyn L. Countryman, Malcolm Price Laboratory School – For achieving certification by the National Board for Professional Teaching Standards.
- 1995\24 Mary Norton, North Cedar Elementary School – For achieving certification by the National Board for Professional Teaching Standards.
- 1995\25 Jayme Arlen, Zwingle – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\26 Jamie Clasen, LaMotte – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\27 Joe Frick, Zwingle – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 53

Commerce – Regulation: Metcalf, Chair; Brunkhorst, Holveck, Lamberti and Weigel.

House File 63

Education: Boddicker, Chair; Veenstra and Wise.

House File 64

Transportation: Weidman, Chair; Heaton and Koenigs.

House File 65

Education: Grundberg, Chair; Daggett and Kreiman.

House File 66

Labor and Industrial Relations: Boddicker, Chair; Lord and Nelson of Pottawatamie.

House File 67 Reassigned

State Government: Coon, Chair; Larkin and Renken.

House File 68

Transportation: Grundberg, Chair; Arnold and Ollie.

House File 74

Labor and Industrial Relations: Boddicker, Chair; Renken and Running.

House File 87

Natural Resources: Greig, Chair; Arnold and May.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 7**

Commerce - Regulation: Dinkla, Chair; Holveck, Metcalf, Renken and Weigel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 20 LOCAL GOVERNMENT**

Relating to county expenditures for mental health, mental retardation, and developmental disabilities services by providing for property tax reductions, establishing a county fund for such services, and providing an effective date.

H.S.B. 21 COMMERCE-REGULATION

Paying tribute to the memory of Dennis J. Nagel.

H.S.B. 22 WAYS AND MEANS

Relating to the state sales tax on auxiliary attachments for self-propelled and non-self-propelled farm machinery and equipment.

H.S.B. 23 ENVIRONMENTAL PROTECTION

Relating to solid waste by eliminating the polystyrene ban and providing an effective date.

H.S.B. 24 EDUCATION

Relating to school district expenditures for administrative and instructional staff salaries, establishing a schools making advances through technology program, creating a fund, making appropriations, and providing for related matters.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Senate File 32, a bill for an act relating to the inclusion of school nurses and area education agency professionals in the educational excellence program and providing effective and retroactive applicability dates.

Fiscal Note is required.

Recommended **Do Pass**, January 26, 1995

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 4), to permit certain dissolution of marriage to take place without a hearing.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 1), relating to the reduction in the individual income tax rates, providing for surplus moneys to replace the general fund revenue loss as a result, establishing a rate reduction replacement fund, and appropriating moneys to the cash reserve fund, and providing effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1995.

RESOLUTION FILED

HCR 13, by Martin, Harper, Doderer, Jochum, Metcalf, Grundberg, Nelson of Marshall, Jacobs, Mascher, Thomson, Mertz, Boggess, Nelson of Pottawattamie, Hammitt, Greiner, Garman, Burnett, Bernau, Siegrist, Witt, Hanson, Branstad, Cormack, Lamberti, Cornelius, Teig, Arnold, Huseman, Vande Hoef, Dinkla, Larson, Sukup, Van Fossen, Corbett, Weidman, Disney, Blodgett, Brunkhorst, Boddicker, Houser, Gries, Welter, Main, Nutt, Klemme, Salton, Heaton, Greig, Schulte, Coon, Drake, Meyer, Renken, Kremer, Veenstra, Harrison, and Halvorson, a concurrent resolution recognizing the seventy-fifth anniversary of the founding of the League of Women Voters of Iowa.

Laid over under **Rule 25**.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:20 p.m. until 1:00 p.m., Monday, January 30, 1995.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day - Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 30, 1995

The House met pursuant to adjournment at 1:02 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend DeLane Wright, First United Methodist Church, Woodbine.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brian White, member of Boy Scout Troop 313 of Grinnell, and the son of Pat and Wanda White.

The Journal of Thursday, January 26, 1995 was approved.

INTRODUCTION OF BILLS

House File 98, by Boddicker, a bill for an act requiring the department of human services to notify a subject of a child abuse report of investigation results by restricted certified mail.

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

House File 99, by Greig, Cataldo and Burnett, a bill for an act adopting a new uniform anatomical gift Act and providing a penalty.

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

House File 100, by Cormack, a bill for an act limiting the number of terms a person may serve as secretary of agriculture and providing applicability and effective date provisions.

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

House File 101, by Mundie, a bill for an act creating multi-disciplinary social services teams and providing a penalty.

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

House File 102, by Cataldo, a bill for an act related to criminal offenses against minors and sexually violent offenses and offenders committing those offenses, by requiring registration by offenders, providing for the establishment of a sex offender registry, and providing penalties.

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

House File 103, by Renken, O'Brien and Greig, a bill for an act relating to the liability of persons involved in domesticated animal activities.

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

House File 104, by Houser, a bill for an act relating to the establishment of minimum standards for the training of telecommunicators.

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

House File 105, by Tyrrell, May, Renken, Vande Hoef, Murphy, Mertz, Witt, Harper, Hanson, Greiner, Baker, Shoultz, Running, Larkin and Coon, a bill for an act relating to the sale price of alcoholic liquor by a class "E" liquor control licensee, and subjecting violators to criminal and civil penalties.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 26, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 68, a bill for an act relating to state financial provisions by making an appropriation for the fiscal year beginning July 1, 1994, by establishing a property tax relief fund, providing for the ending balance in the general fund of the state, and providing an effective date.

Also: That the Senate has on January 26, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 69, a bill for an act relating to county expenditures of property taxes for mental health and developmental disabilities costs by providing for reduction of property taxes, making appropriations, and providing an effective date.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 68, by committee on appropriations, a bill for an act relating to state financial provisions by making an appropriation for the fiscal year beginning July 1, 1994, by establishing a property tax relief fund, providing for the ending balance in the general fund of the state, and providing an effective date.

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

Senate File 69, by committee on ways and means, a bill for an act relating to county expenditures of property taxes for mental health and developmental disabilities costs by providing for reduction of property taxes, making appropriations, and providing an effective date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story on request of Burnett of Story; Boddicker of Cedar on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS

House File 30, a bill for an act relating to the fee for a combined hunting and fishing license and providing an effective date and applicability provision, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 30)

The ayes were, 97:

Arnold	Baker	Bell	Blodgett
Bogges	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Gries	Greig
Greiner	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none:

Absent or not voting, 3:

Bernau

Boddicker

Cohoon

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

HOUSE FILE 60 REREFERRED

The Speaker announced that House File 60 previously referred to committee on **education**, was rereferred to committee on **state government**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

A report which provides the current status on purchase and use of soybean-based inks, purchase of starch-based plastic garbage can liners, and purchase of plastic products for which starch-based alternatives are available, pursuant to Chapter 262.9, Code of Iowa.

CENTER FOR AGRICULTURAL SAFETY AND HEALTH

The 1993 Annual Report, pursuant to Chapter 262.78(6), Code of Iowa.

DEPARTMENT OF MANAGEMENT

The Statement of Standing Appropriations report for the fiscal year ending June 30, 1994, pursuant to Chapter 8.6(2), Code of Iowa.

IOWA CIVIL RIGHTS COMMISSION

The Fiscal Year 1994 Annual Report, pursuant to Chapter 17, Code of Iowa.

IOWA COMMUNITY HEALTH MANAGEMENT INFORMATION SYSTEM

A report, pursuant to Chapter 144C.7, 1994 Acts of the Seventy-fifth General Assembly.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\28 Colin Peter Baker, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\29 Ethan Sproston, Cedar Rapids – For 30 years of service as Labor Liaison with United Way of Eastern Iowa.
- 1995\30 Caskey Miller, Leon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1995\31 Brad Untiedt, Leon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\32 Luke Atwood, Leon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\33 James Madden, Leon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 33

Local Government: Houser, Chair; Arnold, Klemme, Larkin and Mundie.

House File 37

Ethics: Salton, Chair; Hurley and Moreland.

House File 71

Judiciary: Lamberti, Chair; Coon and Kreiman.

House File 73

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House File 80

Judiciary: Grubbs, Chair; Doderer, Holveck, Millage and Nutt.

House File 84

Local Government: Hanson, Chair; Connors and Martin.

House File 85

Local Government: Weidman, Chair; Cohoon and Jacobs.

House File 88

Local Government: Huseman, Chair; Brauns and Mertz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 22

Ways and Means: Drake, Chair; Larkin and Main.

House Study Bill 24

Education: Brunkhorst, Chair; Baker, Gries, Nelson of Pottawattamie and Rants.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 25 WAYS AND MEANS

Updating the Iowa Code references to the Internal Revenue Code and providing retroactive applicability and effective dates.

H.S.B. 26 WAYS AND MEANS

Proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

H.S.B. 27 WAYS AND MEANS

Relating to the sales, services, and use tax exemption for items used by printers and publishers, limiting the amount of refunds, and providing retroactive and applicability date provisions.

H.S.B. 28 JUDICIARY

Relating to the judicial department, including jurisdiction of district associate judges in domestic abuse cases, retirement annuities for senior judges, eliminating restitution in traffic violation cases, and providing effective and retroactive applicability dates.

H.S.B. 29 HUMAN RESOURCES

Authorizing certain persons to access dependent adult abuse information.

H.S.B. 30 HUMAN RESOURCES

Relating to medical assistance provisions including those relating to presumptive eligibility for pregnant women and the estates and trusts of recipients of medical assistance.

H.S.B. 31 COMMERCE-REGULATION

Relating to the definition of the practice of engineering and the suspension or revocation of the certificate of registration of a professional engineer or land surveyor.

H.S.B. 32 TRANSPORTATION

Relating to certain exemptions from federal motor carrier safety regulations.

H.S.B. 33 LOCAL GOVERNMENT

Relating to tobacco sales and use.

H.S.B. 34 HUMAN RESOURCES

Relating to public health issues, including certain birth certificates and licensing of athletic trainers.

H.S.B. 35 HUMAN RESOURCES

Relating to emergency medical services.

H.S.B. 36 HUMAN RESOURCES

Relating to smoking in a public place, establishing penalties, and providing an effective date.

H.S.B. 37 TRANSPORTATION

Relating to peace officer status for state department of transportation employees.

H.S.B. 38 JUDICIARY

Reducing the per se alcohol concentration level for the offense of operating while intoxicated.

H.S.B. 39 JUDICIARY

Relating to motor vehicle laws by prohibiting intoxication or simulation of intoxication in the interior of a motor vehicle, increasing the penalty for driving with a denied, canceled, suspended, or revoked license, adopting a safe distance rule for following too closely, and making penalties applicable.

H.S.B. 40 JUDICIARY

Relating to the offense of operating while intoxicated, and providing for minimum hours of community service for certain offenders, minimum periods of license revocation, and other related matters.

H.S.B. 41 STATE GOVERNMENT

Relating to education requirements for nurses.

H.S.B. 42 STATE GOVERNMENT

Relating to the exemption of certain dentists and dental hygienists from state licensing requirements.

H.S.B. 43 STATE GOVERNMENT

Eliminating the appeal period for the awarding of contracts by the purchasing division of the department of general services.

H.S.B. 44 JUDICIARY

Relating to domestic abuse, expanding the definition of domestic abuse, and providing penalties.

H.S.B. 45 STATE GOVERNMENT

Providing that certain personnel and payroll records of employees of a government body are public records subject to examination.

H.S.B. 46 JUDICIARY

Relating to the Iowa civil rights Act by expanding the definition of public accommodation.

H.S.B. 47 STATE GOVERNMENT

Requiring that a publication whose standards are incorporated by reference in agency rulemaking be purchased and provided by the agency to the administrative rules coordinator for deposit in the state law library.

H.S.B. 48 STATE GOVERNMENT

Abolishing the commission on compensation, expenses, and salaries for elected state officials.

H.S.B. 49 NATURAL RESOURCES

Providing special recognition and support to the seventy-fifth anniversary of Iowa's state parks system and urging all citizens and leaders in government, academia, and business to give special recognition to the many and varied services our state parks have given for three-quarters of a century.

H.S.B. 50 AGRICULTURE

Providing for the regulation of animal feeding operations, providing for fees, and providing for penalties.

H.S.B. 51 HUMAN RESOURCES

Relating to establishing certain cost containment mechanisms related to, and providing assistance for, the cost of health care, by establishing certain tax deductions and premium credits, family health accounts, and providing applicability and effective date provisions.

H.S.B. 52 AGRICULTURE

Relating to eggs and poultry by reorganizing the statutory provisions and providing for the administration of the Iowa egg council, assessments and refunds, and the repeal of certain sections.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 37, a bill for an act relating to the control of emissions from grain storage facilities, by imposing a moratorium upon the department of natural resources, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3006** January 26, 1995.

COMMITTEE ON COMMERCE-REGULATION

Committee Resolution (Formerly House Study Bill 21), paying tribute to the memory of Dennis J. Nagel.

Fiscal Note is not required.

Recommended **Do Pass** January 26, 1995.

COMMITTEE ON EDUCATION

Senate File 17, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3007** January 26, 1995.

COMMITTEE ON ETHICS

Committee Resolution (Formerly House Study Bill 9), to amend the House code of ethics.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1995.

RESOLUTIONS FILED

HCR 14, by Witt, a concurrent resolution to urge the Governor and the citizens of Iowa to make available to the people of Japan all appropriate aid and assistance to help the people of Japan recover from the disastrous earthquake of January 17, 1995.

Referred to committee on **state government**.

HR 3, by committee on commerce and regulation, a resolution paying tribute to the memory of Dennis J. Nagel.

Laid over under **Rule 25**.

HR 4, by committee on ethics, a resolution to amend the House code of ethics.

Laid over under **Rule 25 and placed on calendar**.

AMENDMENTS FILED

H-3006	S.F. 37	Committee on Agriculture
H-3007	S.F. 17	Committee on Education

On motion by Siegrist of Pottawattamie, the House adjourned at 1:18 p.m., until 8:45 a.m., Tuesday, January 31, 1995.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 31, 1995

The House met pursuant to adjournment at 8:47 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Mark Sherwood, Berean Baptist Church, Perry.

The Journal of Monday, January 30, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Carroll of Poweshiek, from 75,000 citizens of Iowa, favoring the reinstatement of the death penalty as an option for the courts of the land, to be imposed on those convicted of the heinous crime of abduction and the resultant death of the person(s) abducted.

By Office of Chief Clerk, from fifty-eight Iowans of the Iowa Catholic Conference Bishop's Statement West Branch Friends Meeting General Conference, United Methodist Church, opposing the reinstatement of the death penalty.

INTRODUCTION OF BILLS

House Joint Resolution 3, by Wise, Warnstadt, Nelson of Pottawattamie, Brammer, Cohoon, Larkin, Drees, McCoy and Kreiman, a joint resolution proposing an amendment to the Constitution of the State of Iowa establishing a state general fund expenditure limitation.

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

House File 106, by Grubbs, a bill for an act creating a civil action for disparagement of agricultural food products and commodities, and providing an effective date.

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

House File 107, by Grubbs, a bill for an act relating to juvenile court jurisdiction over juveniles adjudicated delinquent for class "A" and class "B" felonies.

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

House File 108, by Millage, a bill for an act relating to the taxation of pensions, annuities, and retirement allowances received for the

purposes of state individual income tax and providing a retroactive applicability date.

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

House File 109, by Millage, a bill for an act to change the Iowa rules of evidence to permit impeachment by evidence of conviction of any crime punishable by death or imprisonment in excess of one year or any crime involving dishonesty or false statement.

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

House File 110, by Harper, Vande Hoef, Branstad, Greig, Witt, Drake, Murphy and Connors, a bill for an act relating to the name of those persons who engage in the practice of podiatry.

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

House File 111, by Greig, a bill for an act exempting from regulation certain homeowners' association swimming pools.

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

House File 112, by Hammitt, a bill for an act relating to the storage and maintenance of veterans records by the commission of veterans affairs.

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

House File 113, by Arnold, a bill for an act relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals.

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

ASSIGNMENT OF SEATS IN PRESS GALLERIES

The following named persons are accredited members of the press, TV and radio stations and are entitled to access to the press galleries:

AFSCME/Iowa Council 61 News	Larry Scarpino
Associated Press	Mike Glover, Mary Neubauer, John Gaps III, Charlie Niebergall, David Speer, Rodney White
Cedar Rapids Gazette	Rod Boshart, Ken Sullivan
Daily Tribune	Michael Gartner, Jeffrey Bruner
Des Moines Register	David Yepsen, Tom Fogarty, Jon Roos, Phoebe Wall Howard
Dubuque Telegraph Herald	Steve Webber
Iowa Legislative News Service, Inc...	Peter Small, Kathi Marts-Foster, Jack Hunt, Tom Hunt

Iowa Newspaper Association	Jackie King
Lee Enterprises Des Moines Bureau	Kathie Obradovich, Dennis Carroll
Omaha World-Herald	Jim Smiley
Prayer and Action Weekly News	Dave Leach
Sioux City Journal	Patrick Lalley
Waterloo Courier	Kevin Potter
Winterset Madisionian	Ted Gorman
Des Moines Radio Group -	Polly Carver-Kimm, News Director
KIOA/KRNT/KSTZ	
KASI/KCCQ	Rich Fellingham, Dan Danielson
KCCI TV-8	Martin Augustine, Steve Karlin, Jeanette Trompeter, Cortney Kintzer, Donna Smith, Rick Fuller, Tom Torpy
KIMT-TV	Brian Mastre, Lisa Lemke, Dan Clouse, Margot Kim, Robin Wolfram, David Kenney, Susan Zillmer
KOEL Radio	Pam Ohrt, Roger King, Kristin McHugh
KWWL-TV	Tami Wiencek, Dennis Bowman, Scott Stackhouse
KTIV-TV	Larry Wentz, Joel Johnson, John Grosveror, Bruce Scheid, Erik Thorstenson, Laurie Dumstorff
KUNI Radio	Bill Menner
RADIO IOWA	O. Kay Henderson, Vern Beachy, Jordan Melrose, Todd Kimm
WHO RADIO	Gary Barrett, Sue Danielson, Jodi Chapman, Chuck Shockley, Bob Quinn, Ev Hickman
WOI RADIO	Mark Moran
WOI-TV	Lisa Brones, Brian Peter
WOWT-TV	Gary Kerr, Eric Wall, Mike Plews

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 1

State Government: Churchill, Chair; Jacobs and Jochum.

House Joint Resolution 2

State Government: Churchill, Chair; Jacobs and Jochum.

House File 22

Commerce-Regulation: Renken, Chair; Cataldo and Cormack.

House File 24

Commerce-Regulation: Renken, Chair; Metcalf and Wise.

House File 35

Commerce-Regulation: Nutt, Chair; Nelson of Pottawattamie and Sukup.

House File 39

Commerce-Regulation: Metcalf, Chair; Jacobs and Weigel.

House File 43

Commerce-Regulation: Lamberti, Chair; Baker and Churchill.

House File 52

State Government: Jacobs, Chair; Drake and Jochum.

House File 57

Commerce-Regulation: Jacobs, Chair; Halvorson and McCoy.

House File 62

State Government: Churchill, Chair; Connors and Renken.

House File 72

State Government: Jacobs, Chair; Drake and Jochum.

House File 78

State Government: Drake, Chair; Gipp and Jochum.

House File 79

State Government: Drake, Chair; Gipp and Jochum.

House File 81

Transportation: Carroll, Chair; Brauns and Koenigs.

House File 90

Economic Development: Cornelius, Chair; Hammitt and O'Brien.

House File 92

Human Resources: Schulte, Chair; Ertl and Murphy.

House File 93

Transportation: Branstad, Chair; Blodgett and May.

House File 98

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House File 99

Human Resources: Blodgett, Chair; Harper, Lord, Myers and Veenstra.

House File 100

State Government: Churchill, Chair; Jacobs and Jochum.

House File 101

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House File 104

State Government: Houser, Chair; Brammer and Coon.

House File 105

State Government: Ertl, Chair; Cataldo and Thomson.

House File 113

Natural Resources: Cornelius, Chair; Arnold and Drees.

House Concurrent Resolution 14

State Government: Witt, Chair; Coon and Thomson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 29

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House Study Bill 30

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House Study Bill 34

Human Resources: Veenstra, Chair; Burnett and Harrison.

House Study Bill 35

Human Resources: Salton, Chair; Brand and Carroll.

House Study Bill 36

Human Resources: Hammitt, Chair; Harrison and Murphy.

House Study Bill 41

State Government: Thomson, Chair; Bradley, Witt.

House Study Bill 42

State Government: Bradley, Chair; Cataldo and Thomson.

House Study Bill 43

State Government: Renken, Chair; Connors and Coon.

House Study Bill 45

State Government: Jacobs, Chair; Ertl and Jochum.

House Study Bill 47

State Government: Drake, Chair; Brammer and Disney.

House Study Bill 48

State Government: Jacobs, Chair; Connors and Gipp.

House Study Bill 49

Natural Resources: Klemme, Chair; Bell and Thomson.

House Study Bill 51

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 53 Commerce-Regulation

Relating to limitations on the acquisition of banks, savings and loan associations, and savings banks by bank holding companies.

H.S.B. 54 Technology

Relating to the request for proposals for Part III of the Iowa communications network and requesting the Iowa telecommunications and technology commission to issue a notice of intent to award and begin negotiations with the qualifying vendors.

H.S.B. 55 State Government

Relating to the establishment of flammability standards for furniture and providing a penalty.

H.S.B. 56 Ways and Means

Relating to a phaseout of the property tax on industrial machinery, equipment and computers and providing replacement funds to local governments.

H.S.B. 57 Ways and Means

Relating to the sales, services, and use tax exemption for items used by printers and publishers, limiting tax refunds, and providing retroactive applicability and effective date provisions.

H.S.B. 58 Ways and Means

Relating to the production of ornamental, flowering, or vegetable plants for purposes of the state sales tax.

H.S.B. 59 Commerce-Regulation

Relating to authorization of price regulation for utilities providing communications services.

H.S.B. 60 Transportation

To provide conformity to the definition of travel trailers.

H.S.B. 61 Transportation

Relating to governmental control of property by allowing governmental entities to enter and test property for condemnation purposes, providing for the interest rates assessed for condemnation damages, providing for right-of-way notice filings, and concerning advertising control laws on scenic highways.

H.S.B. 62 Transportation

Making an annual appropriation to the passenger rail service revolving fund.

H.S.B. 63 Appropriations

Creating a highway safety patrol fund, allocating use tax receipts, and providing appropriations.

H.S.B. 64 Appropriations

Making supplemental appropriations for the fiscal year beginning July 1, 1994, and providing an effective date.

APPOINTMENTS BY THE SPEAKER

The Speaker announced the following appointments:

(1995-1996 Legislative Council)
(Section 2.41, Code of Iowa)

Representative Ron Corbett
Representative Harold Van Maanen
Representative Brent Siegrist
Representative David Schrader
Representative Clifford Branstad
Representative Dennis Cohoon
Representative John Connors
Representative Chuck Gipp
Representative Libby Jacobs
Representative Pam Jochum
Representative David Millage
Representative Pat Murphy

LEGISLATIVE COUNCIL COMMITTEES**ADMINISTRATION**

Representative Libby Jacobs
Representative Harold Van Maanen
Representative Pam Jochum

CAPITAL PROJECTS

Representative Clifford Branstad
Representative Chuck Gipp
Representative David Millage
Representative Pam Jochum
Representative Pat Murphy

FISCAL

Representative Roger Halvorson
Representative Libby Jacobs
Representative David Millage
Representative Bill Bernau
Representative Pat Murphy

INTERNATIONAL/RELATIONS

Representative Steve Churchill
Representative Chuck Larson
Representative Beverly Nelson
Representative Tom Baker
Representative Linda Nelson

SERVICE

Representative Clifford Branstad
Representative Brent Siegrist
Representative John Connors

STUDIES

Representative Ron Corbett
Representative Chuck Gipp
Representative Harold Van Maanen
Representative Dennis Cohoon
Representative David Schrader

COMMITTEE RECOMMENDATION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 18, a bill for an act relating to arbitrator considerations in binding arbitration of public employment collective bargaining disputes.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 1995.

RESOLUTION FILED

HCR 15, by Gries, Rants, Vande Hoef, Eddie, Huseman, Greig, Klemme, Warnstadt, Houser, Nelson of Pottawattamie, Daggett, Drake, Veenstra and Nutt, a concurrent resolution objecting to a plan proposed by the

United States Corps of Engineers to dramatically alter the operation of the Missouri River, and to request that the current operation of the river be maintained or that an alternative plan be considered that does not negatively impact upon the effective operation of the river.

Referred to the committee on **agriculture**.

AMENDMENT FILED

H-3008

H.F. 15 Millage of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 8:55 a.m. until 8:45 a.m., February 1, 1995.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 1, 1995

The House met pursuant to adjournment at 8:48 a.m., Speaker Corbett in the chair.

Prayer was offered by Pastor Dave Bouchard, Rising Sun Church of Christ, Rising Sun.

The Journal of Tuesday, January 31, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Union, for February 1 and 2, 1995, and Grundberg of Polk on request of Siegrist of Pottawattamie; Bradley of Clinton, on request of Drake of Pottawattamie; O'Brien of Boone, Shultz of Black Hawk and Ollie of Clinton, until their arrival, on request of Schrader of Marion.

PETITION FILED

By Brammer of Linn from two hundred ninety-seven students of Coe College favoring the support of the arts by voting to keep the National Endowment for the Arts, the National Endowment for the Humanities, National Public Radio and Public Broadcasting Stations.

INTRODUCTION OF BILLS

House File 114, by Garman, a bill for an act to remove the six-year period concerning prior offenses for purposes of determining whether enhanced penalties or license revocations apply to an operating while intoxicated offense.

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

House File 115, by Boddicker, a bill for an act relating to refreshments in rest areas during holiday periods.

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

House File 116, by Dinkla, a bill for an act requiring the Iowa public employees' retirement system to pay benefits in accordance with qualified domestic relations orders.

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

House File 117, by Brauns, a bill for an act relating to cost of play and value of prizes of games of skill and games of chance conducted at amusement concessions.

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

House File 118, by Boddicker, a bill for an act relating to compensation of volunteer fire fighters when subpoenaed as witnesses.

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

House File 119, by Boddicker, a bill for an act to provide for the impoundment or immobilization and forfeiture of motor vehicles driven or owned by persons convicted of operating while intoxicated and being a second or subsequent offender.

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

CONSIDERATION OF BILLS Regular Calendar

House File 15, a bill for an act relating to the juror source list by providing an additional date for updating the motor vehicle operators list and voter registration list, and deleting the reference to public utility customers lists as available comprehensive source lists, with report of committee recommending passage was taken up for consideration.

Millage of Scott offered the following amendment H-3008 filed by him and moved its adoption:

H-3008

- 1 Amend House File 15 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "and September 15".
- 4 2. Page 1, line 12, by striking the words and
- 5 figure "March June 15 and December 15" and inserting
- 6 the following: "March 15".
- 7 3. Page 1, by inserting after line 13 the
- 8 following:
- 9 "Sec. ____ Section 607A.10, Code 1995, is amended
- 10 to read as follows:
- 11 607A.10 APPOINTIVE COMMISSION — MASTER LIST.
- 12 In each county the judges of the district court of
- 13 the judicial district in which the county is located
- 14 ~~shall~~, on or before March 1 of each ~~odd-numbered~~ year,
- 15 shall appoint three competent electors as a jury
- 16 commission to draw up the master list for the ~~two~~
- 17 ~~years~~ one-year period beginning the following July 1.
- 18 The names for the master list shall be taken from the
- 19 source lists. If all of the source lists are not used
- 20 to draw up the master list, then the names drawn must
- 21 be selected in a random manner.
- 22 Sec. ____ Section 607A.20, Code 1995, is amended
- 23 to read as follows:
- 24 607A.20 JURY MANAGER.

- 25 If the chief judge of the judicial district uses
 26 electronic data processing techniques and equipment
 27 for the drawing of jurors in lieu of a jury
 28 commission, the chief judge shall, after consultation
 29 with the clerk, district court administrator, and
 30 county auditor, shall appoint an individual to serve
 31 as the jury manager for the county. The jury manager
 32 shall be responsible for the implementation of this
 33 chapter for the county. The jury manager shall update
 34 the master list from the source lists at least once
 35 every ~~two years~~ year beginning January 1 after the
 36 general election is held.”
- 37 4. Title page, lines 1 and 2, by striking the
 38 words “an additional date for updating” and inserting
 39 the following: “that”.
- 40 5. Title page, line 3, by inserting after the
 41 word “list” the following: “shall be updated yearly”.
- 42 6. By renumbering as necessary.

Amendment H-3008 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. 15)

The ayes were, 87:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Connors	Coon	Cormack
Cornelius	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	Rants	Renken
Running	Salton	Schrader	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 13:

Bernau	Bradley	Brammer	Brand
Cohoon	Daggett	Ertl	Grundberg
Heaton*	O'Brien	Ollie	Shoultz
Wise			

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:

Bernau of Story on request of Connors of Polk; Heaton of Henry on request of Kremer of Buchanan.

House File 29, a bill for an act to provide a presumption that kidnapping has occurred within the state when the body of a kidnapping victim is found within the state, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 29)

The ayes were, 90:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggett	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Connors	Coon
Cormack	Cornelius	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammit	Hanson	Harper
Harrison	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none:

Absent or not voting, 10:

Bernau	Bradley	Brammer	Cohon
Daggett	Ertl	Grundberg	Heaton
O'Brien	Shoultz		

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

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent that the rules be suspended for the immediate consideration of Senate File 17.

Senate File 17, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

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

The House resumed session at 9:58 a.m., Speaker Corbett in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 17** be deferred and that the bill retain its place on the calendar.

INTRODUCTION OF BILL

House File 120, by committee on education, a bill for an act establishing a schools making advances through technology program, creating a fund, making appropriations, and providing for related matters.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 31, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees

received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes.

Also: that the Senate has on January 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 9, a bill for an act relating to the performance of duties of the office of recorder on abolition of the office and the filing of documents and providing an effective date and for retroactive applicability.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 10:00 a.m., until 5:00 p.m.

EARLY EVENING SESSION

The House reconvened at 5:02 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his arrival, and Meyer of Sac, both on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **Senate File 17**, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions, previously deferred.

Grubbs of Scott offered the following amendment H-3007 filed by the committee on education and moved its adoption:

H-3007

- 1 Amend Senate File 17, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the words "four
- 4 and one-half" and inserting the following: "three".

Roll call was requested by Ollie of Clinton and Running of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-3007 be adopted?" (S.F. 17)

The ayes were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Cornelius	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoults
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 4:

Corbett, Spkr.	Daggett	Grundberg	Meyer
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The committee amendment H-3007 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. 17)

The ayes were 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Brammer	Branstad	Brauns
Brunkhorst	Carroll	Churchill	Coon
Cormack	Cornelius	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser

Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

The nays were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

Absent or not voting, 4:

Corbett, Spkr.	Daggett	Grundberg	Meyer
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 17** 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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 120, a bill for an act establishing a schools making advances through technology program, creating a fund, making appropriations, and providing for related matters.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1995.

RULES SUSPENDED

Siegrist of Pottawattamie asked for unanimous consent to suspend the rules for the immediate consideration of House File 120.

Objection was raised.

Siegrist of Pottawattamie moved to suspend the rules for the immediate consideration of House File 120.

A non-record roll call was requested.

The ayes were 58, nays 34.

The motion prevailed and the rules were suspended.

Appropriations Calendar

House File 120, a bill for an act establishing a schools making advances through technology program, creating a fund, making appropriations, and providing for related matters, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 5:37 p.m.

The House resumed session at 6:11 p.m and consideration of **House File 120**, a bill for an act establishing a schools making advances through technology program, creating a fund, making appropriations, and providing for related matters, Speaker pro tempore Van Maanen of Marion in the chair.

RULE 31.8 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments to House File 120.

Ollie of Clinton offered amendment H-3017 filed by Ollie, Wise, Connors, Baker, Schrader, May, Koenigs, Mertz, Moreland, Harper, Mascher, Burnett, Jochum, Fallon, Shoultz, Nelson of Pottawattamie, Brand, Larkin, Cohoon, and Running from the floor as follows:

H-3017

- 1 Amend House File 120 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. **NEW SECTION.** 295.1 SCHOOL
- 5 IMPROVEMENT PROGRAM.

6 The general assembly finds that the fundamental
7 unit of educational improvement is the individual
8 schools in each community. The general assembly
9 further finds that the success of Iowa's educational
10 system has resulted from the high degree of
11 responsibility provided to local districts with regard
12 to educational decisions affecting their students.
13 The purpose of this chapter is to provide additional
14 resources for improvement at the school level,
15 particularly to provide compensation for school
16 instructional staff and school service personnel for
17 school improvement efforts.

18 Sec. 2. NEW SECTION. 295.2 DEFINITIONS.

19 1. "School level instructional staff" means an
20 individual holding a practitioner's license issued
21 under chapter 272 by the board of educational
22 examiners, who is employed in a nonadministrative
23 position by a school district pursuant to a contract
24 issued by a board of directors under section 279.13;
25 an administrator as defined in section 272.1, who is
26 assigned to work at one or more school sites; an
27 educational aide as defined under rules of the
28 department of education; and an area education agency
29 special education staff member assigned to a classroom
30 teaching assignment in a school district.

31 2. "School" means an attendance center within a
32 public school district under section 280.2.

33 3. "School service personnel" means a person
34 holding a practitioner's license who provides support
35 services to a student enrolled in school or to
36 practitioners employed by a school.

37 Sec. 3. NEW SECTION. 295.3 SCHOOL IMPROVEMENT
38 PLAN.

39 1: A plan developed under this section shall be
40 for a four-year period and may include plans for the
41 entire district and individual schools within the
42 district. Plans must be developed with involvement
43 from school-level instructional staff and school
44 service personnel, parents, and representatives of the
45 school district community, and must set academic goals
46 for students as identified in the reports submitted
47 pursuant to section 280.18. School-based building
48 plans shall be submitted to the board of directors of
49 the district no later than May 1 of the preceding
50 school year. Plans shall indicate the additional

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1 instructional or noninstructional duties of school-
2 level instructional staff and school service personnel
3 performed beyond the regular instructional or
4 noninstructional duties for compensation pursuant to
5 this section.

6 2. The board of directors shall submit, to the
7 department of education by June 30 of the preceding
8 school year, on a form provided by the department of
9 education, assurances that the school improvement plan
10 was developed pursuant to subsection 1 and that the
11 district will comply with subsection 3 of this
12 section.

13 3. The board of directors of each school district
14 and each school participating in a school improvement
15 plan shall report to their respective constituents on
16 student progress toward meeting the identified goals
17 for their district. The report submitted under this
18 subsection may be used to meet the reporting
19 requirements of section 280.18 if the provisions of
20 this subsection and section 280.18 are met.

21 4. Provisions of school improvement plans
22 involving compensation shall be consistent with
23 current collective bargaining agreements.

24 Sec. 4. NEW SECTION. 295.4 SCHOOL IMPROVEMENT
25 FUND.

26 A school improvement fund is established in the
27 office of treasurer of state to be administered by the
28 department of education. Moneys appropriated by the
29 general assembly for deposit in the fund shall be paid
30 to school districts pursuant to the requirements of
31 this chapter. Moneys received by school districts and
32 area education agencies may be used to compensate
33 school level instructional staff and school service
34 personnel for performance of additional instructional
35 or noninstructional duties beyond the regular
36 instructional or noninstructional duties.
37 Notwithstanding section 8.33, any balance in the fund
38 on June 30 of any fiscal year shall not revert to the
39 general fund of the state.

40 Sec. 5. NEW SECTION. 295.5 ALLOCATIONS AND
41 PAYMENTS.

42 1. The amount of moneys allocated from the school
43 improvement fund to each school district for each
44 fiscal year shall be based upon the proportion that
45 the basic enrollment of the district for a budget year
46 as defined under section 257.6 bears to the sum of the
47 basic enrollments of all districts in the state for
48 that budget year.

49 2. Commencing with the school year beginning July
50 1, 1995, and annually for each subsequent four-year

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1 period, the department of education shall notify the
2 department of revenue and finance of the amount of
3 school improvement money to be paid to each school
4 district. Payments shall be made by the department of
5 revenue and finance on a monthly basis commencing on

6 October 15 and ending June 15 of each fiscal year,
7 taking into account the relative budget position and
8 cash position of the state resources. The payments
9 shall be separate from state aid payments made
10 pursuant to sections 257.16 and 257.35. The school
11 district shall allocate moneys to the area education
12 agency in which the district is located for payment of
13 area education agency staff, as defined in section
14 295.2, subsection 1, who are participating in the
15 school improvement program. Payments made to school
16 districts under this chapter are miscellaneous income
17 for purposes of chapter 257.

18 Sec. 6. NEW SECTION. 295.6 CONTROLS ON
19 EXPENDITURES.

20 Funds received under this chapter shall be expended
21 only for the following purposes:

22 1. To provide compensation for school-level
23 instructional staff and school service personnel, for
24 activities and responsibilities that are part of the
25 school improvement plan approved by the district,
26 approved under subsection 3, and are in addition to
27 the regular activities and duties of the school and
28 instructional staff and of the school service
29 personnel; and to pay costs of the employer's share of
30 federal social security and the Iowa public employees'
31 retirement system, or a pension and annuity retirement
32 system established under chapter 294.

33 2. To provide for the costs of substitute
34 instructional staff to permit the regular
35 instructional staff to engage in planning or training
36 activities that are part of the school improvement
37 plan.

38 3. To provide for the costs associated with
39 specialized or general training that are part of the
40 school improvement plan."

41 2. Title page, by striking lines 1 through 3 and
42 inserting the following: "An Act relating to the
43 establishment of a school improvement program and
44 creating a school improvement fund."

Rants of Woodbury rose on a point of order that amendment H-3017 was not germane.

The Speaker ruled the point well taken and amendment H-3017 not germane.

Ollie of Clinton asked for unanimous consent to suspend the rules to consider amendment H-3017.

Objection was raised.

Ollie of Clinton moved to suspend the rules to consider amendment H-3017.

Roll call was requested by Ollie of Clinton and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-3017?" (H.F. 120)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Garman	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Dinkla	Disney
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 3:

Daggett	Grundberg	Meyer
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The motion to suspend the rules lost.

Wise of Lee offered amendment H-3019 filed by him from the floor as follows:

H-3019

- 1 Amend House File 120 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 295.1 SCHOOL
- 5 IMPROVEMENT PROGRAM.
- 6 The general assembly finds that the fundamental

7 unit of educational improvement is the individual
8 community school. The general assembly further finds
9 that the success of Iowa's educational system has
10 resulted from the high degree of responsibility
11 provided to local districts with regard to educational
12 decisions affecting their students. The purpose of
13 this chapter is to provide additional resources for
14 improvement at the school level, to provide
15 compensation for school instructional staff and school
16 service personnel for school improvement efforts, and
17 to provide Iowa's students and teachers with access to
18 computers and computer technology in their schools.

19 Sec. 2. NEW SECTION. 295.2 DEFINITIONS.

20 1. "School level instructional staff" means an
21 individual holding a practitioner's license issued
22 under chapter 272 by the board of educational
23 examiners, who is employed in a nonadministrative
24 position by a school district pursuant to a contract
25 issued by a board of directors under section 279.13;
26 an administrator as defined in section 272.1, who is
27 assigned to work at one or more school sites; an
28 educational aide as defined under rules of the
29 department of education; and an area education agency
30 special education staff member assigned to a classroom
31 teaching assignment in a school district.

32 2. "School" means an attendance center within a
33 public school district under section 280.2.

34 3. "School service personnel" means a person
35 holding a practitioner's license who provides support
36 services to a student enrolled in school or to
37 practitioners employed by a school.

38 Sec. 3. NEW SECTION. 295.3 SCHOOL IMPROVEMENT
39 PLAN.

40 1. A school district that uses funds for purposes
41 described in section 295.4, subsection 3, paragraphs
42 "g" through "i", shall develop a plan that shall be
43 for a four-year period and may include plans for the
44 entire district and individual schools within the
45 district. Plans must be developed with involvement
46 from school level instructional staff and school
47 service personnel, parents, and representatives of the
48 school district community, and must set academic goals
49 for students as identified in the reports submitted
50 pursuant to section 280.18. School-based building

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1 plans shall be submitted to the board of directors of
2 the district no later than May 1 of the preceding
3 school year. Plans shall indicate the additional
4 instructional or noninstructional duties of school-
5 level instructional staff and school service personnel
6 performed beyond the regular instructional or

7 noninstructional duties for compensation pursuant to
8 this section.

9 2. The board of directors shall submit, to the
10 department of education by June 30 of the preceding
11 school year, on a form provided by the department of
12 education, assurances that the school improvement plan
13 was developed pursuant to subsection 1 and that the
14 district will comply with subsection 3 of this
15 section.

16 3. The board of directors of each school district
17 and each school participating in a school improvement
18 plan shall report to their respective constituents on
19 student progress toward meeting the identified goals
20 for their district. The report submitted under this
21 subsection may be used to meet the reporting
22 requirements of section 280.18 if the provisions of
23 this subsection and section 280.18 are met.

24 4. Provisions of school improvement plans
25 involving compensation shall be consistent with
26 current collective bargaining agreements.

27 Sec. 4. NEW SECTION. 295.4 SCHOOL IMPROVEMENT
28 FUND.

29 1. A school improvement fund is created in the
30 office of the treasurer of state under the control of
31 the department of education. There is appropriated to
32 the school improvement fund for the fiscal year
33 beginning July 1, 1995, and ending June 30, 1996, the
34 sum of fifteen million dollars from the general fund
35 of the state. There is appropriated to the school
36 improvement fund for the fiscal year beginning July 1,
37 1996, and ending June 30, 1997, the sum of thirty
38 million dollars from the general fund of the state.
39 There is appropriated to the school improvement fund
40 for the fiscal year beginning July 1, 1997, and ending
41 June 30, 1998, the sum of forty-five million dollars
42 from the general fund of the state. There is
43 appropriated to the school improvement fund for the
44 fiscal year beginning July 1, 1998, and ending June
45 30, 1999, the sum of sixty million dollars from the
46 general fund of the state. Moneys appropriated by the
47 general assembly for deposit in the fund shall be paid
48 to the school districts, the Iowa braille and sight
49 saving school, and the state school for the deaf
50 pursuant to the requirements of this chapter.

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1 2. Notwithstanding section 8.33, any unexpended or
2 unencumbered balances in the school improvement fund
3 at the end of each fiscal year shall be retained in
4 the fund until June 30, 2000. Any unexpended or
5 unencumbered balances of moneys received under this
6 chapter and remaining in the accounts established by
7 the districts, the Iowa braille and sight saving

8 school, and the state school for the deaf on June 30,
9 1999, shall be deposited in the school improvement
10 fund. For the school year beginning July 1, 1999, the
11 department of education shall allocate funds on a
12 competitive basis to the Iowa braille and sight saving
13 school, the state school for the deaf, and school
14 districts that submit to the department school
15 improvement plans for the purposes described in
16 subsection 3. The state board of education shall
17 adopt, by July 1, 1998, rules which establish
18 guidelines for the approval of plans submitted by
19 districts, the Iowa braille and sight saving school,
20 and the state school for the deaf for competitive
21 grants under this subsection.

22 3. Funds in the school improvement fund may be
23 used for the following purposes:

24 a. To purchase or lease telephone equipment,
25 computers, computer networks, computer programs,
26 computer software, computer systems, and for computer
27 services as defined in section 716A.1.

28 b. For maintaining purchases listed under this
29 subsection.

30 c. For financing for the procurement and
31 maintenance costs for Part III of the Iowa
32 communications network as provided in section 8D.13,
33 subsection 3.

34 d. The costs of establishing an electronic
35 classroom, or purchasing or leasing satellite
36 equipment, receiving equipment, studio and production
37 equipment, and other associated equipment.

38 e. The costs of purchasing or leasing audio,
39 visual, or audiovisual machines, machinery, or
40 equipment.

41 f. For training or staff development in the use of
42 equipment or software purchased or leased under this
43 subsection, up to ten percent of the annual allocation
44 may be used.

45 g. To provide compensation for school level
46 instructional staff and school service personnel for
47 activities and responsibilities that are part of the
48 school improvement plan approved by the district under
49 section 295.3, and are in addition to the regular
50 activities and duties of the school and instructional

Page 4

1 staff and of the school service personnel; and to pay
2 the costs of the employer's share of federal social
3 security and the Iowa public employees' retirement
4 system, or a pension and annuity retirement system
5 established under chapter 294.

6 h. To provide for the costs of substitute
7 instructional staff to permit the regular
8 instructional staff to engage in planning or training

9 activities that are part of the school improvement
10 plan approved pursuant to section 295.3.
11 i. To provide for the costs associated with
12 specialized or generalized training that are part of
13 the school improvement plan approved pursuant to
14 section 295.3.
15 4. Moneys in the school improvement fund shall not
16 be used for technological support for school
17 administrators.

18 Sec. 5. NEW SECTION. 295.5 ALLOCATIONS AND
19 PAYMENTS.

20 1. The amount of moneys allocated from the school
21 improvement fund to each school district, the Iowa
22 braille and sight saving school, and the state school
23 for the deaf for each fiscal year shall be in the
24 proportion that the basic enrollment of a district,
25 the Iowa braille and sight saving school, or the state
26 school for the deaf for the budget year as defined
27 under section 257.6 bears to the sum of the basic
28 enrollment of the Iowa braille and sight saving
29 school, and the state school for the deaf, and of all
30 districts in the state for the budget year. The Iowa
31 braille and sight saving school and the state school
32 for the deaf shall annually certify their basic
33 enrollment to the department of education by October
34 1.

35 2. Commencing with the school year beginning July
36 1, 1995, and for each succeeding year until June 30,
37 1999, the department of education shall notify the
38 department of revenue and finance of the amount of
39 school improvement moneys to be paid to each school
40 district, the Iowa braille and sight saving school,
41 and the state school for the deaf. Payments shall be
42 made by the department of revenue and finance on a
43 monthly basis commencing on October 15 and ending June
44 15 of each fiscal year, taking into account the
45 relative budget position and cash position of the
46 state resources. The payments shall be separate from
47 state aid payments made pursuant to sections 257.16
48 and 257.35.

49 3. Any moneys received under this chapter, and any
50 interest accrued on the moneys, shall not be

Page 5

1 commingled with state aid payments made, under
2 sections 257.16 and 257.35, to a school district and
3 shall be accounted for by the school district
4 separately from state aid payments. A school district
5 that uses funds for purposes described in section
6 295.4, subsection 3, paragraphs "g" through "i", shall
7 allocate moneys to the area education agency staff as
8 defined in section 295.2, subsection 1, who are
9 participating in the school improvement program. The

10 Iowa braille and sight saving school and the state
11 school for the deaf shall maintain a separate account
12 for moneys received under this chapter and any
13 interest accrued on the moneys.

14 4. Payments made to school districts under this
15 chapter are miscellaneous income for purposes of
16 chapter 257. Each district shall maintain a separate
17 listing within the district budget for payments
18 received and expenditures made pursuant to this
19 chapter.

20 5. Each school district, the Iowa braille and
21 sight saving school, and the state school for the deaf
22 shall submit annually to the department by June 30 a
23 detailed report accounting for the expenditure of
24 moneys received pursuant to this chapter.

25 Sec. 6. NEW SECTION. 295.6 REPEAL.

26 This chapter is repealed effective July 1, 2000."

27 2. Title page, line 1, by striking the words
28 "schools making advances through technology" and
29 inserting the following: "school improvement".

Rants of Woodbury rose on a point of order that amendment H-3019 was not germane.

The Speaker ruled the point well taken and amendment H-3019 not germane.

Wise of Lee asked for unanimous consent to suspend the rules to consider amendment H-3019.

Objection was raised.

Wise of Lee moved to suspend the rules to consider amendment H-3019.

A non-record roll call was requested.

The ayes were 36, nays 59.

The motion to suspend the rules lost.

Ollie of Clinton offered the following amendment H-3016 filed by Ollie, Wise, Connors, Baker, Schrader, Cohoon, Jochum, Mascher, Fallon, Harper, Burnett, Shoultz, Nelson of Pottawattamie, Brand, Larkin, Doderer and Running from the floor and moved its adoption:

H-3016

1 Amend House File 120 as follows:

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

4 "Section 1. Section 257.1, subsection 2,

5 unnumbered paragraph 2, Code 1995, is amended to read

6 as follows:

- 7 For the budget year commencing July 1, 1991, and
 8 for each succeeding budget year the regular program
 9 foundation base per pupil is eighty-three percent of
 10 the regular program state cost per pupil, except that
 11 the regular program foundation base per pupil for the
 12 portion of weighted enrollment that is additional
 13 enrollment because of special education is seventy-
 14 nine percent of the regular program state cost per
 15 pupil. For the budget year commencing July 1, 1991,
 16 and for each succeeding budget year the special
 17 education support services foundation base is seventy-
 18 nine percent of the special education support services
 19 state cost per pupil. The combined foundation base is
 20 the sum of the regular program foundation base and the
 21 special education support services foundation base.
 22 Commencing with the fiscal year beginning July 1,
 23 2000, the combined foundation base is the sum of the
 24 regular program foundation base and the special
 25 education support services foundation base and the
 26 amount received in fiscal year beginning July 1, 1998,
 27 and ending June 30, 1999, under chapter 295."
 28 2. By renumbering as necessary.

Amendment H-3016 lost.

Ollie of Clinton offered the following amendment H-3012 filed by him from the floor and moved its adoption:

H-3012

- 1 Amend House File 120 as follows:
 2 1. Page 1, by inserting after line 29 the
 3 following:
 4 "_. From the moneys appropriated in subsection 1
 5 for each of the fiscal years in the fiscal period
 6 beginning July 1, 1995, and ending June 30, 1999,
 7 sixty-five thousand dollars shall be allocated to the
 8 department of education for support related to the
 9 schools making advances through technology program and
 10 for not more than one full-time equivalent position."
 11 2. By renumbering as necessary.

Amendment H-3012 lost.

Rants of Woodbury offered the following amendment H-3013 filed by him from the floor and moved its adoption:

H-3013

- 1 Amend House File 120 as follows:
 2 1. Page 2, line 5, by inserting after the words
 3 "basis to" the following: "the Iowa braille and sight
 4 saving school, the state school for the deaf, and"
 5 2. Page 2, line 30, by striking the word

- 6 "account" and inserting the following: "annual
7 allocation".
8 3. Page 3, line 3, by striking the words
9 "proportion to" and inserting the following: "the
10 proportion that".
11 4. Page 3, line 5, by striking the word "and" and
12 inserting the following: "or".
13 5. Page 3, line 6, by inserting before the word
14 "to" the following: "bears".
15 6. Page 3, line 10, by inserting after the word
16 "shall" the following: "annually".
17 7. Page 4, line 3, by inserting after the word
18 "shall" the following: "annually".

Amendment H-3013 was adopted.

Garman of Story offered the following amendment H-3020 filed by her from the floor and moved its adoption:

H-3020

- 1 Amend House File 120 as follows:
2 1. By striking page 1, line 33, through page 2,
3 line 11, and inserting the following: "until June 30,
4 1999."
5 2. Page 4, line 7, by striking the figure "2000"
6 and inserting the following: "1999".

A non-record roll call was requested.

The ayes were 37, nays 55.

Amendment H-3020 lost.

Garman of Story offered amendment H-3021 filed from the floor by Garman, Cormack and Wise as follows:

H-3021

- 1 Amend House File 120 as follows:
2 1. Page 2, by inserting after line 27 the
3 following:
4 "_. To reduce student-teacher ratios, including
5 but not limited to, employing additional teachers."
6 2. By relettering as necessary.

Rants of Woodbury rose on a point of order that amendment H-3021 was not germane.

The Speaker ruled the point well taken and amendment H-3021 not germane.

Garman of Story moved to suspend the rules to consider amendment H-3021.

Roll call was requested by Ollie of Clinton and Bernau of Story.

On the question "Shall the rules be suspended to consider amendment H-3021?" (H.F. 120)

The ayes were, 39:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Coon	Cormack	Doderer
Drees	Fallon	Garman	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 57:

Arnold	Blodgett	Boddicker	Boguess
Bradley	Branstad	Brauns	Carroll
Churchill	Corbett, Spkr.	Cornelius	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 4:

Brunkhorst	Daggett	Grundberg	Meyer
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The motion to suspend the rules lost.

Weigel of Chickasaw asked and received unanimous consent to defer action on amendment H-3015

Shoultz of Black Hawk asked and received unanimous consent to defer action on amendment H-3018.

Murphy of Dubuque offered amendment H-3022 filed by him from the floor as follows:

H-3022

- 1 Amend House File 120 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following:
- 4 "___ For property tax relief by using moneys
- 5 allocated from the technology assistance trust fund
- 6 for educational purposes that the district would
- 7 otherwise have raised by property tax. A district
- 8 that uses technology assistance trust fund moneys for
- 9 property tax relief shall notify the department of
- 10 management, which shall reduce the rate of the
- 11 additional property tax levy under section 257.4 to
- 12 reflect the amount of technology assistance trust
- 13 funds moneys used under this paragraph."
- 14 2. By renumbering as necessary.

Rants of Woodbury rose on a point of order that amendment H-3022 was not germane.

The Speaker ruled the point well taken and amendment H-3022 not germane.

Murphy of Dubuque moved to suspend the rules to consider amendment H-3022.

Roll call was requested by Murphy of Dubuque and Ollie of Clinton.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-3022?" (H.F. 120)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Warnstadt	Weigel	Wise	Witt

The nays were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Dinkla	Disney
Drake	Eddie	Ertl	Garman

Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 3:

Daggett Grundberg Meyer

The motion to suspend the rules lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk on request of Schrader of Marion.

Fallon of Polk offered amendment H-3024 filed by him from the floor as follows:

H-3024

- 1 Amend House File 120 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following:
- 4 "_. For improving the salaries of teachers. If
- 5 the teachers of a school district are organized under
- 6 chapter 20 for collective bargaining purposes, the
- 7 board of directors and certified bargaining
- 8 representative for the teachers shall mutually agree
- 9 upon a formula for distributing moneys allocated from
- 10 the technology assistance trust fund among the
- 11 teachers."
- 12 2. By relettering as necessary.

Rants of Woodbury rose on a point of order that amendment H-3024 was not germane.

The Speaker ruled the point well taken and amendment H-3024 not germane.

Fallon of Polk moved to suspend the rules to consider amendment H-3024.

Roll call was requested by Ollie of Clinton and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-3024?" (H.F. 120)

The ayes were, 33:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Myers
Nelson, L.	O'Brien	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 6:

Cataldo	Daggett	Grundberg	Meyer
Murphy	Ollie		

The motion to suspend the rules lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3014 filed by him from the floor.

Shoultz of Black Hawk offered amendment H-3023 filed from the floor by Shoultz, Weigel and Harper as follows:

H-3023

- 1 Amend House File 120 as follows:
- 2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 257.31, Code 1995, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 17. The committee may grant
7 transportation assistance aid to a school district
8 from funds appropriated in this subsection for the
9 purpose of providing additional funds for a budget
10 year to school districts that have costs for mandatory
11 school transportation that exceed one hundred twenty-
12 five percent of the state average cost of mandatory
13 school transportation based upon the cost per pupil
14 transported. School districts shall annually submit
15 to the department of education the cost of providing
16 mandatory school transportation in a school year in
17 their transportation report filed by July 15 of the
18 next school year. The committee shall authorize the
19 payment of transportation assistance aid to a district
20 in an amount equal to that district's average cost of
21 mandatory transportation per pupil transported which
22 exceeds one hundred twenty-five percent of the state
23 average cost of mandatory transportation per pupil
24 transported multiplied by the number of pupils
25 transported mandatorily by the district. Payment for
26 a school year shall be made by September 1 of the
27 school year.

28 There is appropriated from the general fund of the
29 state to the department of education for use by the
30 school budget review committee, for each fiscal year,
31 the sum of fifteen million dollars for the payment of
32 transportation assistance aid to school districts
33 under this subsection. Transportation assistance aid
34 shall be miscellaneous income and shall not be
35 included in district cost. Unobligated and
36 unencumbered moneys remaining from the appropriations
37 made under this subsection after the September 1
38 payment of transportation assistance aid shall be
39 deposited in the assisted school districts fund
40 created in section 257.50.

41 Sec. 2. NEW SECTION. 257.50 ASSISTED SCHOOL
42 DISTRICTS.

43 1. An assisted school district is a school
44 district that has one or more elementary school
45 attendance centers in which at least fifty percent of
46 the students enrolled in the attendance center qualify
47 for free or reduced price lunches. A school district
48 that determines it is an assisted school district
49 under this section shall annually certify to the
50 department of education its eligibility to receive

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1 funds under this section by October 1.

2 2. An assisted school districts fund is

3 established in the office of the treasurer of state to

4 be administered by the department of education.
5 Moneys deposited in the fund pursuant to section
6 257.31, subsection 17, shall be paid to school
7 districts pursuant to the requirements of this
8 section. Moneys received by eligible school districts
9 shall be used to limit class size, reduce student-
10 teacher ratios, and employ additional teacher's aides
11 in kindergarten through grade six in eligible
12 elementary school attendance centers. Moneys received
13 pursuant to this section shall supplement other funds
14 available for these purposes and shall not be used to
15 replace those funds. Notwithstanding section 8.33,
16 any balance in the fund on June 30 of any fiscal year
17 shall not revert to the general fund of the state.
18 3. The amount of moneys allocated from the
19 assisted school districts fund to each eligible school
20 district for each fiscal year shall be based upon the
21 proportion that the total number of pupils enrolled in
22 the eligible elementary school attendance centers in
23 the district for a budget year as defined under
24 section 257.6 bears to the sum of the basic
25 enrollments of the eligible elementary school
26 attendance centers in eligible school districts in the
27 state for that budget year.
28 4. Commencing with the school year beginning July
29 1, 1995, the department of education shall notify the
30 department of revenue and finance of the amount of
31 assisted school districts moneys to be paid to each
32 eligible school district. Payments shall be made by
33 the department of revenue and finance on a monthly
34 basis commencing on October 15 and ending June 15 of
35 each fiscal year. The payments shall be separate from
36 state aid payments made pursuant to sections 257.16
37 and 257.35. Payments made to eligible school
38 districts under this chapter are miscellaneous income
39 for purposes of chapter 257."
40 2. Title page, by striking lines 1 through 3 and
41 inserting the following: "relating to transportation
42 assistance aid to a school district, creating an
43 assisted school districts fund, and making an
44 appropriation."

Rants of Woodbury rose on a point of order that amendment H-3023 was not germane.

The Speaker ruled the point well taken and amendment H-3023 not germane.

Weigel of Chickasaw offered amendment H-3015, previously deferred, filed by him from the floor as follows:

H-3015

1 Amend House File 120 as follows:

- 2 1. Page 2, by inserting after line 30 the
 3 following:
 4 "_. For mandatory school transportation costs
 5 required under chapter 285."
 6 2. By relettering as necessary.

Rants of Woodbury rose on a point of order that amendment H-3015 was not germane.

The Speaker ruled the point well taken and amendment H-3015 not germane.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-3018, previously deferred, filed by him from the floor.

Fallon of Polk offered amendment H-3025 filed by him from the floor as follows:

H-3025

- 1 Amend House File 120 as follows:
 2 1. Page 2, by striking line 30 and inserting the
 3 following: "subsection."

The House stood at ease at 8:03 p.m., until the fall of the gavel.

The House resumed session at 8:20 p.m., Speaker pro tempore Van Maanen of Marion, in the chair.

Fallon of Polk moved the adoption of amendment H-3025.

Amendment H-3025 lost

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

On the question "Shall the bill pass?" (H.F. 120)

The ayes were, 79:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Cornelius
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme

Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
May	Metcalf	Millage	Moreland
Mundie	Myers	Nelson, B.	Nutt
O'Brien	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Van Maanen,	
		Presiding	

The nays were, 17:

Cohoon	Connors	Doderer	Drees
Fallon	Harper	Koenigs	Mascher
McCoy	Mertz	Murphy	Nelson, L.
Ollie	Running	Weigel	Wise
Witt			

Absent or not voting, 4:

Cataldo	Daggett	Grundberg	Meyer
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 120** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 1, 1995. Had I been present, I would have voted "aye" on House Files 15 and 29.

HEATON of Henry

I was necessarily absent from the House chamber on February 1, 1995. Had I been present, I would have voted "aye" on House Files 15 and 29.

SHOULTZ of Black Hawk

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\34 Lisa Rubner, JoAnn Schraad and Audrey Ellington, Manchester – For participating in the decoration of Veteran's Memorial Auditorium for the Governor's Inaugural Ball.

1995\35 Ed Tibbot, Manchester – For being named "Fireman of the Year".

SUBCOMMITTEE ASSIGNMENTS

House File 91

Local Government: Jacobs, Chair; Hanson and Koenigs.

House File 96

Local Government: Houser, Chair; Disney and Larkin.

House File 103

Agriculture: Greig, Chair; Drees and Salton.

House File 106

Agriculture: Welter, Chair; Fallon and Heaton.

House Concurrent Resolution 15

Agriculture: Klemme, Chair; Boggess and Burnett.

Senate File 68

Appropriations: Millage, Chair; Gipp and Koenigs.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 16

Local Government: Arnold, Chair; Mertz and Welter.

House Study Bill 19

Commerce-Regulation: Renken, Chair; Doderer and Nutt.

House Study Bill 20

Local Government: Houser, Chair; Carroll and Myers.

House Study Bill 31

Commerce-Regulation: Sukup, Chair; Nutt and Wise.

House Study Bill 50

Agriculture: Eddie, Chair; Greig, Greiner, Koenigs, Mertz, Meyer and Mundie.

House Study Bill 52

Agriculture: Vande Hoef, Chair; Main and May.

House Study Bill 53

Commerce-Regulation: Churchill, Chair; Doderer, Larson, McCoy and Van Fossen.

House Study Bill 55

State Government: Renken, Chair; Connors and Disney.

House Study Bill 59

Commerce-Regulation: Metcalf, Chair; Brunkhorst, Holveck, Lamberti and Weigel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 65 Local Government**

Relating to the delegation of authority to an administrative agency of a city.

H.S.B. 66 Local Government

Relating to the determination of the annual salary of a deputy sheriff.

H.S.B. 67 Labor and Industrial Relations

Relating to the payment of wages to a suspended or terminated employee under the Iowa wage payment collection law.

H.S.B. 68 Labor and Industrial Relations

Relating to public employee collective bargaining agreements concerning public employees excluded from coverage under Chapter 20, providing for unrepresented state employees, and relating to the factors arbitrators consider in binding arbitration for public employees.

H.S.B. 69 Transportation

Declaring support for Amtrak.

H.S.B. 70 Commerce-Regulation

Relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

H.S.B. 71 Ways and Means

Creating the motor vehicle lease tax Act and providing applicability and effective dates.

H.S.B. 72 Labor and Industrial Relations

Relating to employment services by eliminating wage credit liability transfers and allowing all employers relief from charges when an unemployment compensation overpayment is made and providing an applicability date.

H.S.B. 73 Local Government

Relating to the distribution of fines received from the enforcement of county ordinances.

H.S.B. 74 Local Government

Exempting rural water districts from membership in the underground facilities notification center.

H.S.B. 75 State Government

Relating to the regulation of games of skill, games of chance, and amusement devices, and subjecting violators to penalties.

H.S.B. 76 State Government

Relating to streamlining government activities.

H.S.B. 77 State Government

Relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties.

H.S.B. 78 Technology

Relating to the issuance of a request for proposals for the sale of the Iowa communications network.

H.S.B. 79 Technology

Requesting that the Congress of the United States direct the Health Care Financing Administration to establish a national policy no later than July 1, 1995, for Medicare reimbursement of telemedicine services.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate Concurrent Resolution 6, a concurrent resolution objecting to a plan proposed by the United States Corps of Engineers to dramatically alter the operation of the Missouri River, and to request that the current operation of the river be maintained or that an alternative plan be considered that does not negatively impact upon the effective operation of the river.

Fiscal note required.

Recommended Amend and Do Pass with amendment H-3010 and laid over under rule 25 and placed on the calendar January 31, 1995.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 7), relating to certain franchise agreements by amending provisions relating to transfer, termination, and nonrenewal of franchise agreements, and to a civil cause of action for appropriate relief, and repealing certain franchise provisions.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 1995.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 24) relating to school district expenditures for administrative and instructional staff salaries, establishing a schools making advances through technology program, creating a fund, making appropriations, and providing for related matters.

Fiscal note not required.

Recommended **Amend and Do Pass** January 31, 1995.

COMMITTEE ON ETHICS

Committee Bill (Formerly House Study Bill 8), to amend the rules governing lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1995.

COMMITTEE ON HUMAN RESOURCES

House File 41, a bill for an act relating to the establishment of legal settlement for certain blind persons and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 1995.

Senate File 13, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3009** January 31, 1995.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 16), relating to administrative procedures of rural water districts.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1995.

Committee Bill (Formerly House Study Bill 20), relating to county expenditures for mental health, mental retardation, and developmental disabilities services by providing for property tax reductions, establishing a county fund for such services, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1995.

Senate File 45, a bill for an act changing the name of the league of Iowa municipalities to the Iowa league of cities.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1995.

COMMITTEE ON STATE GOVERNMENT

House File 54, a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 1995.

House File 67, a bill for an act relating to state computer use by state officers and employees.

Fiscal Note is not required.

Committee Recommendation **Failed to Pass** .

AMENDMENTS FILED

H-3009	S.F.	13	Committee on Human Resources
H-3010	S.C.R.	6	Committee on Agriculture
H-3011	H.F.	94	Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 9:13 p.m. until 8:45 a.m., Thursday, February 2, 1995.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 2, 1995

The House met pursuant to adjournment at 8:47 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Howard Innis, First Church of the Nazarene, Fairfield.

The Journal of Wednesday, February 1, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Greig of Emmet on request of Blodgett of Cerro Gordo.

INTRODUCTION OF BILLS

House File 121, by Cormack, a bill for an act relating to the taping and broadcasting of certain high school athletic events.

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

House File 122, by Grubbs, a bill for an act relating to the establishment of an anatomical gift registry.

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

House File 123, by Shoultz, a bill for an act relating to bond issuance elections and authorizing a political subdivision to impose an income surtax to partially fund certain bonds by providing a property tax credit, and providing for the Act's applicability.

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

House File 124, by Rants, a bill for an act relating to contributions to political campaigns, by requiring that monetary contributions which are collected by third-party persons be made by affirmative acts of a person to contribute and specify the amounts to be contributed, by striking the minimum threshold for reporting contributions received by political and candidates' committees, requiring annual reports by political committees to contributors of expenditures made on behalf of or in opposition to candidates, and providing penalties.

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

House File 125, by Coon, a bill for an act relating to the organization and expenses of the county charter commission.

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

House File 126, by committee on commerce-regulation, a bill for an act relating to certain franchise agreements by amending provisions relating to transfer, termination, and nonrenewal of franchise agreements, and to a civil cause of action for appropriate relief, and repealing certain franchise provisions.

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

House File 127, by Fallon and Coon, a bill for an act relating to insurance coverage and licensing requirements for motor vehicle operators in this state and providing penalties and effective dates.

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

House File 128, by committee on local government, a bill for an act relating to administrative procedures of rural water districts.

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

House File 129, by committee on local government, a bill for an act relating to county expenditures for mental health, mental retardation, and developmental disabilities services by providing for property tax reductions, establishing a county fund for such services, and providing an effective date.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 6, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes.

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

Senate File 9, by Hansen, a bill for an act relating to the performance of duties of the office of recorder on abolition of the office and the filing of documents and providing an effective date and for retroactive applicability.

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

The House stood at ease at 9:00 a.m.

The House resumed session at 9:24 a.m., Speaker Corbett in the chair.

SPECIAL PRESENTATION

Senator Maggie Tinsman presented to the House, Eugene Kuznetsov, Governor of Stavropol, Iowa's sister State in Russia. Governor Kuznetsov is also an elected Senator to the Russian Parliament. He and six other Russian Governors are visiting Iowa and meeting with state officials and business leaders. Governor Kuznetsov addressed the House briefly.

The House rose and expressed its welcome.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 1, 1995. Had I been present, I would have voted "aye" on House File 120 and Senate File 17.

MEYER of Sac

I was necessarily absent from the House chamber on February 1, 1995. Had I been present, I would have voted "aye" on House File 29.

OLLIE of Clinton

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT FOR THE BLIND

The 1994 Annual Report, pursuant to Chapter 216B.7, Code of Iowa.

DEPARTMENT OF COMMERCE

Professional Licensing and Regulation Division

A report identifying each profession within the division and specifically, in accord with the statute, reports the adoption or nonadoption of rules relating to the duties of the board, pursuant to Chapter 272C.4(2), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Commission on the Status of Women

The Twenty-third Annual Report, pursuant to Chapter 216A.60, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

The report on the Outcome-Based Performance Standards, pursuant to Chapter 1035.56, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF PUBLIC HEALTH

Council On Chemically Exposed Infants and Children

The Executive Summary and Annual Report, pursuant to Chapter 235.C.3(7), Code of Iowa.

The Public Health Nursing Annual Report, pursuant to Chapter 1200, 1994 Acts of the Seventy-fifth General Assembly.

A report on FY94 Activities of the Iowa Healthy Family Program, pursuant to Chapter 2376, 1994 Acts of the Seventy-fifth General Assembly.

Iowa Community Nutrition Coalition

A report on efforts to continue "Healthy Iowans 2000", pursuant to Chapter 2376, 1994 Acts of the Seventy-fifth General Assembly.

A Vital Statistics report for 1993, pursuant to Chapter 144.5(5), Code of Iowa.

A report on the Home Care Aide/Chore Program, pursuant to Chapter 2376, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF TRANSPORTATION

A report on Starch-Based Biodegradable Plastic Bag and Soy Inks, pursuant to Chapter 307.21, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 3

State Government: Churchill, Chair; Coon and Larkin.

House File 60

State Government: Gipp, Chair; Jacobs and Jochum.

House File 70

Commerce-Regulation: Sukup, Chair; Nelson of Pottawattamie and Van Fossen.

House File 83

Ways and Means: Renken, Chair; Disney and Holveck.

House File 95

Commerce-Regulation: Jacobs, Chair; Doderer and Halvorson

House File 110

State Government: Tyrrell, Chair; Thomson and Witt.

House File 111

Commerce-Regulation: Larson, Chair; Cataldo and Cormack.

House File 112

State Government: Bradley, Chair; Bernau and Renken.

House File 115

Transportation: Arnold, Chair; Brauns and May.

House File 116

State Government: Gipp, Chair; Jacobs and Jochum.

House File 117

State Government: Tyrrell, Chair; Bradley and Cataldo.

Senate File 69

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 8**

Ethics: Greig, Chair; Harper, Hurley, Moreland, Running and Salton.

House Study Bill 25

Ways and Means: Dinkla, Chair; Holveck and Rants.

House Study Bill 26

Ways and Means: Larson, Chair; Doderer, Nutt, Shoultz and Van Fossen.

House Study Bill 27

Ways and Means: Grubbs, Chair; Disney and Doderer.

House Study Bill 32

Transportation: Heaton, Chair; Main and McCoy.

House Study Bill 37

Transportation: Blodgett, Chair; Carroll and Cohoon.

House Study Bill 56

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House Study Bill 57

Ways and Means: Grubbs, Chair; Disney and Doderer.

House Study Bill 58

Ways and Means: Renken, Chair; Disney and Holveck.

House Study Bill 60

Transportation: Nelson of Marshall, Chair; Warnstadt and Weidman.

House Study Bill 61

Transportation: Eddie, Chair; Mundie and Salton.

House Study Bill 62

Transportation: Weidman, Chair; Nelson of Marshall and Ollie.

House Study Bill 65

Local Government: Carroll, Chair; Cohoon and Welter.

House Study Bill 66

Local Government: Welter, Chair; Jacobs and Mundie.

House Study Bill 67

Labor and Industrial Relations: Veenstra, Chair; Bell and Sukup.

House Study Bill 68

Labor and Industrial Relations: Halvorson, Chair; Lord and Murphy.

House Study Bill 69

Transportation: Heaton, Chair; Nelson of Marshall and Ollie.

House Study Bill 72

Labor and Industrial Relations: Hanson, Chair; Harper and Lord.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 80 Local Government**

Relating to the statewide notification center by providing that the center is subject to the open meetings and public records law, requiring certain financial information to be reported, establishing an audit requirement, and providing a penalty.

H.S.B. 81 Local Government

Relating to the payment of confinement expenses of felons during presentence investigations.

H.S.B. 82 Appropriations

Relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, governor's substance abuse prevention coordinator, and the commission of veterans affairs.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 63), creating a highway safety patrol fund, allocating use tax receipts, and providing appropriations.

Fiscal Note not required.

Recommended **Do Pass** February 1, 1995.

Committee Bill (Formerly House Study Bill 64), making supplemental appropriations for the fiscal year beginning July 1, 1994, and providing an effective date.

Fiscal Note not required.

Recommended **Do Pass** February 1, 1995.

COMMITTEE ON NATURAL RESOURCES

Committee Resolution (Formerly House Study Bill 49), providing special recognition and support to the seventy-fifth anniversary of Iowa's state parks system and urging all citizens and leaders in government, academia, and business to give special recognition to the many and varied services our state parks have given for three-quarters of a century.

Fiscal Note not required.

Recommended **Do Pass** February 2, 1995.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 11), proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes.

Fiscal Note not required.

Recommended **Do Pass** February 2, 1995.

RESOLUTION FILED

HCR 16, by Heaton, Mundie, Salton, Blodgett, Main, Nelson of Marshall, Brauns, Koenigs, Weidman, Arnold, McCoy, Cohoon, Larkin and Warnstadt, a concurrent resolution urging the Congress of the United States to quickly develop and approve the proposed national highway system.

Referred to committee on **transportation**.

AMENDMENT FILED

H-3026

S.C.R. 6

Fallon of Polk

On motion by Gipp of Winneshiek, the House adjourned at 9:54 a.m. until 1:00 p.m., Monday February 6, 1995.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 6, 1995

The House met pursuant to adjournment at 1:03 p.m., Speaker Corbett in the chair.

Prayer was offered by Monsignor James K. Lafferty, St. John's Catholic Church, Arcadia.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Monsignor James K. Lafferty, Arcadia.

The Journal of Thursday, February 2, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story and Brand of Benton, on request of Myers of Johnson; Hurley of Fayette, on request of Siegrist of Pottawattamie.

INTRODUCTION OF BILLS

House Joint Resolution 4, by Larson, Mertz, Hammitt, Main, Daggett, Van Fossen, Sukup, Meyer, Greig, Nutt, Hahn, Gries, Weidman, Heaton, Eddie, Renken, Boddicker, Grubbs, Carroll, Schulte, Arnold, Branstad, Drake, Dinkla, Blodgett, Brauns, Huseman, Tyrrell, Kremer, Teig, Klemme, Coon, Cornelius, Veenstra, Hanson, Nelson of Marshall, Disney, Harrison, Millage, Halvorson, Lord, Garman, Welter, Martin, Lamberti, Vande Hoef, Houser, Salton, Bradley, Boggess, Ertl, Hurley, Greiner, Brunkhorst, Van Maanen, Cormack, Thomson, Mundie and Churchill, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments.

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

House File 130, by Schulte, Boddicker, Tyrrell, Disney, Cornelius, Welter, Kremer, Cormack, Hurley, Vande Hoef, Coon, Cohoon, Halvorson, Larson, Eddie, Hammitt, Greiner, Branstad, Salton, Brauns, Klemme, Baker and Fallon, a bill for an act relating to jury instructions.

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

House File 131, by Garman, a bill for an act relating to public water supply systems, by repealing certain sections, providing for the refund of moneys, and providing an effective date.

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

House File 132, by committee on appropriations, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 1994, and providing an effective date.

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

House File 133, by committee on appropriations, a bill for an act creating a highway safety patrol fund, allocating use tax receipts, and providing appropriations.

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

House File 134, by Hurley, a bill for an act relating to the consumption of alcoholic beverages by persons under age twenty-one.

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

House File 135, by Hurley, a bill for an act relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, and providing an effective date.

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

House File 136, by Daggett, a bill for an act relating to the exemption of pensions, annuities, and retirement allowances received for the purposes of state individual income tax and providing a retroactive applicability date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 6, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 3, a bill for an act relating to the state banner.

Also: That the Senate has on February 2, 1995, amended and adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 10, a concurrent resolution calling for the convening of a Conference of the States and providing for Iowa's participation in the Conference.

Also: That the Senate has on February 2, 1995, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 17, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

Also: That the Senate has on February 6, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 66, a bill for an act relating to cruelty to police service dogs and providing for enhanced penalties.

Also: That the Senate has on February 2, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 84, a bill for an act relating to individual health insurance and individual health benefit plan reforms, and establishing an income tax credit for certain individuals.

Also: That the Senate has on February 6, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 11, a concurrent resolution declaring support for Amtrak.

JOHN F. DWYER, Secretary

ADOPTION OF HOUSE RESOLUTION 4

Greig of Emmet called up for consideration House Resolution 4, a resolution to amend the House code of ethics as follows, and moved its adoption:

1 HOUSE RESOLUTION 4
 2 BY COMMITTEE ON ETHICS
 3 (SUCCESSOR TO HSB 9)
 4 A resolution to amend the House code of ethics.
 5 *Be It Resolved By The House Of Representatives,*
 6 That the House code of ethics be amended to read as
 7 follows:
 8 HOUSE CODE OF ETHICS
 9 PREAMBLE. Every legislator and legislative
 10 employee has a duty to uphold the integrity and honor
 11 of the general assembly, to encourage respect for the
 12 law and for the general assembly, and to observe the
 13 house code of ethics. ~~Each member~~ The members and
 14 ~~employee~~ employees of the house ~~has~~ have a
 15 responsibility to conduct ~~herself or himself~~

16 themselves so as to reflect credit on the general
17 assembly, and to inspire the confidence, respect, and
18 trust of the public. The following rules are adopted
19 pursuant to chapter 68B of the Code, to assist the
20 members and employees in the conduct of their
21 activities:

22 1. DEFINITIONS. The definitions of terms provided
23 in chapter 68B of the Code apply to the use of those
24 terms in these rules.

25 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
26 HOUSE.

27 a. Economic or investment opportunity. A member
28 or employee of the house shall not solicit or accept
29 economic or investment opportunity under circumstances
30 where the member or employee knows, or should know,

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1 that the opportunity is being afforded with the intent
2 to influence the member's or employee's conduct in the
3 performance of official duties. If a member or
4 employee of the house learns that an economic or
5 investment opportunity previously accepted was offered
6 with the intent of influencing the member's or
7 employee's conduct in the performance of the official
8 duties, the member or employee shall take steps to
9 divest that member or employee of that investment or
10 economic opportunity, and shall report the matter in
11 writing to the chairperson of the house ethics
12 committee.

13 b. Excessive charges for services, goods, or
14 property interests. A member or employee of the house
15 shall not charge to or accept from a person known to
16 have a legislative interest, a price, fee,
17 compensation, or other consideration for the sale or
18 lease of any property or the furnishing of services
19 which is in excess of that which the member or
20 employee would ordinarily charge another person.

21 c. Use of confidential information. A member or
22 employee of the house, in order to further the
23 member's or employee's own economic interests, or
24 those of any other person, shall not disclose or use
25 confidential information acquired in the course of the
26 member's or employee's official duties. For the
27 purpose of this rule, information disclosed in open
28 session at a public meeting under chapter 21 of the
29 Code and information that is a public record under
30 chapter 22 of the Code is not confidential

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1 information.

2 d. Employment. A member or employee of the house
3 shall not accept employment, either directly or

4 indirectly, from a political action committee. A
5 member of the house shall not act as a paid lobbyist
6 for any organization. However, this paragraph shall
7 not prohibit a member or employee of the house from
8 working for a candidate's committee, a political
9 party's action committee, or a political action
10 committee which does not support or oppose a candidate
11 for public office in this state or a ballot issue in
12 this state and which is not interested in issues
13 before the general assembly.

14 For the purpose of this rule, a political action
15 committee means a committee, but not a candidate's
16 committee, which accepts contributions, makes
17 expenditures, or incurs indebtedness in the aggregate
18 of more than two hundred fifty dollars in any one
19 calendar year for the purpose of supporting or
20 opposing a candidate for public office or a ballot
21 issue or for the purpose of influencing legislative
22 action.

23 e. A member or employee of the house shall not
24 solicit employment on behalf of the member or
25 employee, or on behalf of another legislator or
26 employee, as a lobbyist while the general assembly is
27 in session.

28 f. Certain goods or services. A member or
29 employee of the house shall not solicit or obtain
30 goods or services from another person under

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1 circumstances where the member or employee knows or
2 should know that the goods or services are being
3 offered or sold with the intent to influence the
4 member's or employee's conduct in the performance of
5 official duties. If a member or employee of the house
6 is afforded goods or services by another person at a
7 price that is not available to other members or
8 classes of members of the general public or is
9 afforded goods or services that are not available to
10 other members or classes of members of the general
11 public by another person where the member or employee
12 knows or should know that the other person intends to
13 influence the member's or employee's official conduct,
14 the member or employee shall not take or purchase the
15 goods or services.

16 3. APPEARANCE BEFORE STATE AGENCY. A member or
17 employee of the house may appear before a state agency
18 in any representation case but shall not act as a
19 lobbyist with respect to the passage, defeat,
20 approval, veto, or modification of any legislation,
21 rule, or executive order. Whenever a member or
22 employee of the house appears before a state agency,
23 the member or employee shall carefully avoid all
24 conduct which might in any way lead members of the

25 general public to conclude that the member or employee
26 is using the member's or employee's official position
27 to further the member's or employee's professional
28 success or personal financial interest.
29 4. CONFLICTS OF INTEREST. In order for the
30 general assembly to function effectively, members of

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1 the house may be required to vote on bills and
2 participate in committee work which will affect their
3 employment and other areas in which they may have a
4 monetary interest. Action on bills and committee work
5 which furthers a member's specific employment,
6 specific investment, or other specific interest, as
7 opposed to the interests of the public in general or
8 the interests of a profession, trade, business, or
9 other class of persons, shall be avoided. In making a
10 decision relative to a member's activity on particular
11 bills or in committee work, the following factors
12 should be considered:

13 a. Whether a substantial threat to the member's
14 independence of judgment has been created by the
15 conflict situation.

16 b. The effect of the member's participation on
17 public confidence in the integrity of the general
18 assembly.

19 c. Whether the member's participation is likely to
20 have any significant effect on the disposition of the
21 matter.

22 d. The need for the member's particular
23 contribution, such as special knowledge of the subject
24 matter, to the effective functioning of the general
25 assembly.

26 If a member decides not to participate in committee
27 work or to abstain from voting because of a possible
28 conflict of interest, the member should disclose this
29 fact to the legislative body. The member shall not
30 vote on any question in which the member has an

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1 economic interest that is distinguishable from the
2 interests of the general public or a substantial class
3 of persons.

4 5. STATUTORY REQUIREMENTS. Members and employees
5 of the house shall comply with the requirements
6 contained in chapters 68B (Conflicts of Interest of
7 Public Officers and Employees), 721 (Official
8 Misconduct), and 722 (Bribery and Corruption), and
9 sections 2.18 (Contempt) and 711.4 (Extortion) of the
10 Code.

11 6. CHARGE ACCOUNTS. Members and employees of the
12 house shall not charge any amount or item to a charge

13 account to be paid for by a lobbyist or any client of
14 a lobbyist.

15 7. TRAVEL EXPENSES. A member or employee of the
16 house shall not charge to the state of Iowa amounts
17 for travel and expenses unless the member or employee
18 actually has incurred those mileage and expense costs.
19 Members or employees shall not file the vouchers for
20 weekly mileage reimbursement required by section 2.10,
21 subsection 1 of the Code, unless the travel expense
22 was actually incurred.

23 A member or employee of the house shall not file a
24 claim for per diem compensation for a meeting of an
25 interim study committee or a visitation committee
26 unless the member or employee attended the meeting.
27 However, the speaker may waive this provision and
28 allow a claim to be filed if the member or employee
29 attempted to attend the meeting but was unable to do
30 so because of circumstances beyond the member's or

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1 employee's control.

2 8. GIFTS ACCEPTED OR RECEIVED. Members and
3 employees of the house shall comply with the
4 restrictions relating to the receipt or acceptance of
5 gifts contained in section 68B.22 of the Code.

6 9. HONORARIA RESTRICTIONS. Members and employees
7 of the house shall comply with the restrictions
8 relating to the receipt of honoraria contained in
9 section 68B.23 of the Code.

10 10. DISCLOSURE REQUIRED. Each member of the house
11 and the chief clerk of the house shall file the
12 personal financial disclosure statements required
13 under section 68B.35 of the Code by February 15 of
14 each year for the prior calendar year.

15 11. SEXUAL HARASSMENT. Members and employees of
16 the house shall not engage in conduct which
17 constitutes sexual harassment as defined in section
18 19B.12 of the Code or pursuant to the sexual
19 harassment policy adopted by the house committee on
20 administration and rules.

21 12. COMPLAINTS.

22 a. Filing of complaint. Complaints may be filed
23 by any person believing that a member or employee of
24 the house, a lobbyist, or a client of a lobbyist is
25 guilty of a violation of the house code of ethics, the
26 house rules governing lobbyists, or chapter 68B of the
27 Code.

28 b. Complaints by committee. The ethics committee
29 may initiate a complaint on its own motion. Committee
30 complaints may be initiated by the committee as a

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1 result of a committee investigation or as a result of

2 receipt of any complaint or other information that
3 does not meet the requirements of these rules
4 regarding the form of a complaint but that contains
5 allegations that would form the basis for a valid
6 complaint.

7 c. Form and contents of complaint. A complaint
8 shall be in writing.

9 Complaint forms shall be available from the chief
10 clerk of the house, but a complaint shall not be
11 rejected for failure to use the approved form if it
12 complies with the requirements of these rules. The
13 complaint shall contain a certification made by the
14 complainant, under penalty of perjury, that the facts
15 stated in the complaint are true to the best of the
16 complainant's knowledge.

17 To be valid, a complaint shall allege all of the
18 following:

19 (1) Facts, including the approximate date and
20 location of any event, incident, or transaction that,
21 if true, establish a violation of a provision of
22 chapter 68B of the Code, the house code of ethics, or
23 house rules governing lobbyists for which penalties or
24 other remedies are provided.

25 (2) That the conduct providing the basis for the
26 complaint occurred within three years of the filing of
27 the complaint.

28 (3) That the party charged with a violation is a
29 member or employee of the house, a lobbyist, or a
30 client of a lobbyist.

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1 d. Confidentiality of complaint. The filing of
2 the complaint and the contents of the complaint shall
3 be confidential until the time that the committee
4 meets to determine whether the complaint is valid,
5 unless either the complainant or the party charged in
6 the complaint makes the existence of, or the
7 information contained in, the complaint public.
8 However, if either the complainant or party alleged to
9 have committed the violation requests that the meeting
10 to determine whether the complaint is valid be a
11 closed meeting and the filing of the complaint or the
12 contents of the complaint have not been disclosed, the
13 meeting shall be closed.

14 e. Notice of complaint. Upon receipt of the
15 complaint, the chief clerk of the house shall promptly
16 notify the chairperson and ranking member of the
17 ethics committee that a complaint has been filed and
18 provide both the chairperson and the ranking member
19 with copies of the complaint and any supporting
20 information. Within two working days, the chief clerk
21 shall send notice, either by personal delivery or by
22 certified mail, return receipt requested, to the

23 person or persons alleged to have committed the
24 violation, along with a copy of the complaint and any
25 supporting information. The notice to the accused
26 person shall contain a request that the person submit
27 a written response to the complaint within ten working
28 days of the date that the notice was sent by the chief
29 clerk. At the request of the accused person, the
30 committee may extend the time for the response, not to

Page 10

1 exceed ten additional calendar days.
2 f. Hearing regarding validity of complaint. The
3 committee chairperson and the ranking member shall
4 review the complaint and supporting information to
5 determine whether the complaint meets the requirements
6 as to form. If the complaint is deficient as to form,
7 the complaint shall be returned to the complainant
8 with instructions indicating the deficiency unless the
9 committee decides to proceed on its own motion. If
10 the complaint is in writing and contains the
11 appropriate certification, as soon as practicable, the
12 chairperson shall call a meeting of the committee to
13 review the complaint to determine whether the
14 complaint meets the requirements for validity and
15 whether the committee should request that the chief
16 justice of the supreme court appoint an independent
17 special counsel to conduct an investigation to
18 determine whether probable cause exists to believe
19 that a violation of the house code of ethics, house
20 rules governing lobbyists, or chapter 68B of the Code,
21 has occurred.
22 If the committee finds that a complaint does not
23 meet the content requirements for a valid complaint,
24 the committee shall dismiss the complaint and notify
25 both the complainant and the party alleged to have
26 committed the violation of the dismissal and the
27 reasons for dismissal. A dismissal for failure to
28 meet the formal requirements for the filing of a
29 complaint shall be without prejudice and the
30 complainant may refile the complaint at any time

Page 11

1 within three years of the date that the alleged
2 violation took place. If the dismissal is based upon
3 a failure to allege facts and circumstances necessary
4 for a valid complaint, the dismissal shall be with
5 prejudice and the party shall not be permitted to file
6 a complaint based upon the same facts and
7 circumstances.
8 g. Request for appointment of independent special
9 counsel. If, after review of the complaint and any
10 response made by the party alleged to have committed

11 the violation, the committee determines that the
12 complaint meets the requirements for form and content,
13 the committee shall request that the chief justice of
14 the supreme court appoint independent special counsel
15 to investigate the matter and determine whether
16 probable cause exists to believe that a violation of
17 chapter 68B of the Code, the house code of ethics, or
18 the house rules governing lobbyists has occurred.
19 h. Receipt of report of independent special
20 counsel. The report from independent special counsel
21 regarding probable cause to proceed on a complaint
22 shall be filed with the chief clerk of the house.
23 Upon receipt of the report of the independent special
24 counsel, the chief clerk shall notify the chairperson
25 of the filing of the report and shall send copies of
26 the report to the members of the ethics committee. As
27 soon as practicable after the filing of the report,
28 the chairperson shall schedule a public meeting for
29 review of the report. The purpose of the public
30 meeting shall be to determine whether the complaint

Page 12

1 should be dismissed, whether a formal hearing should
2 be held on the complaint, or whether other committee
3 action is appropriate. The complainant and the person
4 alleged to have committed the violation shall be given
5 notice of the public meeting, shall have the right to
6 be present at the public meeting, and may, at the
7 discretion of the committee, present testimony in
8 support of or against the recommendations contained in
9 the report.
10 If the committee determines that the matter should
11 be dismissed, the committee shall cause an order to be
12 entered dismissing the matter and notice of the
13 dismissal shall be given to the complainant and the
14 party alleged to have committed the violation. If the
15 committee determines that the complaint should be
16 scheduled for formal hearing, the committee shall
17 issue a charging statement which contains the charges
18 and supporting facts that are to be set for formal
19 hearing and notice shall be sent to the complainant
20 and the accused person.
21 The notice shall include a statement of the nature
22 of the charge or charges, a statement of the time and
23 place of hearing, a short and plain statement of the
24 facts asserted, and a statement of the rights of the
25 accused person at the hearing.
26 i. Formal hearing. Formal hearings shall be
27 public and conducted in the manner provided in section
28 68B.31, subsection 8 of the Code. At a formal hearing
29 the accused shall have the right to be present and to
30 be heard in person and by counsel, to cross-examine

Page 13

1 witnesses, and to present evidence. Members of the
2 committee shall also have the right to question
3 witnesses.

4 Evidence at the formal hearing shall be received in
5 accordance with rules and procedures applicable to
6 contested cases under chapter 17A of the Code.

7 The committee chairperson, or the vice chairperson
8 or ranking member in the absence of the chairperson,
9 shall preside at the formal hearing and shall rule on
10 the admissibility of any evidence received. The
11 ruling of the chairperson may be overturned by a
12 majority vote of the committee. Independent special
13 counsel shall present the evidence in support of the
14 charge or charges. The burden shall be on the
15 independent special counsel to prove the charge or
16 charges by a preponderance of clear and convincing
17 evidence. Upon completion of the formal hearing, the
18 committee shall adopt written findings of fact and
19 conclusions concerning the merits of the charges and
20 make its report and recommendation to the house.

21 j. Recommendations by the committee. The
22 committee shall recommend to the house that the
23 complaint be dismissed, or that one or more of the
24 following be imposed:

25 (1) That the member or employee of the house or
26 lobbyist be censured or reprimanded, and the
27 recommended appropriate form of censure or reprimand
28 be used.

29 (2) That the member of the house be suspended or
30 expelled from membership in the house and required to

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1 forfeit the member's salary for that period, the
2 employee of the house be suspended or dismissed from
3 employment, or that the lobbyist's or lobbyist's
4 client's lobbying privileges be suspended.

5 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
6 complaint has been filed or an investigation has been
7 initiated, a party to the complaint or investigation
8 shall not communicate, or cause another to
9 communicate, as to the merits of the complaint or
10 investigation with a member of the committee, except
11 under the following circumstances:

12 a. During the course of any meetings or other
13 official proceedings of the committee regarding the
14 complaint or investigation.

15 b. In writing, if a copy of the writing is
16 delivered to the adverse party or the designated
17 representative for the adverse party.

18 c. Orally, if adequate prior notice of the
19 communication is given to the adverse party or the

20 designated representative for the adverse party.
21 d. As otherwise authorized by statute, the house
22 code of ethics, house rules governing lobbyists, or
23 vote of the committee.
24 14. PERMANENT RECORD. The chief clerk of the
25 house shall maintain a permanent record of all
26 complaints filed and any corresponding committee
27 action. The permanent record shall be prepared by the
28 ethics committee and shall contain the date the
29 complaint was filed, name and address of the
30 complainant, name and address of the accused person, a

Page 15

1 brief statement of the charges made, any evidence
2 received by the committee, any transcripts or
3 recordings of committee action, and ultimate
4 disposition of the complaint. The chief clerk shall
5 keep each complaint confidential until public
6 disclosure is made by the ethics committee.
7 15. MEETING AUTHORIZATION. The house ethics
8 committee is authorized to meet at the discretion of
9 the committee chairperson in order to conduct hearings
10 and other business that properly may come before it.
11 If the committee submits a report seeking house action
12 against a member or employee of the house or lobbyist
13 after the second regular session of a general assembly
14 has adjourned sine die, the report shall be submitted
15 to and considered by the subsequent general assembly.
16 16. ADVISORY OPINIONS.
17 a. Requests for formal opinions. A request for a
18 formal advisory opinion may be filed by any person who
19 is subject to the authority of the ethics committee.
20 The ethics committee may also issue a formal advisory
21 opinion on its own motion, without having previously
22 received a formal request for an opinion, on any issue
23 that is within the jurisdiction of the committee.
24 Requests shall be filed with either the chief clerk of
25 the house or the chairperson of the ethics committee.
26 b. Form and contents of requests. A request for a
27 formal advisory opinion shall be in writing and may
28 pertain to any subject matter that is related to
29 application of the house code of ethics, the house
30 rules governing lobbyists, or chapter 68B of the Code

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1 to any person who is subject to the authority of the
2 ethics committee. Requests shall contain one or more
3 specific questions and shall relate either to future
4 conduct or be stated in the hypothetical. A request
5 for an advisory opinion shall not specifically name
6 any individual or contain any other specific
7 identifying information, unless the request relates to

8 the requester's own conduct. However, any request may
 9 contain information which identifies the kind of
 10 individual who may be affected by the subject matter
 11 of the request. Examples of this latter kind of
 12 identifying information may include references to
 13 conduct of a category of individuals, such as but not
 14 limited to conduct of legislators, legislative staff,
 15 or lobbyists.

16 c. Confidentiality of formal requests and
 17 opinions. Requests for formal opinions are not
 18 confidential and any deliberations of the committee
 19 regarding a request for a formal opinion shall be pub-
 20 lic. Opinions issued in response to requests for
 21 formal opinions are not confidential, shall be in
 22 writing, and shall be placed on file in the office of
 23 the chief clerk of the house. Persons requesting
 24 formal opinions shall personally receive a copy of the
 25 written formal opinion that is issued in response to
 26 the request.

27 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
 28 following form shall be used for disclosure of
 29 economic interests under these rules and section
 30 68B.35 of the Code:

Page 17

1 STATEMENT OF ECONOMIC INTERESTS

2 Name: _____

3 (Last) (First) (Middle Initial)

4 Address: _____

5 (Street Address, Apt.#/P.O. Box)

6 _____

7 (City) (State) (Zip)

8 Phone: (Home)_____/_____-_____- (Business)_____/_____-_____

9 *****

10 This form is due each year on or before February

11 15. The reporting period is the most recently
12 completed calendar year.

13 In completing Division III of this form, if your
14 percentage of ownership of an asset is less than 100
15 percent, multiply your percentage of ownership by the
16 total revenue produced to determine if you have
17 reached the \$1,000 threshold.

18 Do not report income received by your spouse or
19 other family members.

20 In completing this form, if insufficient space is
21 provided for your answer, you may attach additional
22 information/answers on full-size sheets of paper.
23 Division I. Business, Occupation, Profession.

24 List each business, occupation, or profession in
25 which you are engaged, the nature of the business if
26 not evident, and your position or job title. No
27 income threshold or time requirement applies.

28 Examples:

29 If you are employed by an individual, state the
30 name of the individual employer, the nature of the

Page 18

1 business, and your position.

2 If you are self-employed and are not incorporated
3 or are not doing business under a particular business
4 name, state that you are self-employed, the nature of
5 the business, and your position.

6 If you own your own corporation, are employed by a
7 corporation, or are doing business under a particular
8 business name, state the name and nature of the
9 business or corporation and your position.

10 1 _____
11 2 _____
12 3 _____
13 4 _____
14 5 _____
15 6 _____

16 Division II. Commissions from Sales of Goods or
17 Services to Political Subdivisions.

18 This part is to be completed only by Legislators.
19 If you received income in the form of a commission
20 from the sale of goods or services to a political
21 subdivision, state the name of the purchasing
22 political subdivision. The amount of commission
23 earned is not required to be listed.

24 1 _____
25 2 _____
26 3 _____
27 4 _____
28 5 _____
29 6 _____

30 Division III. Sources of Gross Income.

Page 19

1 In each one of the following categories list each
2 source which produces more than \$1,000 in annual gross
3 income, if the revenue produced by the source was
4 subject to federal or state income taxes last year.
5 List the nature or type of each company, business,
6 financial institution, corporation, partnership, or
7 other entity which produces more than \$1,000 of annual
8 gross income. Neither the amount of income produced
9 nor value of the holding is required to be listed in
10 any of the items.

11 A. Securities: State the nature of the business of
12 any company in which you hold stock, bonds, or other
13 pecuniary interests that generate more than \$1,000 in
14 annual gross income. Income generated by multiple
15 holdings in a single company are deemed received from
16 a single source.

17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____

23 B. Instruments of Financial Institutions: State the
 24 types of institutions in which you hold financial
 25 instruments, such as certificates of deposit, savings
 26 accounts, etc., that produce annual gross income in
 27 excess of \$1,000, e.g., banks, savings and loans, or
 28 credit unions.

29 _____
 30 _____

Page 20

1 _____
 2 _____
 3 _____
 4 _____

5 C. Trusts: State the nature or type of any trust
 6 from which you receive more than \$1,000 of gross
 7 income annually.

8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____

14 D. Real Estate: State the general nature of real
 15 estate interests that generate more than \$1,000 of
 16 gross income annually, e.g., residential leasehold
 17 interest or farm leasehold interest. The size or
 18 location of the property interest is not required to
 19 be listed.

20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

26 E. Retirement Systems: State the name of each
 27 pension plan or other corporation or company that pays
 28 you more than \$1,000 annually in retirement benefits.

29 _____
 30 _____

Page 21

1 _____
 2 _____
 3 _____
 4 _____

- 5 F. Other Income Categories Specified in State and
- 6 Federal Income Tax Regulations.
- 7 _____
- 8 _____
- 9 _____
- 10 _____
- 11 _____
- 12 _____
- 13 _____
- 14 (Signature of Filer) _____ (Date)

The motion prevailed and the resolution was adopted.

HOUSE RESOLUTION 3 ADOPTED

Metcalf of Polk called up for consideration House Resolution 3, a resolution paying tribute to the memory of Dennis J. Nagel, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 37, a bill for an act relating to the control of emissions from grain storage facilities, by imposing a moratorium upon the department of natural resources, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Greig of Emmet offered the following amendment H-3006 filed by the committee on agriculture and moved its adoption:

H-3006

- 1 Amend Senate File 37, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 455B.133, subsection 8, Code
- 6 1995, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. c. Adopt rules for the issuance of
- 9 a single general permit, after notice and opportunity
- 10 for a public hearing. The single general permit shall
- 11 cover numerous sources to the extent that the sources
- 12 are representative of a class of facilities which can
- 13 be identified and conditioned by a single permit."
- 14 2. Page 1, by inserting after line 28 the
- 15 following:
- 16 "A permit shall not be required for the operation
- 17 of a grain elevator for one hundred twenty days
- 18 following the expiration of the moratorium or the date

19 that departmental rules relating to the administration
 20 or enforcement of the clean air operating permit
 21 program become effective, whichever occurs earlier."
 22 3. Title page, line 3, by inserting after the
 23 word "resources," the following: "providing for the
 24 issuance of a single permit,".

The committee amendment H-3006 was adopted.

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

On the question "Shall the bill pass?" (S.F. 37)

The ayes were, 95:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Disney	Doderer
Drake	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none:

Absent or not voting, 5:

Bernau	Dinkla	Drees	Hurley
Jochum			

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

SENATE JOINT RESOLUTION 6 REREFERRED

The Speaker announced that Senate Joint Resolution 6, previously referred to committee on **state government**, was **passed on file**.

On motion by Siegrist of Pottawattamie, the House was recessed at 1:32 p.m., until 5:00 p.m.

EARLY EVENING SESSION

The House reconvened at 5:03 p.m., Speaker Corbett in the chair.

SPECIAL PRESENTATION

Eddie of Buena Vista presented to the House, the Honorable Dan Quayle, former Vice President of the United States.

The House rose and expressed its welcome.

SPONSOR ADDED

(House File 108)

Harrison of Scott requested to be added as a sponsor of House File 108.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 1, 1995. Had I been present, I would have voted "aye" on House Files 15, 29, 120 and Senate File 17.

DAGGETT of Union

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF EDUCATION

An Economic Impact Study of the Proposed Rules For Special Education in Iowa Executive Summary and Technical Report, pursuant to Chapter 1199, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF ECONOMIC DEVELOPMENT

A report on the Value-Added Agricultural Products and Processes Financial Assistance Program, pursuant to Chapter 1119, 1994 Acts of the Seventy-fifth General Assembly.

OFFICE OF TREASURER OF STATE

The Linked Investments for Tomorrow Annual Report, pursuant to Chapter 12.38, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

1995\36 Edward Eugene Conwell, Jr., Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1995\37 Brian D. Hall, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 82

Environmental Protection: Rants, Chair; Boggess and Drees.

House File 89

Environmental Protection: Rants, Chair; Holveck and Meyer.

House File 102

Judiciary: Coon, Chair; Brammer and Lamberti.

House File 107

Judiciary: Grubbs, Chair; Harrison and Holveck.

House File 109

Judiciary: Millage, Chair; Lamberti and Moreland.

House File 114

Judiciary: Veenstra, Chair; Coon and Kreiman.

House File 118

Judiciary: Boddicker, Chair; Bell and Harrison.

House File 119

Judiciary: Boddicker, Chair; Bernau and Coon.

Senate File 9

Local Government: Klemme, Chair; Carroll and Mertz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 18

Environmental Protection: Greiner, Chair; Mascher and Teig.

House Study Bill 23

Environmental Protection: Vande Hoef, Chair; Shoultz and Van Fossen.

House Study Bill 28

Judiciary: Lamberti, Chair; Doderer and Harrison.

House Study Bill 38

Judiciary: Veenstra, Chair; Coon and Shoultz.

House Study Bill 39

Judiciary: Veenstra, Chair; Bernau and Coon.

House Study Bill 40

Judiciary: Veenstra, Chair; Coon and Moreland.

House Study Bill 44

Judiciary: Boddicker, Chair; Brammer and Millage.

House Study Bill 46

Judiciary: Millage, Chair; Brammer and Hurley.

House Study Bill 71

Ways and Means: Dinkla, Chair; Brammer and Teig.

House Study Bill 73

Local Government: Weidman, Chair; Larkin and Martin.

House Study Bill 74

Local Government: Klemme, Chair; Arnold and Drees.

House Study Bill 75

State Government: Tyrrell, Chair; Bradley and Cataldo.

House Study Bill 76

State Government: Renken, Chair; Brammer and Coon.

House Study Bill 77

State Government: Ertl, Chair; Thomson and Witt.

House Study Bill 80

Local Government: Klemme, Chair; Arnold and Drees.

House Study Bill 81

Local Government: Vande Hoef, Chair; Myers and Weidman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 83 State Government

Relating to regulation of food establishments and providing for fees and penalties.

H.S.B. 84 Environmental Protection

Relating to solid waste by removing penalties for failure to meet waste reduction and recycling goals, changing provisions of the mandatory beverage container deposit law, requesting the allocation of landfill alternative grant moneys, and making encouragement of curbside recycling a public policy of the state.

H.S.B. 85 Environmental Protection

Relating to plastic garbage can liners with recycled content.

H.S.B. 86 Judiciary

Relating to property exempt from criminal forfeiture.

H.S.B. 87 Judiciary

Eliminating the restitution limit for the offense of operating a motor vehicle while intoxicated.

H.S.B. 88 Judiciary

Requiring the administrative revocation of driving privileges of persons under the age of twenty-one who operate a motor vehicle with an alcohol concentration of .02 or more, denying issuance of temporary restricted licenses during the period of revocation, including the revocation under implied consent provisions, providing for civil penalties, and excluding the revocation from application of certain motor vehicle financial responsibility requirements.

H.S.B. 89 Judiciary

Relating to compensation for victims of crimes, by providing for compensation to secondary victims of crimes and increasing the maximum amount that may be recovered for loss of work income due to injuries received by victims.

H.S.B. 90 Judiciary

Related to criminal offenses against minors and sexually violent offenses and offenders committing those offenses, by requiring registration by offenders, providing for the establishment of a sex offender registry, and providing penalties.

H.S.B. 91 Judiciary

Relating to marriage dissolution actions, including automatic imposition of temporary restraining orders and filing of grandparent visitation petitions.

H.S.B. 92 Judiciary

Proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

H.S.B. 93 Judiciary

Relating to providing for a five-year minimum prison term for a person who uses a knife in the commission of a forcible felony.

H.S.B. 94 Transportation

Relating to the operation of all-terrain vehicles and snowmobiles on roads and applying penalties.

H.S.B. 95 Ways and Means

Relating to a sales tax exemption for industrial machinery, equipment and computers used primarily for waste reduction.

H.S.B. 96 Human Resources

Providing for notification of certain persons receiving public assistance of tax suspension provisions.

H.S.B. 97 Human Resources

Relating to anabolic steroids and the Iowa uniform controlled substances Act.

H.S.B. 98 Human Resources

Relating to lead inspection and abatement, including measures to address cases of lead-poisoned children, providing for a contingency for implementation based upon receipt of federal funding, and providing a penalty.

H.S.B. 99 Human Resources

Relating to the development and implementation of a coordinated state-wide trauma care delivery system and providing penalties and immunity from liability.

H.S.B. 100 Human Resources

Relating to child support recovery.

H.S.B. 101 Human Resources

Relating to termination of parental rights involving abuse or neglect of a child by the child's parent.

H.S.B. 102 Human Resources

Relating to child abuse involving termination of parental rights in certain abuse or neglect cases and access by other states to child abuse information.

H.S.B. 103 Human Resources

Relating to procedures applicable to civil commitment, by providing that the county attorney present evidence in support of an application for commitment of a chronic substance abuser, by permitting appointment of the patient advocate from the county of commitment, by extending the time for appeal from a referee's finding, and by deleting language relating to the appointment of a conservator for mentally ill persons.

H.S.B. 104 Human Resources

To nullify an administrative rule of the department of human services relating to the definition of persons with mental retardation, and providing an effective date.

H.S.B. 105 Agriculture

Relating to Iowa-foaled horses and Iowa-whelped dogs used for breeding and racing.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 69, a bill for an act relating to county expenditures of property taxes for mental health and developmental disabilities costs by providing for reduction of property taxes, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3030, February 2, 1995.

Pursuant to Rule 34, Senate File 69 was placed on the Special Order Calendar for February 20, 1995.

RESOLUTION FILED

HCR 17, by Cormack and Mundie, a concurrent resolution urging the Federal Trade Commission to amend a consent agreement that would require the divestiture of the Fort Dodge Friskies PetCare Plant.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3027	H.C.R. 10	Senate amendment
H-3028	S.F. 13	Fallon of Polk
H-3029	S.F. 13	Fallon of Polk
H-3030	S.F. 69	Committee on Ways and Means
H-3031	S.F. 13	Witt of Black Hawk
Jacobs of Polk		Larkin of Lee
Nelson of Pottawattamie		Harper of Black Hawk
Metcalf of Polk		Nelson of Marshall
Brand of Benton		Moreland of Wapello
H-3032	S.F. 13	Boddicker of Cedar

On motion by Siegrist of Pottawattamie, the House adjourned at 5:05 p.m. until 8:45 a.m., Tuesday, February 7, 1995.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 7, 1995

The House met pursuant to adjournment at 8:47 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Steven Kruse, Faith Lutheran Church, Clive.

The Journal of Monday, February 6, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Schrader of Marion.

PETITION FILED

By Carroll of Poweshiek from twenty-five citizens of Iowa favoring reinstatement of the death penalty as an option for the courts of the land, to be imposed on those convicted of the heinous crime of abduction and the resultant death of the person abducted.

INTRODUCTION OF BILLS

House File 137, by Gipp and Shoultz, a bill for an act relating to the management of waste tires by providing for the establishment of a waste tire management grant program, allocation of moneys for the establishment and administration of waste tire management projects, providing for a fee on certificates of title, and providing for a repeal and an effective date provision.

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

House File 138, by Connors, a bill for an act relating to disaster leave for state employees.

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

House File 139, by Blodgett, a bill for an act relating to the disclosure of the methods used by insurance companies and nonprofit health service corporations to determine the usual and customary fees for dental care benefit coverages.

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

House File 140, by Brunkhorst, a bill for an act relating to the road testing of oversized vehicles.

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

House File 141, by Doderer, Jacobs and Bell, a bill for an act relating to domestic abuse by providing that protection orders in domestic abuse cases have indefinite duration, providing for the seizure of dangerous weapons involved in a domestic violence assault and of the firearms of perpetrators, creating a statewide registry of protection orders, providing a presumption against joint custody of children in certain circumstances, and changing the penalty for violation of a protection order from contempt to a serious misdemeanor.

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

SENATE MESSAGES CONSIDERED

Senate File 66, by committee on judiciary, a bill for an act relating to cruelty to police service dogs and providing for enhanced penalties.

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

Senate File 84, by committee on human resources, a bill for an act relating to individual health insurance and individual health benefit plan reforms, and establishing an income tax credit for certain individuals.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 41, a bill for an act relating to the establishment of legal settlement for certain blind persons and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Blodgett 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. 41)

The ayes were, 96:

Arnold
Boddicker

Baker
Bogges

Bell
Bradley

Blodgett
Brammer

Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none:

Absent or not voting, 4:

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

House File 54, a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state, with report of committee recommending passage, was taken up for consideration.

Disney 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. 54)

The ayes were, 93:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt

Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, 5:

Brammer	Doderer	Fallon	O'Brien
Shultz			

Absent or not voting, 2:

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

House File 94, an act to permit certain dissolutions of marriage to take place without a hearing, was taken up for consideration.

Kreiman of Davis offered the following amendment H-3011 filed by him and moved its adoption:

H-3011

1. Amend House File 94 as follows:
 1. Page 1, line 13, by striking the words "if all of the following conditions have been met" and inserting the following: "under either of the following circumstances".
 2. Page 1, by inserting after line 13 the following:
 - 8 "a. All of the following circumstances have been
 - 9 met."
 3. Page 1, line 14, by striking the letter "a." and inserting the following: "(1)".
 4. Page 1, line 19, by striking the letter "b." and inserting the following: "(2)".
 5. Page 1, line 21, by striking the letter "c." and inserting the following: "(3)".

16 6. Page 1, by inserting after line 23 the
 17 following:
 18 "b. The respondent has not entered a general or
 19 special appearance or filed a motion or pleading in
 20 the case, the waiting period provided under section
 21 598.19 has expired, and all of the following
 22 circumstances have been met:
 23 (1) The petitioner has certified in writing that
 24 there has been a breakdown of the marriage
 25 relationship to the extent that the legitimate objects
 26 of matrimony have been destroyed and there remains no
 27 reasonable likelihood that the marriage can be pre-
 28 served.
 29 (2) All documents required by the court and by
 30 statute have been filed."

Amendment H-3011 was adopted.

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

On the question "Shall the bill pass?" (H.F. 94)

The ayes were, 95:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brammer
Brand	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 3:

Branstad

Brunkhorst

Hanson

Absent or not voting, 2:

Bernau

Connors

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

On motion by Siegrist of Pottawattamie, the House was recessed at 9:35 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:02 p.m., Millage of Scott in the chair.

INTRODUCTION OF BILLS

House File 142, by Running, a bill for an act providing for the composition of the board of cosmetology arts and sciences examiners.

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

House File 143, by Running, a bill for an act relating to the basis for admission and care of residents in nursing facilities and providing penalties.

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

House File 144, by Running, a bill for an act relating to nursing facility admissions and the source of payment of the cost of care of residents, and providing penalties.

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

House File 145, by Running, a bill for an act relating to the access to nursing facility waiting lists by applicants for admission to a nursing facility and their immediate family members, and providing penalties.

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

House File 146, by Coon, a bill for an act relating to the disapproval of an involuntary annexation proposal by referendum.

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

House File 147, by Doderer, a bill for an act to establish a registry of sex offenders and providing civil and criminal penalties.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 60, a bill for an act relating to establishing a linked investment program for speculative building development.

JOHN F. DWYER, Secretary

SPECIAL PRESENTATION

Fallon of Polk presented to the House K. R. Sinha, Consul General of India. Mr. Sinha, of Calcutta, is presently stationed in Chicago, Illinois and is in Des Moines to discuss a Trade Symposium with state officials. He addressed the House briefly.

The House rose and expressed its welcome.

HOUSE FILE 134 REREFERRED

The Speaker announced that House File 134, previously referred to committee on **state government**, was rereferred to committee on **judiciary**.

MOTIONS TO RECONSIDER (House File 54)

I move to reconsider the vote by which House File 54 passed the House on February 7, 1995.

DISNEY of Polk

(House File 54)

I move to reconsider the vote by which House File 54 passed the House on February 7, 1995.

MORELAND of Wapello

SPONSOR ADDED (House File 130)

Mascher of Johnson requested to be added as a sponsor of House File 130.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber Tuesday morning, February 7, 1995. Had I been present, I would have voted "aye" on House File 41.

LARSON of Linn

PRESENTATION OF VISITORS

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

Twenty Junior and Senior students from Briar Cliff College, Sioux City, Iowa. By Klemme of Plymouth.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

The 1994 Annual Report Professional Licensure, pursuant to Chapter 272C.4(2)(b), Code of Iowa.

The Annual Report July 1, 1993 - June 30, 1994 on the Certificate of Need (CON) Program, pursuant to Chapter 135.77, Code of Iowa.

The Report of the Center for Rural Health and Primary Care, pursuant to Chapter 1168, 1994 Acts of the Seventy-fourth General Assembly.

DEPARTMENT OF REVENUE AND FINANCE Lottery Division

Independent Auditor's Reports Financial Statement and Supplemental Information.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\38 Kaitlyn Bean, Albert City - For being named the 1995 Iowa Pork Princess.
- 1995\39 Scott Thompson, Jesup - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 4

Ways and Means: Larson, Chair; Doderer, Nutt, Shultz and Van Fossen.

House File 108

Ways and Means: Drake, Chair; Jochum and Van Fossen.

House File 122

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House File 129

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House File 130

Judiciary: Schulte, Chair; Boddicker and Moreland.

House File 135

Judiciary: Hurley, Chair; Greiner and Kreiman.

House File 136

Ways and Means: Drake, Chair; Jochum and Van Fossen.

House File 137

Environmental Protection: Gipp, Chair; Drake and Shoultz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 83**

State Government: Thomson, Chair; Cataldo and Tyrrell.

House Study Bill 84

Environmental Protection: Drake, Chair; Gries and Shoultz.

House Study Bill 86

Judiciary: Greiner, Chair; Bernau and Schulte.

House Study Bill 87

Judiciary: Veenstra, Chair; Coon and Shoultz.

House Study Bill 89

Judiciary: Lamberti, Chair; Brammer and Hurley.

House Study Bill 91

Judiciary: Dinkla, Chair; Kreiman and Kremer.

House Study Bill 92

Judiciary: Harrison, Chair; Dinkla and Shoultz.

House Study Bill 93

Judiciary: Boddicker, Chair; Bell and Greiner.

House Study Bill 96

Human Resources: Boddicker, Chair; Brand, Fallon, Harrison and Hurley.

House Study Bill 97

Human Resources: Blodgett, Chair; Burnett and Hurley.

House Study Bill 98

Human Resources: Ertl, Chair; Brand and Salton.

House Study Bill 99

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House Study Bill 100

Human Resources: Harrison, Chair; Fallon, Hammitt, Hurley and Moreland.

House Study Bill 101

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House Study Bill 102

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House Study Bill 103

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

House Study Bill 104

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 50.1 (Revised) Agriculture**

Providing for the regulation of animal feeding operations, providing for fees, the expenditure of moneys, and providing for penalties.

H.S.B. 106 Appropriations

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 an effective date.

H.S.B. 107 Appropriations

Relating to energy conservation including making appropriations of petroleum overcharge funds.

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.

ELIZABETH A. ISAACSON,
Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

House File 36, a bill for an act relating to public water supply system fees.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1995.

RESOLUTIONS FILED

HR 5, by committee on natural resources, providing special recognition and support to the seventy-fifth anniversary of Iowa's state parks system and urging all citizens and leaders in government, academia, and business to give special recognition to the many and varied services our state parks have given for three-quarters of a century.

Laid over under **Rule 25**.

HR 6, by committee on ethics, to amend the rules governing lobbyists in the House of Representatives.

Placed on the **calendar**.

SCR 11, by committee on transportation, declaring support for Amtrak.

Referred to committee on **transportation**.

AMENDMENTS FILED

H-3033	S.F.	32	Hammitt of Harrison
H-3034	S.F.	13	Harper of Black Hawk
H-3035	S.F.	13	Boddicker of Cedar
H-3036	H.F.	133	Koenigs of Mitchell
H-3037	S.F.	13	Connors of Polk McCoy of Polk Halvorson of Clayton Ollie of Clinton
H-3038	S.F.	13	Connors of Polk McCoy of Polk Ollie of Clinton Halvorson of Clayton
H-3039	H.F.	132	Millage of Scott
H-3040	S.F.	13	Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 1:16 p.m. until 8:45 a.m., Wednesday, February 8, 1995.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 8, 1995

The House met pursuant to adjournment at 8:47 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Robert Boudewyns, Unity Lutheran Church, Des Moines.

The Journal of Tuesday, January 7, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Grubbs of Scott on request of Siegrist of Pottawattamie.

PETITION FILED

By Brammer of Linn from seventy-four citizen's opposing and five citizen's favoring the reinstatement of the death penalty.

INTRODUCTION OF BILLS

House Joint Resolution 5, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes.

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

House File 148, by Daggett, a bill for an act relating to the establishing of an integrated case-management program within the department of elder affairs, and making an appropriation.

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

SENATE MESSAGE CONSIDERED

Senate File 60, by Black, a bill for an act relating to establishing a linked investment program for speculative building development.

Read first time and referred to committee on **economic development**.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 45, a bill for an act changing the name of the league of Iowa municipalities to the Iowa league of cities, was taken up for consideration.

Disney 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. 45)

The ayes were, 94:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shultz	Siegrist
Sukup	Teig	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 1:

Tyrrell

Absent or not voting, 5:

Bernau	Brammer	Brand	Grubbs
Hurley			

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

HOUSE FILE 44 WITHDRAWN

Vande Hoef of Osceola asked and received unanimous consent to withdraw House File 44 from further consideration by the House.

ADOPTION OF SENATE CONCURRENT RESOLUTION 6

Klemme of Plymouth called up for consideration of Senate Concurrent Resolution 6, a concurrent resolution objecting to a plan proposed

by the United States Corps of Engineers to dramatically alter the operation of the Missouri River, and to request that the current operation of the river be maintained or that an alternative plan be considered that does not negatively impact upon the effective operation of the river.

Hahn of Muscatine offered the following amendment H-3010 filed by the committee on agriculture and moved its adoption:

H-3010

- 1 Amend Senate Concurrent Resolution 6, as passed by
- 2 the Senate, as follows:
- 3 1. Page 2, by inserting after line 19 the
- 4 following:
- 5 "WHEREAS, the Missouri River contributes between 40
- 6 and 50 percent of the water flow to the Mississippi
- 7 River south of the rivers' confluence, between St.
- 8 Louis, Missouri, and Cairo, Illinois; and
- 9 WHEREAS, the loss of water flow could reduce levels
- 10 at the Port of St. Louis by two to five feet, creating
- 11 significant increases in the cost of transporting
- 12 grain exports throughout the middle Mississippi during
- 13 peak shipping seasons; and
- 14 WHEREAS, the barge share of grain movements to
- 15 export ports increased from 43 percent in 1974 to 54
- 16 percent in 1991 and most of this barge grain traffic
- 17 is on the Mississippi River system; and"
- 18 2. Page 3, by inserting after line 8 the
- 19 following:
- 20 "BE IT FURTHER RESOLVED, That if the plan proposed
- 21 by the United States Army Corps of Engineers is
- 22 adopted administratively, that the Iowa congressional
- 23 delegation cooperate to take all actions necessary to
- 24 ensure that moneys are not made available for the
- 25 proposal's implementation; and".

The committee amendment H-3010 was adopted.

Fallon of Polk offered the following amendment H-3026 filed by him and moved its adoption:

H-3026

- 1 Amend Senate Concurrent Resolution 6, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, line 6, by inserting after the word
- 4 "that" the following: "recognizes the need to restore
- 5 habitat along the river, yet".

Roll call was requested by Schrader of Marion and Ollie of Clinton.

On the question "Shall amendment H-3026 be adopted?" (S.C.R.6)

The ayes were, 41:

Arnold	Baker	Bell	Bernau
Brand	Branstad	Burnett	Cataldo
Cohoon	Connors	Coon	Doderer
Drees	Fallon	Garman	Grundberg
Harper	Harrison	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 56:

Blodgett	Boddicker	Boggess	Bradley
Brauns	Brunkhorst	Carroll	Churchill
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Hahn	Halvorson	Hammitt	Hanson
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 3:

Brammer	Grubbs	Nelson, B.
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Amendment H-3026 lost.

On motion by Klemme of Plymouth, the resolution, as amended, was adopted.

HOUSE CONCURRENT RESOLUTION 15 WITHDRAWN

Gries of Crawford asked and received unanimous consent to withdraw House Concurrent Resolution 15 from further consideration by the House.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 17

Cormack of Webster called up for consideration House Concurrent Resolution 17, a concurrent resolution urging the Federal Trade Commission to amend a consent agreement that would require the divestiture of the Fort Dodge Friskies PetCare Plant, and moved its adoption.

The motion prevailed and the resolution was adopted.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 10, 1995, and is on file in the office of the Chief Clerk:

January 10, 1995

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

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

These include 112 claims of general nature that were denied by the State Appeal Board during March 1994 through December 1994.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Michael L. Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 76TH GENERAL ASSEMBLY
January 10, 1995

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G901968	Gallagher Trucking	Vail, IA	License Refund	\$295.08
G902017	Mag. Edward Powell	Winterset, IA	Outdated Invoice	\$100.00
G902065	Daniel L. Tigges	Davenport, IA	Outdated Invoice	\$167.99
G911100	Timothy Hotek c/o Kirk A. Daily	Ottumwa, IA	Outdated Expense	\$840.00
G920634	Louise Corll	Ankeny, IA	Reimbursement	\$107.25
G920686	TJ Construction Unlimited Inc	Solon, IA	License Refund	\$45.00
G921088	Sharon L. (Brauns) Galloway c/o J. William Holliday	Kahoka, MO	Transfer Tax	\$204.60

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G921346	James J. Davis	Council Bluffs, IA	License Refund	\$7.00
G921889	Helen Clay	Des Moines, IA	Reimbursement	\$482.35
G921934	Lutheran Social Services of Iowa	Des Moines, IA	Outdated Invoice	\$221.21
G922081	Peoples Abstract Company	Des Moines, IA	Real Estate Transfer Tx	\$772.80
G930121	St. Lukes Regional Medical Center	Sioux City, IA	Outdated Invoice	\$319.25
G930171	McFarland Clinic, P.C.	Ames, IA	Outdated Invoice	\$2,802.00
G930467	Nellie Endine Scott	Titusville, FL	License Refund	\$151.00
G930495	Simplot Soilbuilders	Sac City, IA	Fuel Trip Permit Refund	\$66.00
G930569	Titan Transport	Jaskatoon, SK	Trip Permit Refund	\$100.00
G930611	Lawrence H. Blom	Pella, IA	Revenue Stamp Refund	\$85.80
G930681	Tama County	Toledo, IA	Ag Land Credit	\$430.38
G930686	John A. Burke	Cedar Rapids, IA	Dpdnt Care	\$300.00
G930690	Buchanan County Auditor	Independence, IA	Ag Land	\$3,489.98
G930691	Tracey L. Mitchell	Chattanooga, TN	License	\$169.00
G930692	Webster County Auditor	Ft Dodge, IA	Ag Land Credit	\$1,111.19
G930707	Sarah Ann Hindman	Honey Creek, IA	Reimbursement	\$144.00
G930710	Skiff Medical Center	Newton, IA	Medical Services	\$56.00
G930741	Lowell Routley, PhD	Dubuque, IA	Outdated Invoice	\$90.00
G930749	Sally A. Moore	Muscatine, IA	Adpnt Subsidy	\$1,526.00
G930763	B & B Bedding, Inc.	Oskaloosa, IA	License Refund	\$608.00

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G930784	John A. Burke	Cedar Rapids, IA	Depd Care	\$160.00
G930876	McFarland Clinic	Ames, IA	Outdated Invoice	\$1,756.00
G930919	Pump'N Pak Rock Valley, Inc.	Rock Valley, IA	Fuel Tax Refund	\$940.00
G930920	Pump'N Pak Rock Valley, Inc.	Rock Valley, IA	Fuel Tax Refund	\$1,755.00
G931035	Mary B. Wilson	Peoria, AZ	License Refund	\$185.50
G931039	Wayne County Auditor	Corydon, IA	Ag Land Credit	\$4,674.55
G931077	University of Iowa Hospitals & Clinics	Iowa City, IA	Services	\$1,526.50
G931119	Black Hawk County Relief Office	Waterloo, IA	Reimbursement	\$229.25
G931164	Lutheran Social Services	Des Moines, IA	Purchase Service	\$486.30
G931335	Daniel Johnson	Perry, IA	Reimbursement	\$30.45
G931411	Maureen E. Forsyth	Cedar Rapids, IA	License Refund	\$73.00
G931414	Lamont H. Ullrich	Tucson, AZ	License Refund	\$175.00
G931415	Lamont H. Ullrich	Tucson, AZ	License Refund	\$352.00
G940058	William Davis Pischke	Renwick, IA	Reimbursement	\$92.40
G940117	Everette E. Kuehl as Executor for the Estate of Louis H. Kuehl	Atlantic, IA	Reimbursement	\$4,936.79
G940134	Cargill, Inc.	Woodward, IA	Outdated Invoice	\$476.00
G940148	Joseph William Draper	Cherokee, IA	Reimbursement	\$53.00
G940234	James A. Weaver	Muscatine, IA	Outdated Expense	\$4.99

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G940266	Black Hawk County Relief	Waterloo, IA	Outdated Invoice	\$294.52
G940267	Black Hawk County Relief	Waterloo, IA	Outdated Invoice	\$10.04
G940268	Black Hawk County Relief	Waterloo, IA	Outdated Invoice	\$33.36
G940307	5B Jud Dis Juv Hm Boys	Lamoni, IA	Medical Services	\$162.00
G940343	Debra Lulf	Sioux City, IA	Atty Fees	\$323.96
G940481	Becky Fitz Flores	Davenport, IA	Atty Fees	\$350.00
G940493	Broadlawns Medical Center	Des Moines, IA	Medical Fees	\$296.08
G940549	Frank Mandicino, JR	Sioux City, IA	Income Tax Refund	\$588.00
G940564	Francis L. Barta	Sioux City, IA	Income Tax Refund	\$1,094.00
G940575	Donald J. Morgensen	Sergeant Bluff, IA	Income Tax Refund	\$2,807.00
G940579	Susan M. Bolte	Des Moines, IA	Dependent Care	\$990.00
G940608	John R. Byrne	Sioux City, IA	Income Tax Refund	\$267.00
G940611	Lynn D. Depping	Madrid, IA	Reimbursement	\$581.70
G940615	Jackson County Auditor	Maquoketa, IA	Misc. Expense	\$361.11
G940623	LaVerne Julius Olson	Des Moines, IA	Reimbursement	\$635.00
G940635	Harry LaVern Kobes	Sioux City, IA	Income Tax Refund	\$397.00
G940639	Darole K. Heath	Sioux City, IA	Income Tax Refund	\$2,312.00
G940640	Gus L. Luke	Sioux City, IA	Income Tax Refund	\$212.00
G940646	University of Iowa, Business Manager	Iowa City, IA	Reimbursement	\$19,407.30
G940676	Shorts Travel	Des Moines, IA	Airline Ticket	\$390.50

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G940678	Ilo L. Binnebose	Sioux City, IA	Income Tax Refund	\$876.00
G940704	Olsten of Des Moines	Westbury, NY	Temporary Service	\$840.16
G940713	Rolland E. Nelson	Des Moines, IA	Income Tax Refund	\$6,507.91
G940714	George Silisky	West Des Moines, IA	Income Tax Refund	\$860.00
G940721	Eugene W. Finnegan	Ames, IA	Income Tax Refund	\$1,484.00
G940725	Frank P Vasquez	Urbandale, IA	Income Tax Refund	\$1,317.00
G940727	William J. Doherty	Iowa City, IA	Income Tax Refund	\$3,219.00
G940729	Melvin & Barbara Gangestad	Spirit Lake, IA	Income Tax Refund	\$1,250.00
G940740	Howard & Wilma Wood	West Bend, IA	Income Tax Refund	\$422.64
G940741	Frank G. Engard	Urbandale, IA	Income Tax Refund	Unspecified
G940743	George & Margaret Frye	Albia, IA	Income Tax Refund	\$2,275.00
G940747	Arthur & Dorothy Bock	Sioux City, IA	Income Tax Refund	\$2,911.31
G940749	Leo & Erdeen C. Wagner	Sioux City, IA	Income Tax Refund	\$2,520.74
G940751	Don & Joanne Richards	Hinton, IA	Income Tax Refund	\$2,504.00
G940753	Peter Chiri Jr.	Chariton, IA	Income Tax Refund	\$81.00
G940754	Black Hawk County Relief	Waterloo, IA	Medical	\$81.54
G940755	Frank Richard Shepherd	Des Moines, IA	Income Tax Refund	\$289.00
G940756	Stanley E. Peterson	Des Moines, IA	Income Tax Refund	\$1,028.00

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G940757	Fred & Isora Fenzke	Des Moines, IA	Income Tax Refund	\$335.00
G940760	Howard F. Foxhoven	Sioux City, IA	Income Tax Refund	\$1,903.00
G940762	Eugene & May Weidert	Sioux City, IA	Income Tax Refund	\$85.67
G950003	Francis X. White	Coralville, IA	Income Tax Refund	\$2,203.00
G950005	Veronica Kelso	Des Moines, IA	Income Tax Refund	\$3,929.00
G950013	Mary C. McDonough	Dubuque, IA	Income Tax Refund	\$1,060.00
G950019	Ralph & Mary Kennedy	Sioux City, IA	Income Tax Refund	Unspecified
G950020	Theodore C. Carlsen	Sioux City, IA	Income Tax Refund	\$471.00
G950023	Doris M. Stroud	Cherokee, IA	Income Tax Refund	\$983.00
G950024	Marian C. Miller	Chariton, IA	Income Tax Refund	Unspecified
G950026	Thomas B. Barry	Danbury, IA	Income Tax Refund	\$3,034.00
G950028	Norman H. Gustad	Sioux City, IA	Income Tax Refund	\$337.00
G950029	Ruth M. Walsh c/o Mary Ann Diehl	Albert City, IA	Income Tax Refund	\$1,682.00
G950030	Vincent Gaskill	Arlington, IA	Income Tax Refund	\$767.00
G950031	Donald Wilmes	Sioux City, IA	Income Tax Refund	\$1,247.37
G950032	Donald Wilmes	Sioux City, IA	Income Tax Refund	\$1,174.00
G950035	Marian C. Miller	Chariton, IA	Income Tax Refund	\$425.00
G950038	Ross L. Beardmore	Ira, IA	Income Tax Refund	\$589.00

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950039	Thomas F. Hawks	West Des Moines, IA	Income Tax Refund	\$912.00
G950042	Gordon Glimm	Sioux City, IA	Income Tax Refund	\$2,669.60
G950043	Thomas T. Beacom	Sioux City, IA	Income Tax Refund	\$620.76
G950045	Gordon Harrison O'Harrow	Sioux City, IA	Income Tax Refund	\$842.21
G950320	Levin Manson	Des Moines, IA	Replacement Warrants	\$803.70
G950360	Family Service Agency	Cedar Rapids, IA	Rehab Treatment	\$1,335.84
G950391	Dale Wassmuth MD Associates for Mental Health	Sioux City, IA	Court Ordered Service	\$161.00
G950405	Tanager Place	Cedar Rapids, IA	Provider Services	\$198.16
G950436	Families Inc.	West Branch, IA	Family Services	\$228.69
G950438	Families Inc.	West Branch, IA	Family Services	\$457.38
G950549	The Crittenton Center	Sioux City, IA	Provider Services	\$39.64

COMMUNICATION FROM THE DEPARTMENT OF MANAGEMENT

The following communication was received from the Department of Management on January 10, 1995, and is on file in the office of the Chief Clerk:

January 10, 1995

Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Chief Clerk:

In accordance with Section 669.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims and Settlements and Judgments (general torts and highway) paid during 1994 under Chapter 669.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Sincerely,

Gretchen Tegeler
Director
Department of Management

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

CHAPTER 669 TORT CLAIMS APPROVED
BY THE STATE APPEAL BOARD - 1994

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T910645	Vivian Johnson, Administrator of the Estate of Freddie Dean Gunhus	Claimant fell while a patient at the University of Iowa Hospitals.	\$2,500,000.00	\$185,000.00
T910646	Vivian Johnson, as Conservator for Freddie Dean Gunhus	Claimant fell while a patient at the University Hospitals.	\$2,500,000.00	See T910645
T920689	State Farm Insurance as Subrogee of Thomas and Catherine Hammel	State vehicle rearended claimant's vehicle.	\$1,820.26	See T920876
T920867	James M. Kellogg	DOT vehicle collided with claimant's vehicle.	\$50,000.00	\$2,500.00
T920876	Catherine Hammel	State vehicle rearended claimant's vehicle.	\$17,500.00	\$37,000.00
T920877	Thomas Hammel	State vehicle rearended claimant's vehicle.	\$5,000.00	See T920876
T930056	Randy Jack Rundle	DOT construction caused claimant's sewer to back up.	Unspecified	\$3,000.00
T930241	HyVee Food Store	State employee struck claimant's light pole.	\$2,1117.00	\$1,800.00
T930309	Roger Anderson	Alleges debris from snowplow fell from overpass onto his vehicle.	\$895.01	\$250.00
T939310	Vivian Johnson, Administrator for the Estate of Freddie Dean Gunhus, on behalf	Claimant fell while a patient at the University of Iowa Hospitals.	\$2,500,000.00	See T910645

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
	of Amber Ray Gunhus, Shane Dean Gunhus and Montana Lee Gunhus, minor children			
T930384	Beverly Triplett	Claimant fell while a resident of the Cherokee Mental Health Institute.	\$50,000.00	\$12,000.00
T930393	Donnie R. Riedel	State vehicle rearended claimant's vehicle.	\$65,000.00	\$25,000.00
T930407	American Family Insurance as Subrogee of Hoelil Chung	State driver failed to yield the right of way.	\$879.37	\$527.62
T930418	Terri Hoff	State driver struck claimant's vehicle.	\$6,163.25	\$3,697.95
T930474	Lainett A.A. Group	Reimbursement for catering services that were not paid.	\$135.00	\$135.00
T930507	Midwest Power	DOT vehicle struck and damaged light pole.	\$1,087.11	\$1,087.11
T930538	Jay Ming Kao	State driver backed into claimant's vehicle.	\$1,990.47	\$1,990.47
T930552	Michelle Renee Bunn	State driver struck claimant's vehicle.	\$250.61	\$250.61
T930554	Farm Bureau Mutual Insurance Co. as Subrogee of Donnie R. Riedel	State vehicle collided with claimant's vehicle.	\$4,733.24	See T930393
T930562	Gifford Cafe	State driver struck claimant's building.	\$1,450.00	\$1,355.00
T930574	City of Churdan	DOT mower struck fire hydrant.	\$1,072.00	\$536.00
T930597	Harlan Whitney	Alleges DOT mower threw a rock which damaged his vehicle.	Undetermined	\$271.80
T930609	Jacque L. Giddings	Claimant alleges negligent treatment by the University of Iowa Hospitals.	\$10,000.00	\$500.00
T930618	Keith Wayne Bruns	Claimant alleges he was denied access to proper medical attention.	\$50,000.00	\$15,000.00
T930619	Keith Wayne Bruns	Claimant alleges he was denied access to adequate medical attention.	\$50,000.00	See T930618
T930623	John D. Miller	Slip and fall at the Iowa Men's Reformatory.	\$18,000.00	\$2,000.00
T930633	Continental Western Ins. Co.	State vehicle struck claimant's vehicle.	\$250.61	\$250.61

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
	as Subrogee for Michelle Bunn			
T930643	Joseph W. Catanzareti	Rocks fell off of a DOT truck and onto claimant's vehicle.	\$1,653.77	\$1,653.77
T930653	Teresa A. Findlay	Claimant fell at the University of Northern Iowa.	\$193.60	\$193.60
T930659	Robert L. DeSmidt	Trip and fall at the fair grounds.	\$35,000.00	\$20,000.00
T930660	Mildred DeSmidt	Trip and fall at the fair grounds.	\$10,000.00	See T930659
T930672	Gloria J. Oberender	Debris thrown from mower damaged claimant's car window.	\$100.00	\$100.00
T930677	North Liberty Flower Shop and David and Rita Roberts	Opened door into claimant's vehicle.	\$1,737.87	\$1,737.87
T930683	Hartford Insurance Co. as Subrogee for County of Woodbury	Juvenile performing community service spilled toilet bowl cleaner on the claimant's carpet.	\$6,364.00	\$5,364.00
T930687	Carolyn R. Wintersteen	Claimant's ring was misdirected by mailroom.	\$1,500.00	\$1,500.00
T930701	Adrian Korpel	Claimant's vehicle was damaged by parking gate arm.	\$600.00	\$486.90
T930709	Arthur L. White	State driver rearended claimant's vehicle.	\$182.70	\$325.70
T930713	Kirk Michael Kane, #802691	Personal property was misplaced.	\$168.07	\$83.00
T930717	Lori Anne Taylor	Medical malpractice while a patient at the University of Iowa Hospitals.	\$25,000.00	\$2,000.00
T930719	Susan Lena Lund	State driver sideswiped claimant's vehicle.	\$231.15	\$231.15
T930723	Elana Weigand	State driver backed into claimant's vehicle.	\$183.68	\$183.68
T930728	Virginia D. Richardson	Claimant fell from bus seat.	\$940.24	\$930.16
T930730	Wilfred C. Wiuff	DOT mower threw rocks at claimant's vehicle.	Unspecified	\$498.00
T930731	Robert McConkey	DOT vehicle struck claimant's vehicle.	\$1,217.81	\$913.36
T930734	Steven Earl and Diane Irene King	State driver damaged claimant's fence and crops.	\$200.00	\$200.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930738	Chad Douglas Cormeny	DOT truck backed into claimant's vehicle.	\$813.75	\$813.75
T930739	Danny R. and Cathy A. Glew	Property damaged by foster children.	\$4,821.53	\$4,145.82
T930740	Mary M. Richard	Property lost during office move.	\$475.00	\$475.00
T930742	United Security Insurance as Subrogee of David and Sheryl Brisbois	Unattended DOT vehicle rolled into claimant's vehicle.	\$1,020.03	\$1,020.03
T930747	Rita Louise Johanssen	Vehicle damaged from mowing incident.	\$117.83	\$117.83
T930757	Steven V. Gearhart Municipal Pipe Tool Co., Inc.	Tar was sprayed on claimant's vehicle by DOT crew.	Unspecified	\$65.00
T930759	Dean Engelman	DOT mower threw rock which damaged claimant's vehicle.	\$237.76	\$237.76
T930762	Elizabeth A. Venner	State driver backed into claimant's bicycle.	\$306.29	\$272.32
T930767	Michael L. Marit	Personal property was misplaced.	\$98.90	\$83.69
T930773	Kenneth J. Novak	Branches were hanging over the road and struck claimant's vehicle.	\$2,741.92	\$1,830.00
T930780	Robert Johnson	State driver backed into claimant's vehicle.	\$577.09	\$577.09
T930785	Lyman E. and Beulah Wahlert	A tree branch that was being cut by park rangers landed on claimant's travel trailer.	\$4,000.00	\$2,500.00
T930786	B. Elaine Brown	Claimant's vehicle was damaged by parking gate arm.	\$147.60	\$147.60
T930792	Susan L. Kepley	State driver backed into claimant's vehicle.	\$1,192.32	\$1,192.32
T930794	Teresa Gene Parker	Claimant's vehicle was damaged by flying debris.	\$198.36	\$198.36
T930795	Richard Pankey	Claimant's vehicle was sprayed with gravel.	\$1,117.58	\$558.79
T930796	Marvin Leroy Hook	DOT truck threw a rock which damaged claimant's windshield.	\$217.14	\$217.14
T930801	Rohlin Construction Company Inc.	State driver sideswiped claimant's vehicle.	\$250.80	\$250.80

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930807	Gary Allen Schooley	Unattended state vehicle rolled into claimant's vehicle.	\$1,340.64	\$1,340.64
T930809	Christopher C. Greiner	State driver failed to yield the right of way to claimant's vehicle.	\$361.25	\$268.62
T930813	Phillip James Schintler	State driver struck claimant's vehicle.	\$246.35	\$226.45
T930819	Robert Paul Major	DOT vehicle struck claimant's vehicle.	\$360.10	\$200.96
T930820	Steven Roth, on behalf of Melissa Roth, a Minor	Daughter chipped tooth while attending camp.	Unspecified	\$2,333.00
T930823	Sharon L. Nash	Claimant struck a calf causing damage to her vehicle.	\$300.00	\$300.00
T930825	Vernette E. Riley	DOT mower threw a rock which damaged the windshield.	\$184.28	\$184.28
T930829	Donna W. Carruthers	Claimant slipped and fell off of bleachers at the fair grounds.	Undetermined	\$12,000.00
T930839	Donald Davison	Claimant's glasses were lost by University of Iowa Hospitals and Clinics staff.	\$239.00	\$239.00
T930840	Sue Ellen Wilson	The locks on claimant's vehicle were damaged by ISU staff.	\$36.96	\$36.96
T930842	Timothy J. Clark	Paint drift landed on claimant's vehicle.	\$335.00	\$335.00
T930844	Lewis Cole	State driver backed into claimant's vehicle.	\$523.91	\$523.91
T930848	Karen M. Kingsbury	Debris from mower was thrown claimant's vehicle.	\$955.95	\$662.40
T930849	Frank E. Wiebers	Concrete fell onto claimant's vehicle while driving under a viaduct.	\$97.16	\$97.16
T930850	Marc Stone, #802204	Guard dropped claimant's TV while moving it.	\$265.00	\$208.95
T930855	Martin Ernest Hahn	DOT vehicle threw rock at claimant's windshield.	Unspecified	\$195.63
T930860	Jack E. McKim, Jr.	The claimant was being transported in a state owned van when an accident occurred.	\$50,000.00	\$2,500.00
T930861	Jack E. McKim, Jr.	The claimant was being transported in a state owned van when an accident occurred.	\$50,000.00	See T930860

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930863	Jon Ringen	State driver backed into claimant's vehicle.	\$909.18	\$863.87
T930867	Janet Catherine McQuillen	Claimant tripped on an uneven segment of the sidewalk.	Unspecified	\$4,500.00
T930871	Gary Dean Snow	Inmates magazines were taken from him.	\$154.00	\$54.00
T930872	Paul A. Schneider as Administrator for the Estate of Georgia M. Schneider	Trip and fall on the sidewalk at the University of Iowa.	\$75,000.00	\$35,000.00
T930878	Thomas Paul Bohlken	Claimant's vehicle was damaged when it ran over a traffic counter cable.	\$221.20	\$221.20
T930884	Scott R. Harner	Vehicle damaged by paint overspray.	\$130.00	\$129.95
T930885	Youngho Park	State driver backed into claimant's vehicle.	\$711.88	\$711.88
T930886	John Orrego	State driver hit barricade and damaged claimant's vehicle.	\$846.00	\$493.13
T930888	Ada K. Urice	Trip and fall at the state fair grounds.	Unspecified	\$5,000.00
T930889	Rachel A. Stockdale	Rock thrown by DOT vehicle damaged claimant's vehicle.	\$851.39	\$851.39
T930891	Roxanne Pavelka	Paint tracked on claimant's vehicle while traveling through a DOT operation.	\$212.00	\$212.00
T930893	Beverly K. Woten	DOT mower threw a rock at claimant's vehicle.	\$1,562.10	\$1,562.10
T930896	James David Siebert	State driver sideswiped claimant's parked vehicle.	Unspecified	\$230.58
T930899	Danny D. Slater	DOT truck collided with claimant's vehicle.	Unspecified	\$2,000.00
T930900	David Harroun	Valet at the University of Iowa backed into claimant's vehicle.	\$906.57	\$906.57
T930901	Martin E. Shafer	Claimant's vehicle was damaged by a cart while at the University of Iowa Hospitals and Clinics.	\$586.19	\$586.19
T930902	David William Sherod	Rocks fell off of state truck and onto claimant's vehicle.	\$504.11	\$202.95
T930903	Brad Robbins	Claimant's vehicle was damaged by sand which fell off of a DOT vehicle.	\$1,034.69	\$1,034.69

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930904	Scott Payton Peterson	Claimant was falsely arrested.	\$25,000.00	\$750.00
T930908	Mary E. Johnson	State driver backed into claimant's vehicle.	\$594.92	\$557.14
T930909	Jimmie D. Grosvenor	State vehicle struck claimant's vehicle.	\$486.25	\$486.25
T930914	Alan L. Carter	DOT road grader struck claimant's vehicle.	\$2,278.48	\$1,969.00
T930915	Thomas Gravert	State driver backed into claimant's vehicle.	\$514.78	\$514.78
T930917	Terence Heaton Williams	State driver backed into claimant's vehicle.	\$464.13	\$464.13
T930918	Irving F. Raftus	Claimant's property was damaged in the laundry room at the Iowa Veteran's Home.	\$30.00	\$22.50
T930920	American Family Insurance as subrogee of Hsiao Ching Liu	State driver backed into claimant's vehicle.	\$487.32	\$487.32
T930922	Roger L. Gatton	Mower threw debris at claimant's vehicle.	\$600.00	\$600.00
T930923	Iowa Southern Utilities Company	DOT mower struck street light pole.	\$208.10	\$208.10
T930924	Bonnie J. Bleeker	Slip and fall in parking lot.	\$80,000.00	\$40,000.00
T930925	Rita Lynn	State driver sideswiped claimant's vehicle.	\$1,040.31	\$1,041.31
T930926	Angelica M. Tovar	Slip and fall at the University of Northern Iowa.	\$9,500.00	\$3,500.00
T930931	Iowa-Illinois Gas and Electric Company	DOT vehicle struck pole.	\$925.98	\$925.98
T930940	Sherry M. McHardie	DOT vehicle struck claimant's vehicle.	Unknown	\$100.00
T930941	Phyllis Caven	State driver rearended claimant's vehicle.	\$531.53	\$531.53
T930942	Branlee Enterprises	Alleges construction of bridge caused flooding of his property.	\$2,500.00	\$2,000.00
T930943	Jack W. Stuart, Sr.	Property misplaced while a resident of the Veterans Home.	\$43.00	\$43.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930944	Patricia King	State driver sideswiped claimant's vehicle.	\$738.71	\$621.75
T930946	Dustin D. Keiser	Needle left in claimant's abdomen after surgery.	\$50,000.00	\$30,000.00
T930948	Elizabeth A. Hunter	State driver backed into claimant's vehicle.	Undetermined	\$490.34
T930950	LeMars Mutual Insurance Company as Subrogee of Donald and Kimberly Woodyard	Claimant struck piles of sand that were dumped on the highway.	\$958.35	\$1,050.35
T930952	Donald Vry	Claimant's vehicle was damaged when towed by Veteran's Home staff.	\$75.00	\$75.00
T930956	Kirk Donald Bailey	Paint drifted onto claimant's parked vehicle.	\$345.00	\$345.00
T930957	Patricia Jo Bach	DOT truck allegedly threw a rock into the side window of the claimant's vehicle.	\$160.23	\$160.23
T930958	Ray C. Ping	Paint overspray landed on claimant's vehicle.	\$811.52	\$811.52
T930959	Brian D. Meyer	State vehicle collided with claimant's vehicle.	\$4,873.38	\$5,000.00
T930961	LeMars Mutual Insurance Company as Subrogee of Harry Jensen.	State fair truck struck claimant's vehicle.	\$1,699.87	\$1,699.87
T930969	Cynthia N. Nielsen	DOT vehicle threw a rock into claimant's vehicle.	\$120.00	\$111.93
T930975	Gordon D. Anderson	Tent pole struck claimant when the tent at the state fair collapsed.	Undetermined	\$338.00
T930977	Joseph L. Mauro, Jr. dba Mauro Insurance Agency	Rock thrown from DOT vehicle struck claimant's windshield.	\$333.54	\$333.54
T930979	David L. Burrack	DOT plow allegedly pushed snow off of overpass onto claimant's vehicle.	Undetermined	\$1,166.38
T930980	Jennifer Zbornik	State driver sideswiped claimant's parked vehicle.	\$918.91	\$714.31

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930984	Michael B. Davis, Carroll Veterinary Clinic	DOT truck stalled when making a turn causing an accident.	\$482.22	\$482.22
T930986	Daniel D. Hosea	State driver backed into claimant's vehicle.	\$1,700.00	\$1,638.88
T930987	Robert P. Root	State driver rearended claimant's vehicle.	\$7,832.20	\$5,500.00
T930988	Michael McClintock	State driver damaged claimant's garage.	\$73.50	\$73.50
T930992	Sherry M. McHardie	DOT vehicle struck claimant's vehicle.	\$1,000.00	See T930940
T930993	Debra Louise Graber	State driver failed to yield to claimant.	\$1,300.00	\$940.00
T930994	The Bosshart Company	Claimant's vehicle was damaged when it dropped off of the shoulder of the road while turning.	\$675.08	\$675.08
T930996	Shirley Hartman	Slip and fall at the John Bennett Correctional Facility.	Undetermined	\$500.00
T931001	Ogden Services	State driver backed into claimant's vehicle.	\$227.96	\$227.96
T931007	Andrew K. Voss	State truck backed into claimant's vehicle.	\$2,476.88	\$2,476.88
T931019	James Carl Bruce	State vehicle collided with claimant's vehicle.	\$6,500.00	\$7,037.84
T931021	State Farm Insurance as Subrogee for Roxanne and Curt Fox	State driver backed into claimant's vehicle.	\$727.60	\$727.60
T931022	Danny Boyd	State driver backed into claimant's vehicle.	\$1,181.95	\$1,181.95
T931025	Jennifer Marie Saitta	DOT sandtruck threw a rock which damaged claimant's windshield.	\$175.37	\$184.14
T931037	Catherine Mary Dietzenback	DOT sandtruck threw rocks which damaged claimant's windshield.	\$335.30	\$335.30
T931040	Farmers Insurance Company as Subrogee of Herman Mundt	DOT vehicle struck a light pole which in turn struck claimant's vehicle.	\$593.80	\$593.80

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T931042	Denise R. Olsen	State driver sideswiped claimant's vehicle.	Undetermined	\$356.70
T931043	Donald Dean Heath	State vehicle rolled into claimant's vehicle.	\$1,166.25	\$1,219.53
T931044	American Family Insurance Company as Subrogee of Melissa Hoffman	Claimant's wheel was damaged when it drove over a manhole cover.	\$965.56	\$715.56
T931045	Ward Lee Berg	Hobby craft materials were lost.	\$732.40	\$39.07
T931046	Daniel D. Hosea	State driver backed into claimant's vehicle.	\$361.80	\$149.65
T931047	Daniel A. Ehler	When the wind caught the door of a DOT vehicle, it struck the claimant's vehicle.	\$147.00	\$147.00
T940104	Donna D. Fedders	Snowplow threw rocks at claimant's vehicle.	\$1,784.23	\$1,784.23
T940105	Diana S. Booher	State driver failed to yield to claimant.	Undetermined	\$536.97
T940106	Cynthia S. Lloyd	State driver hit claimant's parked vehicle.	Undetermined	\$359.52
T940012	Melissa Ann Hoffman	Claimant's vehicle was damaged when it fell into a manhole.	Undetermined	\$250.00
T940013	T.I.P. Rural Electric Cooperative	DOT snowplow threw debris which damaged the van's window.	\$369.34	\$369.34
T940014	Gary E. Martinez	Claimant's windshield was damaged by concrete thrown by a DOT jack-hammer.	\$280.00	\$280.00
T940015	Brenda Ann Watson	Sign was blown against the claimant's vehicle.	\$203.25	\$203.25
T940018	Robert G. Woolsey	DOT snowplow struck claimant's parked pickup.	\$2,633.00	\$1,700.00
T940019	Paul W. Sweitzer	Auto damaged by cement cone.	\$432.50	\$432.50
T940025	Gordon W. Petersen	Windshield damaged by rocks which fell from a DOT truck.	Undetermined	\$209.74
T940026	Jeffrey P. Walsh	DOT plow's wing hit claimant's parked vehicle.	\$779.28	\$779.28
T940029	Karen M. Ketelsen	DOT vehicle struck claimant's vehicle while changing lanes.	\$962.93	\$739.16

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940031	Jack and Ruth Pigman	DOT plow wing sideswiped claimant's vehicle.	\$497.48	\$488.25
T940032	Richard G. Johnston	DOT mower threw rocks at claimant's vehicle.	\$869.33	\$869.33
T940034	Eldon M. Fontana	The vibrator fell off of the sander and was struck by the claimant's vehicle.	\$541.43	\$297.40
T940035	Deanna Marie Fuller	DOT plow threw debris which damaged claimant's vehicle.	\$230.19	\$230.19
T940036	Shirley M. Peterson	DOT sandtruck threw rocks which damaged claimant's windshield.	\$262.04	\$262.04
T940039	Donald E. Taylor	State vehicle collided with claimant's vehicle.	\$776.36	\$526.36
T940042	United Fire & Casualty For Jeff Zylstra DBA Pizza Ranch	DNR gate at a state park blew into claimant's vehicle.	\$620.12	\$200.00
T940046	Michael and Jeanne Webb for Cole Webb	Claimant's son fell through a hole located within the legislative chambers.	\$610.11	\$610.11
T940047	Takin Bros. Transfer & Storage	DOT vehicle struck claimant's tractor-trailer unit.	\$2,441.29	\$2,441.29
T940048	David Wayne Hall	Claimant was injured while an inmate at the Mt. Pleasant Correctional Facility.	\$15,000.00	\$500.00
T940049	Donald S. Pool	DOT sandtruck threw rocks and sand which damaged claimant's vehicle.	\$540.38	\$540.38
T940050	Linda Marie Wohlrs	DOT sandtruck threw rocks which damaged claimant's vehicle.	Undetermined	\$244.73
T940052	Keith M. Conroy	DOT sandtruck threw rocks at the claimant's vehicle.	\$1,718.55	\$1,718.55
T940056	State Farm Insurance as Subrogee of John and Jane Riley	State driver backed into claimant's vehicle.	\$591.13	\$591.13
T940060	Larry E. Nolte	Snowplow struck claimant's vehicle.	\$474.35	\$474.35

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940061	Monte S. Umstead	Snowplow threw a rock and damaged claimant's windshield.	\$206.36	\$205.60
T940063	Barbara White	State driver slid into claimant's parked vehicle.	Undetermined	\$755.64
T940064	Ann M. Gingerich	DOT sandtruck rolled back into claimant's vehicle.	\$1,149.52	\$920.50
T940066	Curtis Alan Coffman	State driver slid into claimant's parked vehicle.	Undetermined	\$750.88
T940068	Sharon Jean Alfred	An inmate sweep snow off of claimant's vehicle and scratched the paint.	\$478.61	\$463.78
T940075	Wayne Brill	DOT plow pushed snow off of overpass onto claimant's vehicle.	\$250.00	\$237.98
T940076	Jennerjohn & Holthaus	DOT snowplow struck claimant's vehicle.	\$3,413.92	\$3,413.92
T940078	Clarence E. Bavender	Claimant was not given immediate medical care.	\$50,000.00	\$12,500.00
T940080	Brian M. Heath	DOT construction caused flooding.	\$685.50	\$300.00
T940082	Thomas Patterson	Ice fell off of the capitol and onto claimant's vehicle.	\$223.84	\$223.84
T940084	Kimberly K. Kramer	Snowplow backed into claimant's vehicle.	Undetermined	\$641.33
T940088	Joan Marie Coon	State driver sideswiped claimant's vehicle.	Undetermined	\$1,211.48
T940090	Bernice W. Strother	State driver struck claimant's vehicle while passing.	\$1,445.40	\$1,445.40
T940091	Kathleen Strother	State driver struck claimant's vehicle while passing.	\$145.00	\$145.00
T940094	Craig S. Smith	Snowplow threw rocks at claimant's windshield.	\$41.95	\$41.95
T940096	General Casualty Co. as Subrogee of Brian D. Meyer	State vehicle struck claimant's vehicle.	\$11,495.37	\$10,965.37
T940098	Harold Ash	DOT snowplow threw snow and ice at claimant's windshield.	\$213.94	\$107.00
T940102	Kierre R. McCune	State driver failed to yield to claimant.	\$2,000.00	\$2,000.00
T940103	Denise Renee Cole	State vehicles door struck claimant's vehicle.	Undetermined	\$342.18

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940108	Donald H. Thiesse	Snowblower threw snow at claimant's windshield and caused damage.	\$299.04	\$299.04
T940109	Donald L. Doxsie	Vehicle damaged by temporary sign.	\$360.00	\$360.00
T940110	Norine S. Hankmeier	DOT snowplow rearended claimant's vehicle.	\$658.91	\$658.91
T940111	Marcus Lowell Heyer	DOT snowplow threw rocks at claimant's windshield.	\$360.67	\$360.67
T940114	Linda Ripple	State driver hit claimant's parked vehicle.	\$841.73	\$841.73
T940117	Wesley P. Clausen	Sandtruck lost a spring which damaged a claimant's vehicle.	\$377.87	\$377.87
T940118	Employers Mutual Casualty Co. as Subrogee of Carousel Motors, Inc.	State vehicle struck claimant's vehicle.	\$3,073.18	\$3,073.18
T940119	City of Arcadia	Snowplow struck claimant's parked vehicle.	\$1,019.14	\$990.62
T940122	Agency Rent-A-Car	State driver rearended claimant's vehicle.	\$1,521.13	\$1,521.13
T940124	Pioneer Hi-Bred	DOT vehicle bumped the back of claimant's pickup.	\$66.68	\$66.68
T940130	James C. Novitch	Snowplow rearended claimant's vehicle	\$1,356.05	\$1,199.83
T940135	Thelma L. Lindvall	DOT vehicle slid into claimant's parked vehicle.	\$501.68	\$501.68
T940136	Farm Bureau Mutual Insurance Company	State Vehicle struck claimant's vehicle	\$3,234.00	\$3,234.00
T940137	Carl Metzger	DOT construction caused flooding.	\$900.00	\$250.00
T940141	Schumacher Elevator	State driver backed into claimant's vehicle.	\$595.53	\$595.53
T940142	William O'Brien	Ice from the State Capitol roof fell on claimant's vehicle.	\$274.21	\$100.00
T940146	Bonnie L. Jiras	Snowplow threw rocks at claimant's vehicle.	\$225.68	\$225.68
T940150	Farm Bureau Mutual Insurance Company	State driver backed into claimant's vehicle	\$1,882.94	\$1,882.94

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940151	Jonathon A. Muller	Ice fell from the State Capitol roof and onto claimant's vehicle.	\$307.90	\$307.90
T940153	Jerald N. Miller	Snowplow backed into claimant's vehicle.	\$559.65	\$518.30
T940155	Melvin Vetter	State driver backed into claimant's vehicle.	\$325.40	\$325.40
T940156	Lynne C. Heckel	Property misplaced during move.	\$200.00	\$200.00
T940157	James M. Clyde	State employee sweeping the sidewalk, threw rocks at claimant's vehicle	\$255.46	\$255.46
T940163	Pamela S. Sinclair	DOT sandtruck threw rocks at claimant's vehicle.	Undetermined	\$434.52
T940165	David Gerald Hohbach	DOT vehicle collided with claimant's vehicle	\$4,075.17	\$4,075.17
T940171	Robert F. Hickson	DOT vehicle hit the mirror on the claimant's parked vehicle.	\$73.62	\$73.62
T940177	James H. Andreasen	Ice fell from the State Capitol roof and onto claimant's vehicle.	\$195.15	\$195.15
T940178	Laura Rieger	Snowplow collided with claimant's vehicle.	\$271.30	\$271.30
T940182	Wapello Community School District	Claimant's vehicle was damaged while at Camp Dodge.	\$120.00	\$120.00
T940187	Alvernia Franklin	Due to a clerical error, claimant paid the bail bondsman twice	\$500.00	\$500.00
T940191	Ronald E. Cochran	State driver sideswiped claimant's vehicle.	\$305.92	\$305.92
T940192	Winsor Hemmie	State vehicle struck claimant's vehicle.	\$509.80	\$509.80
T940193	Bette Ann Rauch	DOT vehicle backed into claimant's parked vehicle.	Unspecified	\$766.89
T940194	State Farm Insurance as Subrogee of Stephanie Stewart	State vehicle struck claimant's vehicle.	\$1,642.36	\$1,231.77
T940198	Moon Yang-Ho	State driver sideswiped claimant's vehicle.	\$557.26	\$557.26
T940199	Pamela C. Venters	DOT vehicle threw rocks at claimant's vehicle.	\$349.29	\$40.47
T940200	Hy-Vee Food Store	DOT truck rolled across the parking lot and into claimant's tree.	\$194.25	\$194.25

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940202	Louis A. Lavorato	Ice fell from State Capitol roof and onto claimant's vehicle.	\$669.20	\$669.20
T940203	Stacey A. Curran	State driver sideswiped claimant's parked vehicle.	\$225.38	\$225.38
T940206	Brent Van Houten	DOT sandtruck threw rocks at claimant's vehicle.	\$500.00	\$491.10
T940211	American Family Insurance as subrogee of Duane J. Johnson	DOT vehicle slid into the rearend of claimant's vehicle.	\$637.22	\$637.22
T940212	Michelle Lynn Worrell	Vehicle damaged by gate arm.	\$140.00	\$138.90
T940213	Mark Edward Brown	Claimant struck a DOT sign which was lying in the road.	\$117.65	\$117.65
T940215	Effa Louise Johnson	DOT plow pushed snow off of a ramp and onto claimant's vehicle.	\$502.71	\$502.71
T940218	Roger and Anna Mae Aneweer	DOT construction caused flooding to claimant's house.	\$17,837.00	\$3,209.22
T940223	James E. Helt	Claimant's vehicle was damaged the Valet Service.	\$607.00	\$585.11
T940226	Doug E. Mumm	DOT snowplow wing struck the claimant's parked vehicle.	Unspecified	\$631.30
T940227	Beth Ellen Buhr	DOT snowplow struck the claimant's vehicle at an intersection.	\$1,912.69	\$1,750.19
T940232	G. J. Glass Company	DOT construction caused flooding of claimant's business.	\$6,670.46	\$5,000.00
T940233	State Farm Mutual Automobile Insurance As subrogee of Duane and Lynette Paulsen	State vehicle rearended claimant's vehicle.	\$3,037.79	\$3,037.79
T940235	Continental Western Insurance Co. as subrogee of Herbert Easley	DOT snowplow backed into claimant's stopped vehicle	\$1,370.85	\$1,370.85
T940236	Duane A. Simpson	DOT construction caused flooding	\$17,310.00	\$934.70
T940237	Julie Gifford	DOT plow pushed snow off of a bridge and onto claimant's vehicle.	Unspecified	\$206.88
T940239	Martin Freytag	Vehicle damaged by Valet Service.	\$693.39	\$693.39

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940240	Dorothy Marquette	Vehicle was damaged by Valet Service.	\$68.78	\$68.78
T940241	Dorothy Bowen	Property lost during hospital stay.	\$135.00	\$135.00
T940243	Melvin Breuer	Property lost during hospital stay.	\$750.00	\$750.00
T940244	Gertrude Berg	State driver backed into claimant's vehicle.	\$606.18	\$606.18
T940245	Jimmie Dale Hoepfner	DOT construction caused flooding.	\$2,400.00	\$400.00
T940246	Lynnette Adele Hughes	DOT made an error on claimant's driving record.	\$40.00	\$40.00
T940248	George L. Illian	DOT snowblower threw gravel at claimant's vehicle.	\$1,628.75	\$1022.30
T940251	Sears Roebuck and Co.	DOT snowplow struck claimant's parked vehicle.	\$2,178.01	\$1940.69
T940254	Richard Lynn Kleineck	DOT snowplow threw sand and salt mixture at claimant's vehicle.	\$223.05	\$223.05
T940256	Norma J. Morey	DOT vehicle threw snow at claimant's window.	Unspecified	\$80.98
T940257	Beverly Page	State driver made improper lane change and struck claimant's vehicle.	\$166.53	\$166.53
T940262	Dr. Jean Ann Kelly	Property damaged when a troopers gun was discharged.	\$417.70	\$417.70
T940265	Joel Pat King	When a DOT snowplow lost control, the claimant drove into a ditch and hit a tree.	\$1,000.00	\$493.71
T940266	James Richard Parrett	DOT sign blew off of DOT skid and onto a passing vehicle.	Unspecified	\$1,157.64
T940267	Pamela and Richard Leichsenring	State vehicle struck claimant's vehicle.	\$3,300.00	\$2,000.00
T940268	Christina Marie Martin	State vehicle struck claimant's vehicle.	\$3,608.94	\$3,889.27
T940269	John Leonard Fraissinet	State driver backed into claimant's vehicle.	Unspecified	\$266.70
T940272	USWest Communications	While digging a hole for a stop sign, DOT employees damaged claimant's cable.	\$2,178.02	\$2,178.02
T940277	City of Iowa City	State vehicle struck firetruck.	\$2,027.42	\$2,027.42
T940280	Julie Marie Piper	Claimant's vehicle was damaged when it struck the remains of a sign post.	\$603.27	\$577.88

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940281	Plumb Supply Company	State driver rearended claimant's vehicle.	\$290.70	\$290.70
T940289	John Kenneth Greenwood	State driver backed into claimant's vehicle.	\$432.78	\$432.78
T940291	KCI Medical Services	State driver backed into claimant's vehicle.	\$443.70	\$443.70
T940292	Thomas K. Goodfellow	State driver backed into claimant's vehicle.	Unspecified	\$70.96
T940299	Neldon P. Bryant	State driver backed into claimant's vehicle.	\$672.22	\$672.22
T940300	Carolyn Dorothy McCall	DOT sandtruck threw rocks at claimant's windshield.	\$29.95	\$29.95
T940301	Susan J. Franklin	State vehicle collided with claimant's vehicle.	\$2,010.89	\$2,010.89
T940303	Ray Marmann, Sr.	State driver rearended claimant's vehicle.	\$1,520.36	\$1,966.73
T940306	Gwynne Dana Weber	Claimant injured during aerobics class.	Unspecified	\$87.00
T940307	Roy Wilford Belzer, III	Due to an error on claimant's driver license, his vehicle was towed.	\$106.00	\$106.00
T940308	Jeana Parker	Claimant was a passenger on a Cambus when it was involved in an accident.	\$4,500.00	\$4,013.08
T940309	Jack Farnstrom	Claimant was a passenger on a Cambus when it was involved in an accident.	\$12,000.00	\$2,079.49
T940310	Jeana Parker as Guardian and Next Best Friend to Karrissa Kay Parker, A Minor	Claimant was injured while riding on a Cambus.	\$1,500.00	\$420.66
T940311	Jeana Parker as Guardian and Next Best Friend to James Farnstrom, A Minor	Claimant was injured while riding on a Cambus.	\$500.00	\$225.15
T940313	David D. Weisman	DOT air hammer threw concrete at at claimant's vehicle.	\$1,110.00	\$854.69
T940314	Wayne Pitman Davis	State driver lost control and slid into claimant's vehicle.	\$148.66	\$148.66
T940317	James R. Fatino	Claimant was injured while moving boxes.	\$245.69	\$245.69

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940320	Javier Martinez	DOT truck backed into claimant's vehicle.	\$1,675.24	\$1,675.24
T940323	State Farm Insurance as Subrogee of Steven Cutsforth.	State driver rolled into claimant's vehicle.	Unspecified	\$1,324.70
T940325	Matthew James Werth	Claimant's vehicle was damaged when it ran over an iron rod left in the parking lot.	\$509.44	\$509.44
T940327	Union Automobile Insurance Company as Subrogee of Kenneth Baughman	State vehicle collided with claimant's vehicle.	\$2,715.70	\$2,715.70
T940329	Cincinnati Companies as Subrogee Ted & Linda Swartslander	State vehicle collided with claimant's vehicle.	\$2,460.52	\$2,460.52
T940331	Daniel Joseph Jackson	State driver struck claimant's vehicle.	\$21,838.95	See T940449
T940333	Georgine Tweten	State driver backed into claimant's vehicle.	\$525.00	\$468.82
T940334	Becky Ann Trotter	Claimant's vehicle was struck by a state vehicle.	Undetermined	\$2,519.25
T940339	John Edward Grossman	The claimant struck chunks of concrete on the edge of the shoulder.	\$369.82	\$184.91
T940340	James C. Woodvine	Rocks fell from DNR vehicle and onto claimant's vehicle.	\$256.55	\$256.55
T940349	Gentric Hicks	Personal property was misplaced.	\$208.00	\$78.05
T940368	David E. Rosenau	Claimant's vehicle was damaged during a softball game.	\$252.13	\$252.13
T940370	Jason R. Cordes Estate	Wrongful death of claimant while he was a resident of the Woodward State Hospital.	\$250,000.00	\$30,000.00
T940372	Cletus H. Huegel	DOT vehicle damaged claimant's mailbox on 3 separate occasions.	\$44.54	\$44.54
T940373	Paula Ann Ellsworth	State driver lost control and slid into claimant's vehicle.	\$775.30	\$775.30
T940375	Anthony John Lensing	Claimant's property was stolen from his locker.	\$250.00	\$250.00
T940377	Travelers Insurance Company as Subrogee of Iowa Dental Supply Company.	State vehicle collided with claimant's vehicle.	\$4,677.15	\$4,677.15

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940386	Lea-Der Chen	Parking lot gate arm struck claimant's vehicle.	\$170.00	\$168.79
T940387	Tony Lee Davis	DOT was painting barricades and overspray damaged claimant's vehicle.	\$265.20	\$265.20
T940391	Scott David Rowsell	Claimant's property was stolen from a locked room.	\$250.00	\$250.00
T940392	Kandy Kay Drollinger	Parking lot gate arm struck claimant's vehicle.	\$285.05	\$285.05
T940393	Palmer Mutual Telephone Company	DOT cut the claimant's cable while augering a stop sign hole.	\$982.62	\$982.62
T940397	Terry Lee Lake	DOT truck threw rocks at claimant's windshield.	\$448.18	\$448.18
T940398	Virgil Hilsabeck	Air compressor threw rocks at claimant's rear window.	\$132.94	\$132.94
T940401	Tom Leonard C/O Clow Vahe	Stop sign fell onto claimant's vehicle.	\$413.40	\$413.40
T940407	Larry L. Malaise	Claimant's vehicle was damaged while parked in the parking lot at Camp Dodge.	\$137.11	\$137.11
T940409	Park Place	State driver sideswiped claimant's vehicle.	Undetermined	\$413.00
T940411	Robert Springer	DOT vehicle rearended claimant's vehicle.	\$1,983.00	\$1,983.00
T940417	Daniel Fay	Claimant ran over an object while in the Capitol complex parking lot.	\$57.54	\$54.60
T940418	John K. Hill	DOT truck threw rocks at claimant's windshield.	\$392.07	\$200.87
T940420	Regina Louise Tisor	State driver slid into claimant's vehicle.	\$871.09	\$818.88
T940423	Monarch Associates Inc.	State driver backed into claimant's vehicle.	\$255.32	\$255.32
T940424	Aziz Bouzaher	State driver backed into claimant's vehicle.	\$216.76	\$216.76
T940428	John K. McFarland	DOT sandtruck threw debris at claimant's vehicle.	Undetermined	\$303.54
T940433	Michael A. Staloch	Claimant's property was stolen from a locked room.	\$250.00	\$250.00
T940436	C. Dean Collins	State driver sideswiped claimant's vehicle.	\$200.00	\$180.99

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940437	Mark J. Wiederin-O'Halloran Int'l	State driver rearended claimant's vehicle.	\$183.22	\$183.22
T940439	Janice L. Boelter	State driver sideswiped claimant's vehicle.	\$2,000.00	\$1,687.33
T940445	State Farm Insurance as Subrogee of Myra Helmle	DOT snowplow struck claimant's vehicle.	\$4,490.43	\$4,490.43
T940447	Jeffrey Allan Dvorak	DOT sandtruck threw a rock at claimant's windshield.	\$564.09	\$497.05
T940448	Darold Dennis Buchta	State driver backed into claimant's vehicle.	\$808.06	\$808.06
T940449	Allied Group Insurance as Subrogee of Daniel Jackson	State driver struck claimant's vehicle.	\$2,044.39	\$6,000.00
T940452	Sun Wholesale Florist	DOT vehicle struck claimant's vehicle.	\$1,545.23	\$1,235.00
T940453	Sun Wholesale Florist	DOT vehicle struck claimant's vehicle.	\$1,545.23	See T940452
T940456	Mary Kathleen Wiley	State driver rearended claimant's vehicle.	Undetermined	\$271.11
T940462	US West Communication	DOT backhoe was digging tile when it hit claimant's telephone cable.	\$286.43	\$286.43
T940466	Bill Ohrtman	DOT pavement paint overspray landed on claimant's vehicle.	Unspecified	\$168.00
T940470	Jeffery Allen Keppler	State driver lost control of the vehicle and it collided with claimant's vehicle.	\$499.35	\$499.35
T940471	Jack Stuart, Sr.	Claimant's property was misplaced.	\$38.00	\$38.00
T940474	Mary Ann Murray	Parking lot gate arm struck claimant's vehicle.	\$448.07	\$448.07
T940476	Rodger A. Baker	German Shepard owned by Public Safety bit claimant.	\$9,800.00	\$7,000.00
T940478	William David Lawson	Claimant's vehicle was splattered with tar from a DOT operation.	\$201.60	\$201.60
T940479	Wayne M. Trimble	DOT vehicle threw rock at claimant's vehicle damaging the windshield.	Unspecified	\$36.75
T940480	Amy Reeh	DOT vehicle struck claimant's vehicle.	\$100,000.00	\$14,000.00
T940481	Amy Reeh	DOT vehicle struck claimant's vehicle.	\$100,000.00	See T940480

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940482	Julian Herrig	Claimant's items were disposed of while staying at the Hospitals and Clinics.	\$1,150.00	\$1,150.00
T940484	Tammi Rae Hamer	Parking gate arm struck claimant's vehicle.	Undetermined	\$264.34
T940486	Lester Francis Franzen	Claimant was injured when a tower fell on him during an assembly.	\$744.45	\$744.45
T940488	Richard K. Schmidt	State driver backed into claimant's vehicle.	\$316.25	\$316.25
T940491	George A. Wittern III	DOT truck threw rocks at claimant's windshield.	\$235.70	\$235.70
T940492	Value Motors	Rocks which fell off of a DOT truck landed on claimant's vehicle.	Undetermined	\$1,175.60
T940493	Estate of Donald E. Wilson c/o Audrey Wilson	Wrongful death of claimant while he was a resident of the Glenwood State Hospital.	\$30,000.00	\$19,000.00
T940494	Neil Thomas Reske	Gate arm of parking lot struck claimant's vehicle.	\$23.75	\$187.75
T940495	LeRoy Franklin Moody, Jr.	State operated mower caught awning arm.	\$32.96	\$32.96
T940496	Nathan Ernest King	State vehicle rolled into claimant's vehicle.	\$1,346.48	\$1,256.34
T940498	AETNA Life & Casualty as Subrogee of American Mutual Life	State driver rearended claimant's vehicle.	\$1,553.95	\$1,553.95
T940499	Arden Jongberg	DOT mower threw rock at claimant's rear window.	\$203.04	\$203.04
T940503	Garden & Associates LTD	DOT mower threw debris at claimant's vehicle damaging the right rear window.	\$315.07	\$315.07
T940504	Heidi Davis	Claimant's vehicle was damaged when it struck a metal plank on a bridge.	\$73.00	\$36.50
T940509	Linda L. Geiger	DOT tractor mower threw a rock which damaged the claimant's vehicle window.	\$192.09	\$192.09
T940512	Madonna R. Sullivan	DOT mower threw rock at claimant's vehicle damaging the door.	\$156.00	\$156.00
T940515	Donald L. Nielsen	DOT construction caused flooding in claimant's home.	\$14,690.00	\$7,560.01

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940519	Robert Carr	Claimant's vehicle struck a metal plank which was on a bridge.	\$154.13	\$100.00
T940524	Ronald M. Thoreson	DOT vehicle backed into claimant's vehicle.	Undetermined	\$1,248.12
T940526	John J. Wyciskalla	Vehicle damaged in lawn mowing incident.	\$2,117.00	\$500.00
T940527	William Eggesfield	Parking lot gate arm struck claimant's vehicle.	\$47.67	\$47.67
T940532	Richard Byrum	Mower threw debris at claimant's vehicle.	\$153.24	\$153.24
T940534	Ann M. Maiers	Wrong tooth was extracted.	Unspecified	\$11,000.00
T940537	Hope Haven	DOT mower threw rocks at claimant's vehicle.	\$393.75	\$650.72
T940540	Ronald L. Watson	DOT mower threw debris which damaged claimant's vehicle.	\$313.63	\$313.63
T940542	Paul David Schlegel	DOT mower threw object at claimant's windshield.	\$348.71	\$348.71
T940545	State Farm Insurance as Subrogee of R. Wayne Rickey	High winds blew a state owned dumpster into claimant's vehicle.	\$375.00	\$375.00
T940548	Devin James Rockel	DOT mower threw a piece of its tire at claimant's vehicle.	\$415.52	\$415.52
T940549	Robert J. Parnow\ Manildra Milling Corp.	DOT vehicle backed into parked vehicle.	\$66.83	\$66.83
T940555	Roger W. Peterson	State driver backed into claimant's vehicle.	Undetermined	\$141.00
T940556	Christopher P. Bryant	Personal items were stolen from dorm room.	\$33.00	\$33.00
T940564	U-Haul Company of Nebraska	State vehicle struck claimant's vehicle.	\$7274.25+	\$8,532.87
T940567	Thomas Lewis	State driver changing lanes struck claimant's vehicle.	Undetermined	\$562.20
T940573	Ralph W. Roe - Ralph's Auto	Claimant's vehicle struck a traffic counter hose which caused damaged to his vehicle.	\$786.17	\$786.17
T940575	Francis W. Regenwether	State driver backed into claimant's vehicle.	\$347.10	\$347.10

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940576	Harlan O. Berg	DOT mower threw rocks at claimant's vehicle.	\$42.00	\$42.00
T940579	Timothy G. Agan	DOT vehicle rearended claimant's vehicle at a stoplight.	\$394.55	\$394.55
T940585	Richard K. Wulf	DOT vehicle backed into claimant's vehicle.	\$941.74	\$941.74
T940589	Ronald A. Bergman	State driver sideswiped claimant's vehicle.	\$147.14	\$147.14
T940590	Verle E. Luethje	Broke front wheel of wheelchair on sidewalk.	\$22.68	\$22.68
T940593	Robert T. Davis	DOT mower threw rocks at claimant's windshield.	\$343.15	\$310.76
T940594	Jane M. Uhl	DOT mower threw rocks at claimant's rear window.	\$262.66	\$262.66
T940595	Colin J. McCullough	State dumptruck struck claimant's vehicle.	\$3,998.00	\$2,998.04
T940596	Colin J. McCullough	State dumptruck struck claimant's vehicle.	\$3,998.00	See T940595
T940597	Rick Alan Griffin	DOT mower threw a piece of rubber at claimant's vehicle.	Undetermined	\$919.05
T940601	Lory Lynn Penniman	DOT vehicle threw rocks at claimant's vehicle.	\$226.17	\$226.17
T940605	Pierce E. King	State driver backed into claimant's vehicle.	\$1,211.02	\$1,211.02
T940607	Augustus L. Nance	Personal property misplaced	\$196.99	\$196.99
T940609	Donald L. Hetzler	DOT mower threw rocks at claimant's vehicle.	\$886.69	\$886.69
T940613	Rosanne Clara Altenhoven	State driver rolled into claimant's vehicle.	\$50.00	\$50.00
T940614	Glenn D. Ostertag	DOT mower threw rocks at claimant's vehicle.	\$1,200.33	\$1,192.18
T940617	Albert Augustin	State driver backed into claimant's vehicle.	\$845.77	\$671.87
T940620	Prisoner Extradition Inc.	Claimant's van was damaged while parked at the Iowa Medical Classification Center.	\$1,062.00	\$1,062.00
T940623	Karolyn L. Kadera	DOT paint truck traveled through an intersection and hit claimant's vehicle.	\$850.00	\$641.70

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940626	Neil H. Leapley	DOT mower threw rocks claimant's windshield.	\$169.60	\$169.60
T940629	Mary Jean Fox	State vehicle rolled into claimant's vehicle.	\$1,148.70	\$1,148.70
T950001	Delbert N. Wentworth	DOT vehicle backed into claimant's vehicle.	Undetermined	\$290.89
T950004	American Family Insurance as Subrogee of Nova Searcy	State operated mover struck claimant's awning pole.	\$810.60	\$405.30
T950005	Joan M. McCord	DOT snowplow wing caught the hubcap of the claimant's parked vehicle.	\$50.32	\$41.96
T950008	Delores Bennett	Claimant's dentures were lost by staff.	\$950.00	\$950.00
T950009	Julia Hertzberg	DOT dump truck damaged the power line to the claimant's house.	\$154.51	\$154.51
T950020	Clarence Tass	DOT vehicle rearended claimant's stopped vehicle.	\$1,074.14	\$1,074.14
T950023	Mary A. Burlingame	Rocks fell off of a DOT truck causing damage to claimant's vehicle.	\$398.40	\$297.11
T950027	Farm Bureau Insurance for Donald Alvord	DOT mower threw debris which damaged claimant's vehicle.	\$215.27	\$215.37
T950029	Timothy John O'Neil	DOT mower threw debris which struck claimant's vehicle.	\$250.14	\$250.14
T950030	Kory Michael Ballard	DOT mower threw a spring into claimant's vehicle.	\$256.24	\$256.24
T950032	Kristi J. McDonald	State vehicle struck claimant's vehicle.	\$498.80	\$498.80
T950034	Hill & Dale Trucking	State vehicle collided with claimant's vehicle.	\$2,989.31	\$2,989.31
T950036	Liberty Mutual Insurance Company a/s/o Willie Mae Campbell	State driver backed into claimant's vehicle.	\$396.55	\$396.55
T950037	James N. Meads	State driver backed into claimant's vehicle.	Undetermined	\$920.44
T950038	LaShai Antoinette Baskerville	Vehicle damaged by street sweeper.	\$700.00	\$655.30

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950040	Ronald Van Daisem	State driver made improper lane change.	\$825.30	\$825.30
T950049	Continental Western Insurance Company as Subrogee of Mel Hartwig Plumbing and Heating, Inc.	State vehicle struck claimant's vehicle.	\$4,754.38	\$5,269.18
T950052	IMT Insurance Company as Subrogee of Bill Langston	State vehicle struck claimant's vehicle.	\$2,142.37	\$2,142.37
T950057	Steven E. Tubbs	DOT mower allegedly struck and damaged claimant's well seal cover.	\$93.33	\$93.33
T950058	Douglas E. Monaghan	DOT employee was chipping ice some flew up at claimant's vehicle.	\$373.30	\$373.30
T950060	Susan Grannis O'Brien	State vehicle collided with claimant's vehicle.	Undetermined	\$5,635.33
T950065	Donald Davison	Claimant's glasses were misplaced.	\$127.35	\$127.35
T950070	Elwood P. Dutka	DOT weed overspray landed on claimant's vehicle.	\$265.55	\$265.55
T950076	Graettinger Light Plant	DOT mower threw rocks through claimant's window.	\$273.00	\$273.00
T950083	Francella Fuller	DOT mower threw rocks at claimant's windshield.	Undetermined	\$255.00
T950086	George P. Tasse	A tank fell off of a DOT truck and onto claimant's vehicle.	\$554.50	\$554.50
T950089	Dennis A. Wallin	DOT mower threw rocks at claimant's window.	\$124.48	\$124.48
T950091	Andrew James Gard	State driver backed into claimant's vehicle.	\$815.20	\$815.20
T950093	Sylvia Rickels	Claimant's vehicle was damaged at Iowa Men's Reformatory when an inmate swept snow off of her car.	\$306.75	\$306.75
T950099	Pichler Christian c/o Mrs. Margo Ahrens	DOT employee was helping to change tire and punctured the gas tank.	\$229.95	\$377.67
T950107	Allied Mutual Insurance Co. Subrogee of Virginia L. Bishop	Dorm screen fell out and onto claimant's vehicle.	\$494.65	\$494.65

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950108	Virginia L. Bishop	Dorm screen fell out and onto claimant's vehicle.	\$50.00	\$50.00
T950112	Howard Greiner	Claimant's tooth was chipped while in surgery.	\$140.00	\$140.00
T950115	Melissa Frost	Rocks fell off of a DOT truck and onto claimant's vehicle.	\$273.13	\$241.44
T950123	James R. Cordes Estate	Wrongful death of claimant while he was a resident of the Woodward State Hospital.	\$250,000.00	See T940370
T950127	John Wendell Willey	DOT mower threw rocks at claimant's vehicle.	\$1,053.00	\$1,053.00
T950132	Gerald L. Eichorn	DOT mower threw object at claimant's vehicle.	\$320.52	\$320.52
T950137	James A. Coverdell	DOT tractor mower struck claimant's parked vehicle.	\$532.20	\$523.90
T950141	James Robert Jackson	DOT mower threw rocks at claimant's vehicle.	Unspecified	\$185.80
T950147	Kimberly Sue Johnson	State driver backed into claimant's vehicle.	\$1,234.44	\$1,234.44
T950150	Bruce Van Meeteren	DOT mower threw rocks at claimant's vehicle.	\$125.00	\$81.00
T950159	Sharon Heil	Claimant was in an auto accident with the Valet Service at the University of Iowa Hospitals.	\$1,190.30	\$1,190.30
T950164	Kenneth Lee Pullen	DOT sandtruck threw rocks at claimant's windshield.	\$404.02	\$404.02
T950186	Steve or Nancy Logan	State driver sideswiped claimant's vehicle.	Undetermined	\$819.16
T950197	Allan E. Holtkamp	Claimant's crop was damaged from archaeological investigation.	\$450.00	\$450.00
T950207	State Farm as Subrogee of Russell Johnson	State driver backed into claimant's vehicle.	\$305.62	\$305.62
T950228	Danny Clay Reifenthal	Rocks fell off of a DOT truck and onto claimant's vehicle.	\$298.54	\$297.04
T950232	Kenneth J. Melloy	Error on driving record led to led to claimant's arrest.	Undetermined	\$264.98
T950233	Rodd McNeal	Claimant's crop was damaged from an archaeological investigation.	\$413.00	\$413.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950239	Penny Kay Pfeiffer	State driver rearended claimant's vehicle.	\$981.65	\$929.25
T950254	Continental Western Insurance Co. as Subrogee of Mel Hartwig Plumbing & Heating, Inc.	State vehicle struck claimant's vehicle.	\$297.00	See T950254
T950259	Lonnie L. Lewis	State driver rearended claimant's vehicle.	\$209.21	\$209.21
T950266	Dan E. Miner	Unattended DOT truck rolled into claimant's vehicle.	\$324.00	\$324.00
T950268	Sharon Kay Parry	Unattended DOT vehicle rolled into claimant's vehicle.	\$847.45	\$847.45
T950282	Brent E. Kroll	A piece from a trailer jack struck claimant's windshield.	Undetermined	\$268.74
T950359	Craig Boller	Wrongful discharge.	\$250,000.00	\$41,744.00
T950360	Arnold Romero	Wrongful discharge.	\$250,000.00	\$24,061.00
T950361	Jim Burrow	Wrongful discharge.	\$250,000.00	\$41,744.00
T950362	Lindsay Hughes	Wrongful discharge.	\$250,000.00	\$41,660.00
T950363	Jon Fabris	Wrongful discharge.	\$250,000.00	\$37,781.00
T950364	David Elliot	Wrongful discharge.	\$250,000.00	\$41,814.00
T950365	Barry Wilson	Wrongful discharge.	\$250,000.00	\$34,966.00
T950366	Mel Sanders	Wrongful discharge.	\$250,000.00	\$37,060.00
T950367	Tommie Liggins	Wrongful discharge.	\$250,000.00	\$27,447.00

MONIES PAID FROM GENERAL FUNDS
FOR SETTLEMENTS AND JUDGEMENTS - 1994

<u>Payee</u>	<u>Amount</u>
Black Hawk County District Court Costs	\$623.70
Jones County Clerk of Court Costs	\$75.00
Vaughn T. Camp Judgement	\$180.00
Atty Paul Papak Atty Fees	\$900.00

Payee	Amount
Ronald A. Mahers Settlement	\$23.17
Barbara Schwartz Atty Fees	\$292.00
Joseph G. Basque: Legal Services of Iowa Atty Fees	\$1,039.00
Polk County Clerk of Court Costs	\$75.00
Philip Mears Law Office Atty Fees	\$2,150.00
Capital Assignment Corp. Settlement	\$288,179.00
Clay County Clerk of Court Costs	\$75.00
Sac County Clerk of Court Costs	\$65.43
Jones County Clerk of Court Ruling	\$60.00
Cheryl Opheim & Greg Landry Johnson County Clerk of Court Settlement & Costs	\$230,000.00 \$75.00
Charles Golden, John R. Fitzgibbon, Claude Saunders, Richard Proter, Stanley Orton and Jon Johnson & Joseph Mowry, Attys Atty Fees	\$42,000.00
Diann Carol Ramsey & Bruce Anderson, Atty Settlement	\$30,000.00
William Moore Settlement	\$25.00
Lawrence Smith, Susan Smith & George Wright, Atty Settlement	\$25,000.00
Joseph Smith & George E. Wright, Atty Settlement	\$10,000.00
Johnson County Clerk of Court Costs	\$75.00

Payee	Amount
Larry Gross Judgement	\$900.00
Capital Assignment Corp Settlement	\$370.00
David Munz & Philip Mears Settlement	\$250.00
Polk County District Court Costs	\$367.63
Craig Gardner	\$10,000.00
Philip Mears Settlement & Atty Fees	\$4,200.00
Lori Lee Conley Settlement	\$7,500.00
John O. Haraldson, Law Office of Roger Kuhle Settlement	\$11,113.98
Lloyd Offutt Settlement	\$50.00
Robert John Miller Settlement	\$20.00
Philip Mears Atty Fees	\$500.00
Dave & Juli Leonetti Ind & Best Friends of Catherine & Atty Humphrey & Haas District Court Mediation Settlement	\$307,373.13 \$1,475.00
The Weitz Company Settlement	\$200,000.00
Jones County Clerk of Court Costs	\$90.00
Johnson County Clerk of Court Costs	\$75.00
Dennis Stokin & Atty Michael J. Carroll Settlement	\$1,000.00
Polk County Clerk of Court Costs	\$75.00
Phyllis Anne Walker & Bryan Sylvester, Atty Settlement & Atty Fees	\$6,000.00

Payee	Amount
Philip Mears Atty Fees	\$10,490.00
Khamfeuang Thongvanh Settlement	\$4,142.92
Dean Benter	\$3.00
Lee County Clerk of Court Settlement & Costs	\$14.05
Dean Benter	\$3.39
Lee County Clerk of Court Settlement & Costs	\$14.05
Eddie Risdal	\$37.78
Lee County Clerk of Court Settlement & Costs	\$31.00
JoAnne Conroy Settlement	\$30,000.00
Jay Holloway	\$1,500.00
Jeffrey Lipman Settlement & Atty Fees	\$3,914.25
Story County Clerk of Court	\$166.00
Sharon Thomason & Atty John Timmas Costs & Settlement	\$30,000.00
Johnson County Clerk of Court Costs	\$45.00
Mears Law Office Settlement	\$1,000.00
Joseph Basque Settlement	\$111.00
Christopher Myers Settlement	\$80.00
Donnell Lowe Settlement	\$1,300.00
Cass County Clerk of Court Costs	\$75.00
Linn County Clerk of Court Costs	\$75.00
Polk County Clerk of Court Costs	\$75.00

Payee	Amount
Lee County Clerk of Court Costs	\$90.00
Lee County Clerk of Court Costs	\$90.00
Johnson County Clerk of Court Costs	\$75.00
Deborah Sue Dyer & Gayla Harrison Clerk of Wapello County District Court Settlement & Costs	\$1,000.00 \$38.75
William Blakeman Settlement	\$138.00
Swisher & Cohrt Costs	\$76.45
William Vore Settlement	\$50.00
Janice & Todd Draper & Attys Fairall Law Firm Settlement	\$10,000.00
Nayes, O'Brien, Gosma & Brooke Client for Trust Acct Settlement	\$10,000.00
Randal Wilson Costs	\$161.05
Barbara & Randy Jack & Randy Jack as Next Best Friend of Trisha & Troy Honeycut & Atty William Serangeli Settlement	\$40,000.00
Michael Wood Mears Law Office Settlement & Atty Fees	\$4,250.00 \$1,142.12
Christopher Young & Darwin Bunger, Steve Crowley Attys Settlement	\$450,000.00
Philip Mears Settlement	\$5,400.00
St. Paul Insurance Company Settlement	\$56,537.50
Philip Mears Settlement	\$500.00
Belin Law Firm Settlement	\$2,000.00

Payee	Amount
Larry Stark Settlement	\$200.00
Tama County Clerk of Court Costs	\$56.94
Delaware County Clerk of Court Costs	\$144.00
Jeffrey Lipman Atty Fees	\$4,100.00
Jones County Clerk of Court Costs	\$231.52
Johnson County Clerk of Court Costs	\$30.00
Darryl Weber & Atty Mark Schuling Settlement	\$51,844.00
Philip Mears Atty Fees	\$2,695.00
Andrew N. Pool & Meardon Sueppel Downer & Hayes Atty Fees	\$4,000.00
Garth Letts Settlement	\$1,615.50
Angela Baker, Mears Law Office Atty Fees	\$450.00
Linn County Clerk of Court Costs	\$5,739.41
George Stone Settlement	\$270.00
Glynn J. Melchert & Clemens Erdahl Settlement	\$10,310.90
Mears Law Office Settlement	\$4,100.00
Rose Kell & Roxanne Barton Conlin Settlement & Atty Fees	\$31,649.95
David A. Sheldon	\$45.30
Lee County Clerk of Court Settlement & Costs	\$40.00

Payee	Amount
Steve Weaver & Philip Mears Settlement & Atty Fees	\$3,000.00
Lee County Clerk of Court Costs	\$90.00
Jones County Clerk of Court Costs	\$90.00
Jones County Clerk of Court Costs	\$90.00
Dennis Strable Costs	\$150.00
Philip Mears Atty Fees	\$3,161.52
Jimmy L. Cook Settlement	\$2,880.00
Mears Law Office - Patrick Ingram Atty Fees	\$786.19
Robin Albers & Gary Robinson Atty Settlement	\$40,000.00
Bonifacio Cudal & Parrish Law Firm Settlement	\$20,000.00
Davis County Clerk of Court Costs	\$75.00
Mark D. McPherson Settlement	\$100.00
Brian Brooks Settlement	\$150.00
Steven Weintraut & Jill Weintraut Settlement	\$411,796.85
Mutual of Omaha Structured Settlement Company Settlement	\$218,332.00
Michell Brammer & Atty Richard Wilson & Coppola, Sandre & McConville	\$477,750.00
Larry Dale Brammer & Atty Richard Wilson & Coppola, Sandre & McConville	\$20,000.00
Wade Ryan Brammer & Atty Richard Wilson & Coppola, Sandre & McConville	\$2,000.00
Bruce Brammer & Atty Richard Wilson & Coppola, Sandre & McConville Settlement & Atty Fees	\$250.00
SAFECO Assigned Benefits Service Company Settlement	\$371,639.00

Payee	Amount
Hawkeye Bank, Executor of the Estate of Jessica Smith & Atty Dean Jennings	\$220,000.00
B.H.G. Structured Settlements	\$37,784.00
Settlement	
Timothy Luncsford & Philip Mears	\$10,200.00
Settlement	
Andrew Krieger, Aimee Krieger & Atty James Carlin	\$950.00
Settlement	
Steven Swain	\$180.00
Settlement	
Brent Bedwell, Lipman Law Firm	\$180.00
Settlement	
Brad Allen Anderson	\$1,053.85
Settlement	
Donata McKenzie	\$1,500.00
Settlement	
Mary Holfer-Mears Law Office	\$400.00
Atty Fees	
Johnson County Clerk of Court	\$75.00
Costs	
Davis County Clerk of Court	\$75.00
Costs	
Dexter Hughes	\$125.00
Settlement	

MONIES PAID FROM DOT FUNDS
FOR SETTLEMENTS & JUDGMENTS - 1994

Payee	Amount
Jack H. Smith & Atty Gregory W. Peterson	\$2,000.00
Settlement	
Wenzel Towing Service & Attorneys Stephen Juergens & Gregg Owens	\$8,000.00
Associates Insurance Co. & Attys Stephen Juergens & Gregg Owens	\$22,000.00
Settlement	
Manley Pickens & His Attys Steven Andreasen & Richard Willia	\$12,500.00
Sandra Pickens & Her Attys Steven Andreasen & Richard Willia	\$12,500.00
Settlement	
Alton W. Jenkins & Linda L. Jenkins & Atty John Jordan	\$9,000.00
Settlement	

Payee	Amount
Lana Jordan & Her Attorney Robert F. Wilson	\$5,750.00
Lance Paulsen & His Attorney Robert F. Wilson	\$2,250.00
Settlement & Atty Fees	

**SPONSOR WITHDRAWN
(House File 130)**

Baker of Polk requested to be withdrawn as a sponsor of House File 130.

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\40 Herman and Emma Buettner, Bode – For celebrating their 77th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 124

State Government: Gipp, Chair; Brammer and Coon.

House File 127

Transportation: Branstad, Chair; Heaton and Larkin

House File 134

Judiciary: Veenstra, Chair; Coon and Shultz.

House File 138

State Government: Jacobs, Chair; Bradley and Connors.

House File 140

Transportation: Carroll, Chair; Koenigs and Weidman.

House File 141

Judiciary: Boddicker, Chair; Brammer and Millage.

House File 142

State Government: Renken, Chair; Disney and Running.

House File 147

Judiciary: Coon, Chair; Brammer and Lamberti.

House Concurrent Resolution 16

Transportation: Heaton, Chair; McCoy and Nelson of Marshall.

Senate File 66

Judiciary: Greiner, Chair; Bell and Coon.

Senate Concurrent Resolution 11

Transportation: Heaton, Chair; Nelson of Marshall and Ollie.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 23 (Reassigned)

Environmental Protection: Vande Hoef, Chair; Van Fossen and Witt.

House Study Bill 50.1 Revised

Agriculture: Eddie, Chair; Greig, Greiner, Koenigs, Mertz, Meyer and Mundie.

House Study Bill 85

Environmental Protection: Meyer, Chair; Shoultz and Thomson.

House Study Bill 88

Judiciary: Veenstra, Chair; Coon and Shoultz.

House Study Bill 90

Judiciary: Coon, Chair; Brammer and Lamberti.

House Study Bill 105

Agriculture: Greig, Chair; Salton and Weigel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 108 Commerce-Regulation

Relating to individual health insurance and individual health benefit plan reforms by limiting rating practices, increasing access to affordable individual health insurance and health benefit plans, providing for portability and continuity of coverage, providing for a reinsurance mechanism, and providing for an applicability date.

H.S.B. 109 Commerce-Regulation

Relating to the regulation of real estate brokers and salespersons.

H.S.B. 110 State Government

Providing that certain personnel and payroll records of employees of government bodies are public records.

H.S.B. 111 State Government

To provide disaster leave for certain state employees.

H.S.B. 112 State Government

Relating to state government personnel procedures, including job classifications, pay plans, recall from layoff, affirmative action reports,

disability programs, deferred compensation, phased retirement, and certain county election officials.

H.S.B. 113 State Government

Relating to certain state purchasing procedures and charges for publications involving the department of general services.

H.S.B. 114 Commerce-Regulation

Relating to the validity of a notarial act by an officer, director, or shareholder of a corporation and providing for retroactive application.

H.S.B. 115 Labor and Industrial Relations

Relating to labor relations by providing for protections from employment-related threats, intimidation, and coercion, and by providing for civil enforcement and penalties.

H.S.B. 116 Ways and Means

Repealing the state inheritance tax, providing for the phase out of the tax, and providing an applicability provision.

H.S.B. 117 Ways and Means

Relating to a property tax exemption for property used for the recycling of ferrous and nonferrous metal, tires, scrap tires, and shredded tires, and for property used to manufacture new products composed primarily of recycled material.

H.S.B. 118 Ways and Means

Allowing an individual income tax credit for premiums paid for the renewal of a certified long-term care insurance policy or contract and providing an applicability date provision.

H.S.B. 119 Ways and Means

Relating to the deduction and credit for amounts paid for tuition and textbooks for elementary and secondary schools under the state individual income tax and providing effective and applicability date provisions.

H.S.B. 120 Ways and Means

Proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments.

H.S.B. 121 Natural Resources

Redesignating the historical resource development program as the resource enhancement and protection historical resource grants and loans program.

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.

ELIZABETH A. ISAACSON

Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House Concurrent Resolution 14, a concurrent resolution to urge the Governor and the citizens of Iowa to make available to the people of Japan all appropriate aid and assistance to help the people of Japan recover from the disastrous earthquake of January 17, 1995.

Fiscal Note not required.

Recommended **Do Pass and Laid over under Rule 25** February 7, 1995.

Committee Bill (Formerly House Study Bill 42), relating to the exemption of certain dentists and dental hygienists from state licensing requirements.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 7, 1995.

COMMITTEE ON TECHNOLOGY

Committee Bill (Formerly House Study Bill 10), authorizing cities and counties access to the Iowa communications network.

Fiscal Note not required.

Recommended **Do Pass** February 2, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 22), relating to the state sales tax on auxiliary attachments for self-propelled and non-self-propelled farm machinery and equipment.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 7, 1995.

AMENDMENTS FILED

H-3041

S.F. 13

Larkin of Lee

H-3042

S.F. 13

Boddicker of Cedar

Mascher of Johnson

H-3043	S.F.	13	Harper of Black Hawk
H-3044	S.F.	13	Connors of Polk Shultz of Black Hawk
H-3045	S.F.	13	Brand of Benton
H-3046	S.F.	13	Grundberg of Polk
H-3047	S.F.	13	Burnett of Story Witt of Black Hawk
Harper of Black Hawk			Martin of Scott
Doderer of Johnson			Metcalf of Polk
Jacobs of Polk			
H-3048	S.F.	13	Boddicker of Cedar
H-3049	S.F.	13	Boddicker of Cedar
H-3050	S.F.	13	Boddicker of Cedar
H-3051	S.F.	13	Doderer of Johnson
H-3052	S.F.	13	Doderer of Johnson
H-3053	H.F.	132	Millage of Scott
H-3054	H.F.	132	Wise of Lee Brand of Benton
H-3055	S.F.	13	Martin of Scott Nelson of Marshall
Jacobs of Polk			Metcalf of Polk
Hahn of Muscatine			Cormack of Webster
Grundberg of Polk			Burnett of Story
Nelson of Pottawattamie			
Myers of Johnson			
H-3056	S.F.	13	Martin of Scott Nelson of Marshall
Jacobs of Polk			Metcalf of Polk
Hahn of Muscatine			Cormack of Webster
Grundberg of Polk			Burnett of Story
Nelson of Pottawattamie			
Myers of Johnson			
H-3057	S.F.	13	Connors of Polk Baker of Polk
H-3058	S.F.	13	Connors of Polk Baker of Polk
H-3059	S.F.	13	Connors of Polk Baker of Polk
H-3060	S.F.	13	Connors of Polk Baker of Polk
H-3062	H.F.	54	Disney of Polk Kreiman of Davis
H-3063	S.F.	13	Warnstadt of Woodbury

H-3064	S.F.	13	Warnstadt of Woodbury Metcalf of Polk
H-3065	S.F.	13	Warnstadt of Woodbury Metcalf of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 10:07 a.m. until 8:45 a.m., Thursday, February 9, 1995.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 9, 1995

The House met pursuant to adjournment at 8:52 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Jeff Nelsen, First Baptist Church, Harlan.

The Journal of February 8, 1995 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 6, by Fallon, a joint resolution proposing an amendment to the Constitution of the State of Iowa changing the legislative branch of state government to a nonpartisan unicameral system.

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

House File 149, by committee on ways and means, a bill for an act relating to the state sales tax on auxiliary attachments for self-propelled and non-self-propelled farm machinery and equipment.

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

House File 150, by committee on technology, a bill for an act authorizing cities and counties access to the Iowa communications network, and providing an effective date.

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

House File 151, by Brunkhorst, a bill for an act providing a reduction in automobile liability premiums for certain drivers defined as good students.

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

House File 152, by Coon, a bill for an act relating to the inclusion of felonious child endangerment as a nonbailable offense for defendants appealing a conviction.

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

House File 153, by Brunkhorst, a bill for an act relating to obscenity exemptions for educational institutions, public libraries, and places that display art works.

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

SPECIAL PRESENTATION

Running of Linn presented to the House Lisa Switzer, 1995 American Heart Association Heart Ambassador, from Cedar Rapids.

Lisa is in the sixth grade at Coolidge Elementary and is a member of the Skipper's Jump Rope For Heart Demonstration Team. She has undergone several heart operations which enabled her to be active and participate in various school activities.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 17** be immediately messaged to the Senate.

SPECIAL ORDER OF BUSINESS RESCHEDULED

Siegrist of Pottawattamie asked and received unanimous consent that the Special Order of Business on **Senate File 69** previously scheduled for **February 20, 1995**, be rescheduled for **February 27, 1995**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello on request of Cataldo of Polk.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 32, a bill for an act relating to the inclusion of school nurses and area education agency professionals in the educational excellence program and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Hammitt of Harrison offered amendment H-3033 filed by her as follows:

H-3033

- 1 Amend Senate File 32, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 19 the
- 4 following:
- 5 "For purposes of division IV of this chapter,
- 6 "teacher" includes a principal as defined in section
- 7 272.1."
- 8 2. Title page, line 3, by inserting after the
- 9 word "program" the following: ", and the inclusion of
- 10 principals in phase III of the educational excellence
- 11 program."

Ollie of Clinton rose on a point of order that amendment H-3033 was not germane.

The Speaker ruled the point well taken and amendment H-3033 not germane.

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. 32)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Cornors	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	May	McCoy	Mertz
Metcalf	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 3:

Ertl	Meyer	Tyrrell
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Absent or not voting, 2:

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

On motion by Siegrist of Pottawattamie, the House was recessed at 9:16 a.m., until 11:45 a.m.

HOUSE RECONVENES

The House reconvened at 11:48 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House File 154, by committee on state government, a bill for an act relating to the exemption of certain dentists and dental hygienists from state licensing requirements.

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

House File 155, by Teig and Tyrrell, a bill for an act authorizing a political subdivision to impose an income surtax to partially fund certain bonds and providing for the Act's applicability.

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

House File 156, by Hahn, Hanson, Gries, Greig, Mundie, Larson, Blodgett, Mertz and Drake, a bill for an act repealing the state inheritance tax, providing for the phase out of the tax, and providing an applicability provision.

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

House File 157, by Hammitt and Cataldo, a bill for an act relating to the preservation of the Iowa state capitol.

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

HOUSE INSISTS

Grubbs of Scott called up for consideration **Senate File 17**, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions, and moved that the House insist on its amendment.

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

On the question "Shall the House insist?" (S.F. 17)

The ayes were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn

Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 33:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 3:

Holveck	McCoy	Moreland
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The motion prevailed and the House insists.

RULE 39A SUSPENDED

Siegrist of Pottawattamie asked for unanimous consent to suspend Rule 39A, to allow the Conference Committee Report on Senate File 17 to include issues other than those which were adopted by the House or Senate.

Objection was raised.

Siegrist of Pottawattamie moved to allow the Conference Committee Report on Senate File 17 to include issues other than those which were adopted by the House or Senate.

Roll call was requested by Running of Linn and Schrader of Marion.

On the question "Shall Rule 39A be suspended?" (S.F. 17)

The ayes were, 63:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl

Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen	
		Presiding	

The nays were, 34:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Millage	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 3:

Holveck McCoy Moreland

The motion prevailed and Rule 39A was suspended.

CONFERENCE COMMITTEE APPOINTED (Senate File 17)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 17: Grubbs of Scott, Chair; Gries of Crawford, Gipp of Winneshiek, Ollie of Clinton and Wise of Lee.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:47 p.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened at 1:45 p.m., Speaker pro tempore Van Maanen in the chair.

HOUSE FILE 23 WITHDRAWN

Ollie of Clinton asked and received unanimous consent to withdraw House File 23 from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on February 9, 1995, appointed the conference committee to Senate File 17, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions, and the members of the Senate are: The Senator from Dubuque, Senator Connolly, Chair; the Senator from Palo Alto, Senator Kibbie; the Senator from Fayette, Senator Murphy; the Senator from Black Hawk, Senator Lind; and the Senator from Polk, Senator Kramer.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 13, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 1:53 p.m., until the fall of the gavel.

The House resumed session at 3:17 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Boddicker of Cedar offered amendment H-3009 filed by the committee on human resources as follows:

H-3009

- 1 Amend Senate File 13, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 7 and 8.
- 4 2. Page 1, by striking lines 9 through 11 and
- 5 inserting the following:
- 6 "5. "Medical emergency" means a condition that,
- 7 based on a physician's clinical judgment, so
- 8 complicates the medical condition of a pregnant minor
- 9 as to necessitate the immediate abortion of the
- 10 minor's pregnancy to avert the minor's death or for
- 11 which a delay will create a risk of substantial and
- 12 irreversible impairment of a major bodily function."
- 13 3. Page 1, by striking lines 14 through 18 and
- 14 inserting the following:
- 15 "7. "Parent" means one parent or a legal guardian
- 16 or custodian of a pregnant minor."
- 17 4. Page 1, by striking line 21 and inserting the
- 18 following: "minor to assist the minor in the".
- 19 5. By striking page 1, line 23, through page 5,
- 20 line 13, and inserting the following:
- 21 "Sec. . NEW SECTION. 135L.2 DECISION-MAKING
- 22 ASSISTANCE PROGRAM FOR PROSPECTIVE MINOR PARENTS
- 23 ESTABLISHED.
- 24 1. A decision-making assistance program is created

25 to provide assistance to minors in making informed
26 decisions relating to pregnancy. The program shall
27 offer and include all of the following:

28 a. (1) A video, to be developed by a person
29 selected through a request for proposals process,
30 which provides information regarding the various
31 options available to a pregnant minor with regard to
32 the pregnancy, including a decision to continue the
33 pregnancy to term and retain parental rights following
34 the child's birth, a decision to continue the
35 pregnancy to term and place the child for adoption
36 following the child's birth, and a decision to
37 terminate the pregnancy through abortion. The video
38 shall provide the information in a manner and
39 language, including but not limited to, the use of
40 closed captioning for the hearing-impaired, which will
41 be understood by a minor.

42 (2) The video shall explain that public and
43 private agencies are available to assist a pregnant
44 minor with any alternative chosen.

45 (3) The video shall explain that tendering false
46 documents is a fraudulent practice in the fourth
47 degree pursuant to section 135L.7.

48 b. Written decision-making materials which include
49 all of the following:

50 (1) Information regarding the options described in

Page 2

1 the video including information regarding the agencies
2 and programs available to provide assistance to the
3 pregnant minor in parenting a child; information
4 relating to adoption including but not limited to
5 information regarding child placing agencies as
6 defined in section 238.2, including private,
7 quasipublic, and public agencies or persons; and
8 information regarding abortion including but not
9 limited to the legal requirements relative to the
10 performance of an abortion on a pregnant minor. The
11 information shall include a listing of the agencies
12 and programs and the services available from each.

13 (2) A workbook which is to be used in viewing the
14 video and which includes a questionnaire and exercises
15 to assist a pregnant minor in viewing the video and in
16 considering the options available regarding the
17 minor's pregnancy.

18 (3) A detachable certification form to be signed
19 by the minor and a responsible adult, if a responsible
20 adult accompanies the pregnant minor, certifying that
21 the pregnant minor was offered a viewing of the video
22 and the written decision-making materials.

23 2. The video shall be available through the state
24 and local offices of the Iowa department of public
25 health, the department of human services, and the

26 judicial department; the office of each licensed
27 physician who performs abortions, and the office of
28 any other licensed physician, upon request of the
29 physician; nonprofit agencies serving minors, upon
30 request of the agency; and any other person providing
31 services to minors, upon request of the person.

32 3. During the initial appointment between a
33 licensed physician and a pregnant minor, a licensed
34 physician, who is providing medical services to a
35 pregnant minor, shall offer the viewing of the video
36 and the written decision-making materials to the
37 pregnant minor, and shall obtain the signed and dated
38 certification form from the pregnant minor. If the
39 pregnant minor has previously been offered the viewing
40 of the video and the written decision-making materials
41 by another source, the licensed physician shall obtain
42 the completed written certification form from the
43 other source to verify that the pregnant minor has
44 been offered the viewing of the video and the written
45 decision-making materials. A licensed physician shall
46 not perform an abortion on a pregnant minor prior to
47 obtaining the completed certification form from a
48 pregnant minor.

49 4. A pregnant minor shall be encouraged to select
50 a responsible adult, preferably a parent of the

Page 3.

1 pregnant minor, to accompany the pregnant minor in
2 viewing the video and in providing certification of
3 the offering of the viewing of the video and of the
4 decision-making materials.

5 5. To the extent possible and at the discretion of
6 the pregnant minor, the person responsible for
7 impregnating the pregnant minor shall also be involved
8 in the viewing of the video and in the receipt of
9 written decision-making materials.

10 6. Following the offering of the viewing of the
11 video and of the written decision-making materials,
12 the pregnant minor and the responsible adult, if a
13 responsible adult is involved, shall sign and date the
14 certification form attached to the materials, and
15 shall submit the completed form to the licensed
16 physician or provide the person making the offer with
17 information to send the completed form to the pregnant
18 minor's attending physician. The person offering the
19 viewing of the video and the decision-making materials
20 shall also provide a copy of the completed
21 certification form to the pregnant minor and to the
22 responsible adult, if a responsible adult is involved.
23 The responsible adult shall destroy the copy of the
24 completed certification document one year subsequent
25 to the date of receipt of the copy."

26 6. By striking page 5, line 14, through page 8,
27 line 17.

- 28 7. Page 11, by striking lines 6 through 8.
29 8. Page 11, line 20, by inserting after the word
30 "agency" the following: "other than a child-placing
31 agency under the management or control of any division
32 of the department of human services or any
33 administrator of the department of human services".
34 9. Page 11, by striking lines 22 and 23 and
35 inserting the following:
36 "(5) A representative of a crisis pregnancy
37 center.
38 (6) A representative of an abortion provider."
39 10. Page 12, by inserting after line 6 the
40 following:
41 "(5) A minor who is at least fourteen but less
42 than eighteen years of age at the time of the
43 appointment."
44 11. Page 12, by striking lines 7 through 11 and
45 inserting the following:
46 "2. Representative associations of professionals
47 and providers who are to be appointed to the advisory
48 committee may submit a listing of nominees to the
49 governor. The governor may consider the listings in
50 appointing members to the advisory committee. The

Page 4

- 1 governor shall appoint members who represent a variety
2 of philosophical views."
3 12. Page 13, line 5, by striking the word
4 "document" and inserting the following: "materials".
5 13. Page 13, line 25, by striking the words "or
6 emancipated pregnant minor's".
7 14. Page 13, by striking lines 28 through 33 and
8 inserting the following: "of an abortion on a
9 pregnant minor which results in the inapplicability of
10 section".
11 15. Page 14, by striking lines 23 through 25.
12 16. Page 14, line 29, by striking the word and
13 figure: "135L.3 or".
14 17. By striking page 14, line 30, through page
15 15, line 1.
16 18. Page 15, by striking lines 6 and 7 and
17 inserting the following:
18 "1. Knowingly signs the written certification
19 document under section 135L.2, falsely certifying that
20 the".
21 19. Page 15, by striking lines 11 through 14 and
22 inserting the following:
23 "a. A false original or copy of the signed and
24 dated certification form to be retained by the
25 licensed physician or sent to the pregnant minor's
26 attending physician pursuant to section 135L.2."
27 20. Page 15, by inserting after line 21 the
28 following:

- 29 "Sec. NEW SECTION. 135L.8 IMMUNITIES.
 30 1. A person is immune from any liability, civil or
 31 criminal, for any act, omission, or decision made in
 32 good faith compliance with this chapter.
 33 2. This section shall not be construed to limit
 34 civil or criminal liability of a person for any act,
 35 omission, or decision made in relation to the
 36 performance of a medical procedure on a pregnant
 37 minor."
 38 21. Page 15, lines 22 and 23, by striking the
 39 words "ADOPTION OF CHILD BORN TO A MINOR OR".
 40 22. Page 15, by striking lines 27 through 29 and
 41 inserting the following: "notification requirements
 42 relating to the performance of an abortion on a-minor
 43 pursuant to section 135L.4."
 44 23. By striking page 15, line 30, through page
 45 16, line 19.
 46 24. Page 16, by inserting after line 27 the
 47 following:
 48 "Sections 1 and 4 of this Act relating to the
 49 notification of a parent prior to the performance of
 50 an abortion on a minor take effect July 1, 1995."

Page 5

- 1 25. Title page, line 1, by striking the word
 2 "process" and inserting the following: "assistance
 3 program".
 4 26. Title page, line 2, by inserting after the
 5 word "parents" the following: "including notification
 6 of a parent prior to the performance of an abortion on
 7 a minor".
 8 27. By renumbering as necessary.

Fallon of Polk offered amendment H-3029, to the committee amend-
 ment H-3009, filed by him and requested division as follows:

H-3029

- 1 Amend the committee amendment, H-3009, to Senate
 2 File 13, as amended, passed, and reprinted by the
 3 Senate, as follows:

H-3029A

- 4 1. Page 1, by striking lines 4 through 12.
 5 2. Page 1, by striking lines 13 through 16.

H-3029B

- 6 3. By striking page 1, line 17, through page 3,
 7 line 25, and inserting the following:
 8 "_. By striking page 1, line 19, through page 5,
 9 line 13."

H-3029A

- 10 4. Page 3, by striking lines 26 and 27, and

H-3029A

11 inserting the following:

12 “__ Page 5, by striking lines 16 through 23,

13 and inserting the following:

14 “A pregnant minor who decides to place the pregnant

15 minor's child for adoption is subject to the following

16 conditions:

17 1. Providing notification to a parent of the
18 pregnant minor that the pregnant minor has decided to
19 terminate the pregnant minor's parental rights and
20 place the child for adoption. Notification shall be
21 made at least twenty-”

22 __ Page 8, by striking lines 12 and 13, and

23 inserting the following:

24 “m. A copy of the notification document mailed to
25 a”

26 __ Page 8, by striking line 17, and inserting
27 the following: “the notification document under this
28 chapter.”

29 5. Page 3, by striking line 28.

H-3029B

30 6. By striking page 3, line 29, through page 4,
31 line 4, and inserting the following:

32 “__ By striking page 11, line 11, through page
33 13, line 22.”

H-3029A

34 7. Page 4, by striking lines 7 through 10, and
35 inserting the following:

36 “__ Page 13, by striking lines 28 through 30,
37 and inserting the following: “of an abortion on the
38 pregnant minor which results in the inapplicability of
39 section”.”

40 8. Page 4, by striking line 11.

41 9. Page 4, by striking lines 12 and 13.

H-3029B

42 10. Page 4, by striking lines 16 through 26, and
43 inserting the following:

44 “__ Page 15, by striking lines 3 through 21,
45 and inserting the following:

46 “A person who knowingly tenders any of the
47 following is guilty of a fraudulent practice in the
48 fourth degree pursuant to section 714.12:

49 1. A false original or false copy of the
50 notification document mailed to a parent of a pregnant

Page 2

1 minor or a false copy of the order waiving
2 notification relative to the termination of parental

H-3029B

- 3 rights of a pregnant minor.
 4 2. A false original or a false copy of the
 5 notification document mailed to a parent of a pregnant
 6 minor or a false copy of the order waiving
 7 notification relative to the performance of an
 8 abortion on a pregnant minor.””

H-3029A

- 9 11. By striking page 4, line 38 through page 5,
 10 line 7, and inserting the following:
 11 “ __. Page 16, by striking lines 10 through 12
 12 and inserting the following: “material to its
 13 execution or a showing that a pregnant minor to whom
 14 section 135L.3 is applicable failed to comply with the
 15 requirements of that section. In”.
 16 __. By striking page 16, line 20, through page
 17 17, line 7.”
 18 __. Title page, by striking lines 1 through 3,
 19 and inserting the following:
 20 “An Act relating to the required notification of a
 21 parent prior to the performance of an abortion on a
 22 minor or prior to the termination of a pregnant
 23 minor’s parental rights for the purpose of placing a
 24 child for adoption, providing for exceptions, and
 25 providing penalties.””

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3029A, to the committee amendment H-3009, filed by him on February 6, 1995.

Grundberg of Polk offered the following amendment H-3070, to the committee amendment H-3009, filed by her from the floor and moved its adoption:

H-3070

- 1 Amend the amendment, H-3009, to Senate File 13, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 4 through 12.
 5 2. Page 1, line 37, by inserting after the word
 6 “abortion.” the following: “The video shall be
 7 updated, annually.”
 8 3. Page 2, by striking lines 13 through 17.
 9 4. Page 2, by striking lines 41 through 48 and
 10 inserting the following: “by another source, the
 11 licensed physician shall note, in the medical record
 12 of the pregnant minor, that the pregnant minor has
 13 previously been offered the viewing of the video and
 14 the written decision-making materials by another

15 source. A licensed physician shall not perform an
 16 abortion on a pregnant minor prior to obtaining the
 17 completed certification form from the pregnant minor
 18 or prior to making a notation in the pregnant minor's
 19 medical record of the prior offering by another
 20 source."

21 5. Page 3, by striking lines 23 through 25.

22 6. Page 3, by striking line 28.

23 7. Page 3, by striking lines 34 through 43.

24 8. Page 4, by striking line 11.

25 9. Page 5, by striking lines 1 through 7.

26 10. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 31, nays 57.

Amendment H-3070 lost.

Larkin of Lee offered the following amendment H-3041, to the committee amendment H-3009, filed by him and moved its adoption:

H-3041

1 Amend the amendment, H-3009, to Senate File 13 as

2 amended, passed, and reprinted by the Senate as

3 follows:

4 1. Page 1, by striking lines 13 through 16.

5 2. By renumbering as necessary.

Roll call was requested by Bernau of Story and Doderer of Johnson.

On the question "Shall amendment H-3041, to the committee amendment H-3009, be adopted?" (S.F. 13)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Grundberg	Harper	Holveck	Jacobs
Jochum	Koenigs	Kreiman	Larkin
Martin	Mascher	McCoy	Metcalf
Murphy	Myers	Nelson, B.	Nelson, L.
Ollie	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman

Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Hurley
Huseman	Klemme	Kremer	Lamberti
Larson	Lord	Main	May
Mertz	Meyer	Millage	Mundie
Nutt	O'Brien	Rants	Renken
Running	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen,		
	Presiding		

Absent or not voting, 3:

Brauns Houser Moreland

Amendment H-3041 lost

The House resumed consideration of H-3029B, to the committee amendment H-3009, filed by Fallon of Polk, found on pages 362 through 364 of the House Journal, and moved its adoption.

A non-record roll call was requested.

The ayes were 29, nays 51.

Amendment H-3029B lost.

Boddicker of Cedar offered the following amendment H-3032, to the committee amendment H-3009, filed by him and moved its adoption:

H-3032

- 1 Amend the amendment, H-3009, to Senate File 13, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 40, by striking the word "will"
- 5 and inserting the following: "could".
- 6 2. Page 2, by striking lines 23 through 31 and
- 7 inserting the following:
- 8 "2. a. The video shall be available through the
- 9 state and local offices of the Iowa department of
- 10 public health, the department of human services, and
- 11 the judicial department and through the office of each
- 12 licensed physician who performs abortions.
- 13 b. The video may be available through the office
- 14 of any licensed physician who does not perform
- 15 abortions, upon the request of the physician; through
- 16 any nonprofit agency serving minors, upon the request
- 17 of the agency; and through any other person providing
- 18 services to minors, upon the request of the person."

Amendment H-3032 was adopted.

Boddicker of Cedar offered the following amendment H-3042, to the committee amendment H-3009, filed by him and Mascher and moved its adoption:

H-3042

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 44, the
5 following:
6 "(2A) The video shall explain that if the pregnant
7 minor decides to continue the pregnancy to term, and
8 to retain parental rights to the child, the father of
9 the child is liable for the support of the child."
10 2. Page 2, line 10, by inserting after the word
11 "minor." the following: "The information provided
12 shall include information explaining that if a
13 pregnant minor decides to continue the pregnancy to
14 term and to retain parental rights, the father of the
15 child is liable for the support of the child and that
16 if the pregnant minor seeks public assistance on
17 behalf of the child, the pregnant minor shall, and if
18 the pregnant minor is not otherwise eligible as a
19 public assistance recipient, the pregnant minor may,
20 seek the assistance of the child support recovery unit
21 in establishing the paternity of the child, and in
22 seeking support payments for a reasonable amount of
23 the costs associated with the pregnancy, medical
24 support, and maintenance from the father of the child,
25 or if the father is a minor, from the parents of the
26 minor father."

Amendment H-3042 was adopted.

Connors of Polk offered amendment H-3044, to the committee amendment H-3009, filed by him and Shoultz and requested division as follows:

H-3044

1 Amend the amendment, H-3009, to Senate File 13 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

H-3044A

4 1. Page 1, by inserting after line 44 the
5 following:
6 "(2A) The video shall explain that if the pregnant
7 minor decides to continue the pregnancy to term and to
8 retain parental rights to the child, the father of the

H-3044A

9 child is liable for the support of the child and if
10 the father of the child is a minor and is unable to
11 provide support, that the grandparents of the child
12 are liable for support until the child's parent
13 reaches eighteen years of age."

14 2. Page 2, line 10, by inserting after the word
15 "minor." the following: "The information provided
16 shall include information explaining that if a
17 pregnant minor decides to continue the pregnancy to
18 term and to retain parental rights, the father of the
19 child is liable for the support of the child and that
20 if the father of the child is a minor and is unable to
21 provide support, that the grandparents of the child
22 are liable for support until the child's minor parent
23 reaches eighteen years of age. The information shall
24 also explain that the pregnant minor may seek the
25 assistance of the child support recovery unit of the
26 department of human services in establishing paternity
27 and in seeking support."

H-3044B

28 3. Page 4, by inserting after line 43, the
29 following:
30 "Sec. ____ Section 252A.3, Code 1995, is amended
31 by adding the following new subsection:
32 NEW SUBSECTION. 10. If a child's parent is under
33 eighteen years of age and is unable to support the
34 child, the child's grandparent is obligated for the
35 child's support until the child's parent reaches
36 eighteen years of age. Support includes but is not
37 limited to payment of a reasonable amount of the costs
38 associated with the pregnancy, medical support, and
39 maintenance."
40 4. By renumbering as necessary.

Connors of Polk asked and received unanimous consent to withdraw amendment H-3044A, to the committee amendment H-3009, filed by him and Shoultz on February 8, 1995.

Boddicker of Cedar offered the following amendment H-3066, to the committee amendment H-3009 filed by him from the floor and moved its adoption:

H-3066

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking lines 19 and 20 and
5 inserting the following: "by the pregnant minor
6 certifying that".

- 7 2. Page 3, by striking lines 2 through 4 and
8 inserting the following: "viewing the video and
9 receiving the decision-making materials."
10 3. Page 3, by striking lines 12 and 13 and
11 inserting the following: "the pregnant minor shall
12 sign and date the".
13 4. Page 3, by striking lines 21 through 25 and
14 inserting the following: "certification form to the
15 pregnant minor."
16 5. Page 4, by striking lines 16 through 26 and
17 inserting the following:
18 "_. Page 15, by striking lines 3 through 21 and
19 inserting the following:
20 "A person who does any of the following is guilty
21 of a fraudulent practice in the fourth degree pursuant
22 to section 714.12:
23 1. Knowingly tenders a false original or copy of
24 the signed and dated certification form to be retained
25 by the licensed physician or to be sent to the
26 pregnant minor's attending physician pursuant to
27 section 135L.2.
28 2. Knowingly tenders a false original or copy of
29 the notification document mailed to a parent or a
30 false original or copy of the order waiving
31 notification relative to the performance of an
32 abortion on a pregnant minor."
33 6. By renumbering as necessary.

Amendment H-3066 was adopted.

Harper of Black Hawk offered the following amendment H-3043, to the committee amendment H-3009, filed by her and moved its adoption:

H-3043

- 1 Amend the amendment, H-3009, to Senate File 13 as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 48, by inserting after the word
5 "minor." the following: "Notwithstanding the
6 requirements of this subsection, a licensed physician
7 is not required to offer viewing of the video or the
8 written decision-making materials to a pregnant minor
9 or to obtain a signed and dated certification form
10 from a pregnant minor who declares that the pregnant
11 minor is a victim of sexual abuse as defined in
12 chapter 709 and has reported the sexual abuse to a law
13 enforcement officer or agency."
14 2. Page 3, by striking line 28.
15 3. Page 4, by striking line 11.
16 4. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

On the question "Shall amendment H-3043, to the committee amendment H-3009, be adopted?" (S.F. 13)

The ayes were, 40:

Baker	Bell	Bernau	Bogges
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Doderer	Drees
Fallon	Grundberg	Harper	Holveck
Jacobs	Jochum	Koenigs	Kreiman
Larkin	Martin	Mascher	May
McCoy	Mertz	Metcalf	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Schrader	Shoultz
Warnstadt	Weigel	Wise	Witt

The nays were, 56:

Arnold	Blodgett	Boddicker	Bradley
Branstad	Brunkhorst	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Hurley	Huseman
Klemme	Kremer	Lamberti	Larson
Lord	Main	Meyer	Millage
Rants	Renken	Running	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 4:

Brauns	Houser	Moreland	Ollie
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Amendment H-3043 lost.

Connors of Polk offered the following amendment H-3037, to the committee amendment H-3009, filed by Connors, et. al. and moved its adoption:

H-3037

- 1 Amend the amendment, H-3009, to Senate File 13, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking lines 5 through 9 and
- 5 inserting the following:
- 6 "_. The person responsible for impregnating the
- 7 pregnant minor shall also be involved in the viewing
- 8 of the video and in the receipt of written decision-
- 9 making materials."
- 10 2. By renumbering as necessary.

Roll call was requested by Grundberg of Polk and Doderer of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-3037, to the committee amendment H-3009, be adopted?" (S.F. 13)

The ayes were, 52:

Arnold	Baker	Bell	Bernau
Bradley	Brammer	Brand	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Cornelius	Doderer	Drake
Drees	Fallon	Greiner	Grundberg
Halvorson	Harper	Heaton	Holveck
Jacobs	Jochum	Koenigs	Kreiman
Lamberti	Larkin	Larson	Martin
Mascher	May	McCoy	Mertz
Metcalf	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Siegrist
Warnstadt	Weigel	Wise	Witt

The nays were, 45:

Blodgett	Boddicker	Bogges	Branstad
Brunkhorst	Carroll	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Eddie
Ertl	Garman	Gipp	Greig
Gries	Grubbs	Hahn	Hammitt
Hanson	Harrison	Hurley	Huseman
Klemme	Kremer	Lord	Main
Meyer	Millage	Nutt	Rants
Renken	Salton	Schulte	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 3:

Brauns	Houser	Moreland
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Amendment H-3037 was adopted.

Connors of Polk offered the following amendment H-3059, to the committee amendment H-3009, filed by him and Baker and moved its adoption:

H-3059

- 1 Amend the amendment, H-3009, to Senate File 13, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by inserting after line 25 the

5 following:

6 "_. Page 5, by inserting before line 14 the

7 following:

8 "Sec. __. NEW SECTION. 135L.2A NOTIFICATION OF
9 PARENT BY MINORS FOLLOWING SEXUAL INTERCOURSE.

10 Following the performance of sexual intercourse
11 involving a minor, any minor involved shall do all of
12 the following:

- 13 1. Notify a parent of the dates and times of the
14 performance of sexual intercourse.
- 15 2. Notify a parent of whether or not a
16 contraceptive was used during sexual intercourse and
17 the type of contraceptive used."
- 18 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 30, nays 53.

Amendment H-3059 lost.

Harper of Black Hawk offered the following amendment H-3034, to the committee amendment H-3009, filed by her and moved its adoption:

H-3034

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 3, by inserting after line 27 the

5 following:

6 "_. Page 11, by inserting before line 6 the

7 following:

8 "(3A) A parent files a notarized statement with
9 the secretary of state indicating that the parent
10 waives the notification requirement prior to the
11 performance of an abortion on the pregnant minor. The
12 secretary of state shall provide the parent with a
13 copy of the notarized statement following deposit of
14 the document which shall be kept in the secretary of
15 state's office."

16 2. By renumbering as necessary.

Amendment H-3034 lost.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-3050, to the committee amendment H-3009, filed by him on February 8, 1995.

Warnstadt of Woodbury offered the following amendment H-3064, to the committee amendment H-3009, filed by him and Metcalf and moved its adoption:

H-3064

- 1 Amend the amendment, H-3009, to Senate File 13, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by inserting after line 27 the
- 5 following:
- 6 "_. Page 10, by inserting after line 21 the
- 7 following:
- 8 "kk. Any statement made by a pregnant minor to an
- 9 officer of the court in connection with the
- 10 proceedings under this section, shall not be used as
- 11 evidence against the pregnant minor or an alleged
- 12 impregnator in any criminal or juvenile proceeding
- 13 brought pursuant to section 709.4, subsection 2,
- 14 paragraph "b"."
- 15 2. By relettering as necessary.

Amendment H-3064 was adopted.

With the adoption of amendment H-3064, amendment H-3063, filed by Warnstadt of Woodbury and Metcalf on February 8, 1995, was out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Houser of Pottawattamie on request of Siegrist of Pottawattamie.

Boddicker of Cedar offered the following amendment H-3067, to the committee amendment H-3009, filed by him from the floor and moved its adoption:

H-3067

- 1 Amend the amendment, H-3009, to Senate File 13 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by inserting after line 27 the
- 5 following:
- 6 "_. Page 9, line 13, by inserting after the
- 7 word "minor." the following: "The court shall also
- 8 advise the pregnant minor that a court-appointed
- 9 licensed marital and family therapist is available to
- 10 the minor, upon request, at no cost to the minor, to
- 11 assist the pregnant minor in addressing any
- 12 intrafamilial problems which might develop. If a
- 13 licensed marital and family therapist is appointed by
- 14 the court, the licensed marital and family therapist
- 15 shall file a report with the court, following
- 16 provision of services to the pregnant minor, stating
- 17 the procedures undertaken, recommendations made, and

18 any other matters as may be required by the court."

19 ____ Page 9, line 33, by inserting after the word
20 "minor." the following: "The court may consider any
21 recommendations of a licensed marital and family
22 therapist appointed by the court to provide counseling
23 to the pregnant minor, in determining the best
24 interest of the pregnant minor."

25 ____ Page 10, line 16, by inserting after the
26 word "proceedings." the following: "All costs of
27 services provided by a court-appointed licensed
28 marital and family therapist shall be paid by the
29 court through the expenditure of funds appropriated to
30 the judicial department."

31 2. Page 4, by inserting after line 37 the
32 following:

33 "3. A court-appointed licensed marital and family
34 therapist who provides services to a pregnant minor
35 under this chapter and who makes a good faith effort
36 to comply with this chapter, is immune from any
37 liability, civil or criminal, which might result from
38 the provision of services under this chapter."

A non-record roll call was requested.

The ayes were 52, nays 20.

Amendment H-3067 was adopted.

With the adoption of amendment H-3067, amendment H-3049, filed by Boddicker of Cedar on February 8, 1995, was out of order.

Brand of Benton asked and received unanimous consent to withdraw amendment H-3045, to the committee amendment H-3009, filed by him on February 8, 1995.

Martin of Scott offered amendment H-3056, to the committee amendment H-3009, filed by Martin, et. al., as follows:

H-3056

1 Amend the amendment, H-3009, to Senate File 13, as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 3, by inserting after line 28 the
5 following:

6 "____ Page 11, by inserting before line 9 the
7 following:

8 "(5) The pregnant minor elects not to allow
9 notification of the pregnant minor's parent and the
10 pregnant minor provides documentation of counseling
11 regarding the performance of an abortion from a member
12 of the clergy. For the purposes of this paragraph,

13 "member of the clergy" means an ordained member of the
14 clergy."

15 2. Page 4, by inserting after line 13 the
16 following:

17 " Page 14, by inserting before line 30 the
18 following:

19 "(5) The pregnant minor elects not to allow
20 notification of the pregnant minor's parent and the
21 pregnant minor provides documentation of counseling
22 regarding the performance of an abortion from a member
23 of the clergy. For the purposes of this paragraph,
24 "member of the clergy" means an ordained member of the
25 clergy."

26 3. By renumbering as necessary.

The House stood at ease at 7:18 p.m.

The House reconvened at 7:55 p.m., Speaker pro tempore
Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum
was present. The vote revealed seventy-two members present, twenty-
eight absent.

Martin of Scott moved the adoption of amendment H-3056, to the
committee amendment H-3009.

Roll call was requested by Martin of Scott and Fallon of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-3056, to the committee
amendment H-3009, be adopted?" (S.F. 13)

The ayes were, 42:

Baker	Bell	Bernau	Bogges
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Cormack	Dinkla
Doderer	Drees	Eddie	Fallon
Greiner	Grundberg	Hahn	Halvorson
Harper	Heaton	Holveck	Jacobs
Jochum	Kreiman	Larkin	Martin
Mascher	Metcalf	Millage	Myers
Nelson, B.	Nelson, L.	Ollie	Running
Schrader	Veenstra	Warnstadt	Weigel
Wise	Witt		

The nays were, 52:

Arnold	Blodgett	Boddicker	Bradley
Branstad	Brunkhorst	Carroll	Churchill

Coon	Corbett, Spkr.	Cornelius	Daggett
Disney	Drake	Ertl	Garman
Gipp	Greig	Gries	Grubbs
Hammitt	Hanson	Harrison	Hurley
Huseman	Klemme	Lamberti	Larson
Lord	Main	May	McCoy
Mertz	Meyer	Mundie	Murphy
Nutt	O'Brien	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 6:

Brauns	Houser	Koenigs	Kremer
Moreland	Shoultz		

Amendment H-3056 lost.

With the consideration of amendment H-3056, amendment H-3055, filed by Martin of Scott, et. al. on February 8, 1995, was ruled out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brauns of Muscatine on request of Siegrist of Pottawattamie.

Burnett of Story asked and received unanimous consent to withdraw amendment H-3047, to the committee amendment H-3009, filed by her on February 8, 1995.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-3048, to the committee amendment H-3009, filed by him on February 8, 1995.

Boddicker of Cedar offered the following amendment H-3069, to the committee amendment H-3009, filed by him from the floor and moved its adoption:

H-3069

- 1 Amend the amendment, H-3009, to Senate File 13, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 43, by inserting after the word
- 5 "appointment" the following: ", appointed by the
- 6 governor".

Amendment H-3069 was adopted.

Renken of Grundy in the chair at 8:11 p.m.

Doderer of Johnson offered the following amendment H-3052, to the committee amendment H-3009, filed by her and moved its adoption:

H-3052

1 Amend the amendment, H-3009, to Senate File 13, as
 2 amended, passed, and reprinted by the Senate as
 3 follows:
 4 1. Page 4, by inserting after line 4 the
 5 following:
 6 "_. Page 13, by inserting after line 14, the
 7 following:
 8 "g. Develop a video and written materials which
 9 address the issue of pregnancy prevention. The video
 10 and written materials shall be made available to all
 11 public and nonpublic schools in Iowa offering
 12 instruction in grades nine through twelve and shall be
 13 used as a part of the health education curriculum.
 14 The video shall focus on pregnancy prevention by
 15 emphasizing sexual abstinence; by providing
 16 information regarding the comparative failure rates of
 17 contraceptives; by providing information regarding the
 18 responsibilities, including the financial
 19 responsibilities, associated with pregnancy and
 20 support of a child; and by emphasizing responsible
 21 decision making, development of self-esteem, and the
 22 managing of peer pressure."
 23 2. Page 4, by inserting after line 43 the
 24 following:
 25 "_. Page 15, by inserting before line 30, the
 26 following:
 27 "Sec. _. Section 256.11, subsection 5, paragraph
 28 j, Code 1995, is amended by adding the following new
 29 unnumbered paragraph:
 30 NEW UNNUMBERED PARAGRAPH. The health education
 31 program shall include the viewing of the video and
 32 provision of the written materials created by the
 33 advisory committee pursuant to section 135L.5 relating
 34 to pregnancy prevention."

Roll call was requested by Boddicker of Cedar and Grundberg of Polk.

On the question "Shall amendment H-3052, to the committee amendment H-3009, be adopted?" (S.F. 13)

The ayes were, 40:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Coon	Dinkla	Doderer

Grundberg	Hahn	Harper	Holveck
Jacobs	Jochum	Koenigs	Kreiman
Larkin	Martin	Mascher	May
McCoy	Mertz	Metcalf	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Running	Schrader
Siegrist	Warnstadt	Wise	Witt

The nays were, 52:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brunkhorst	Carroll
Churchill	Cormack	Cornelius	Daggett
Disney	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Halvorson
Hammitt	Hanson	Harrison	Heaton
Hurley	Huseman	Klemme	Kremer
Lamberti	Lord	Main	Meyer
Millage	Nutt	Rants	Salton
Schulte	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Renken, Presiding

Absent or not voting, 8:

Brauns	Corbett, Spkr.	Grubbs	Houser
Larson	Moreland	Shoultz	Weigel

Amendment H-3052 lost.

With the consideration of amendment H-3052, amendment H-3051, filed by Doderer of Johnson on February 8, 1995, was out of order.

Boddicker of Cedar offered the following amendment H-3035, to the committee amendment H-3009, filed by him and moved its adoption:

H-3035

- 1 Amend the amendment, H-3009, to Senate File 13, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, by striking line 32 and inserting the
- 5 following: "connection with a good faith effort to
- 6 comply with the provisions of this chapter."

Amendment H-3035 was adopted.

Connors of Polk offered the following amendment H-3060, to the committee amendment H-3009, filed by him and Baker and moved its adoption.

H-3060

- 1 Amend the amendment, H-3009, to Senate File 13, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, by inserting after line 37 the
 5 following:
 6 "Sec. ____ **NEW SECTION.** 135L.9 PREGNANT MINOR —
 7 **RETENTION OF PARENTAL RIGHTS.**
 8 If a pregnant minor decides to continue the
 9 pregnancy to term and retain parental rights to the
 10 child following the child's birth, and if the pregnant
 11 minor and the father of the child do not marry, the
 12 pregnant minor and the child shall live in the home of
 13 the pregnant minor's parent following the birth of the
 14 child."
 15 2. By renumbering as necessary.

Amendment H-3060 lost.

The House resumed consideration of amendment H-3044B, to the committee amendment H-3009, filed by Connors of Polk and Shultz and found on pages 367 through 368 of the House Journal.

Connors of Polk moved the adoption of amendment H-3044B, to the committee amendment H-3009.

A non-record roll call was requested.

The ayes were 29, nays 50.

Amendment H-3044B lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-3068, to the committee amendment H-3009, filed by her from the floor.

Speaker pro tempore Van Maanen of Marion in the chair at 8:42 p.m.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-3071, to the committee amendment H-3009, filed by her from the floor.

Mundie of Webster offered the following amendment H-3073, to the committee amendment H-3009, filed by him from the floor and moved its adoption:

H-3073

- 1 Amend the amendment, H-3009, to Senate File 13, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 16, by inserting after the word
 5 "minor" the following: ", or a grandparent of a
 6 pregnant minor".

Roll call was requested by Schrader of Marion and Ollie of Clinton.

On the question "Shall amendment H-3073, to the committee amendment H-3009, be adopted?" (S.F. 13)

The ayes were, 41:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Dinkla	Doderer	Drees	Fallon
Gries	Grundberg	Harper	Heaton
Holveck	Jacobs	Jochum	Koenigs
Kreiman	Larkin	Martin	Mascher
May	McCoy	Metcalf	Millage
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	O'Brien	Ollie	Running
Schrader	Warnstadt	Weigel	Wise
Witt			

The nays were, 54:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Grubbs	Hahn
Halvorson	Hammit	Hanson	Harrison
Hurley	Huseman	Klemme	Kremer
Lamberti	Larson	Lord	Main
Mertz	Meyer	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen,		
	Presiding		

Absent or not voting, 5:

Brammer	Brauns	Houser	Moreland
Shultz			

Amendment H-3073 lost.

The House resumed consideration of the committee amendment H-3009, as amended.

Boddicker of Cedar moved the adoption of the committee amendment H-3009, as amended.

A non-record roll call was requested.

The ayes were 62, nays 28.

The committee amendment H-3009, as amended, was adopted, placing the following amendments out of order:

H-3028, filed by Fallon of Polk on February 6, 1995.

H-3038, filed by Connors of Polk, et al., on February 7, 1995.

Witt of Black Hawk offered amendment H-3031 filed by Witt, et al., as follows:

H-3031

1 Amend Senate File 13, as amended, passed, and
2 reprinted by the Senate as follows:

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

5 "Section 1. NEW SECTION. 146A.1 NOTIFICATION OF
6 PARENT PRIOR TO PERFORMANCE OF ABORTION ON A PREGNANT
7 MINOR — REQUIREMENTS — ALTERNATIVES — CRIMINAL
8 PENALTY.

9 1. A person shall not perform an abortion on a
10 pregnant minor until at least forty-eight hours' prior
11 notification is provided to a parent of the pregnant
12 minor.

13 2. The person who will perform the abortion shall
14 provide notification in person or by mailing the
15 notification by restricted certified mail to the
16 parent of the pregnant minor at the usual place of
17 abode of the parent. For the purposes of delivery by
18 restricted certified mail, the time of delivery is
19 deemed to occur at twelve o'clock noon on the next day
20 on which regular mail delivery takes place, subsequent
21 to the mailing.

22 3. For the purposes of this section, unless the
23 context otherwise requires:

24 a. "Abortion" means an abortion as defined in
25 chapter 146.

26 b. "Court" means the juvenile court.

27 c. "Medical emergency" means a condition that,
28 based on a physician's clinical judgment, so
29 complicates the medical condition of a pregnant minor
30 as to necessitate the immediate abortion of the
31 minor's pregnancy to avert the minor's death, or for
32 which a delay will create risk of substantial and
33 irreversible impairment of a major bodily function.

34 d. "Minor" means minor as defined in chapter 599.

35 e. "Parent" means one parent of the pregnant minor
36 or the pregnant minor's guardian or custodian.

37 4. Notification shall not be required under this
38 section if any of the following conditions applies:

39 a. The attending physician certifies that a
40 medical emergency existed. The attending physician
41 shall certify in writing the basis for the medical
42 judgment that a medical emergency existed and shall

43 make written certification available to a parent of
44 the pregnant minor prior to the abortion, if possible.
45 If it is not possible to provide a parent of the
46 pregnant minor with written certification prior to the
47 abortion, the physician shall provide the written
48 certification to a parent of the pregnant minor within
49 twelve hours following the performance of the abortion
50 unless paragraph "b", "c", "d", or "e" is applicable.

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1 b. The abortion is authorized in writing by a
2 parent entitled to notification.

3 c. The pregnant minor declares that the pregnant
4 minor is a victim of child abuse pursuant to section
5 232.68, the person responsible for the care of the
6 child is a parent of the minor, and the abuse has been
7 reported pursuant to the procedures prescribed in
8 chapter 232, division III, part 2, or a parent of the
9 pregnant minor is named in a report of founded child
10 abuse. The department of human services shall
11 maintain confidentiality under chapter 232 regarding
12 the minor's pregnancy and abortion, if an abortion is
13 obtained.

14 d. The pregnant minor elects not to allow
15 notification of the pregnant minor's parent and a
16 court authorizes waiver of the notification
17 requirement following completion of the proceedings
18 prescribed under subsection 5.

19 e. The pregnant minor is provided counseling and
20 presents written proof of the completion of counseling
21 to the person performing the abortion. If the
22 pregnant minor chooses the alternative of counseling
23 under this paragraph, all of the following shall
24 apply:

25 (1) The pregnant minor and the person providing
26 counseling shall sign, date and seal, or notarize the
27 document certifying the provision of counseling to be
28 submitted to the person performing the abortion.

29 (2) The counseling is provided, at least forty-
30 eight hours prior to the submission of the counseling
31 document to the person performing the abortion, by one
32 parent of the pregnant minor; by an adult sibling,
33 adult aunt or uncle, or grandparent of the pregnant
34 minor; or by a certified religious counselor,
35 including but not limited to a minister, priest,
36 rabbi, or mullah. Counseling provided by a person
37 associated with a licensed provider who performs
38 abortions does not constitute the receipt of
39 counseling. The forty-eight-hour waiting period may
40 be waived only if the pregnant minor is accompanied to
41 the provider performing the abortion by at least one
42 parent of the pregnant minor, and if at least one
43 parent completes and signs a medical consent form.

44 5. If a pregnant minor objects to the notification
45 of a parent prior to the performance of an abortion on
46 the pregnant minor, the pregnant minor may petition
47 the court to authorize waiver of the notification
48 requirement pursuant to this section in accordance
49 with the following procedures:
50 a. The court shall ensure that the pregnant minor

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1 is provided with assistance in preparing and filing
2 the petition for waiver of notification and shall
3 ensure that the pregnant minor's identity remains
4 confidential.
5 b. The pregnant minor may participate in the court
6 proceedings on the pregnant minor's own behalf and the
7 court may appoint a guardian ad litem for the pregnant
8 minor. The court shall advise the pregnant minor of
9 the pregnant minor's right to court-appointed legal
10 counsel, and shall, upon the pregnant minor's request,
11 provide the pregnant minor with court-appointed legal
12 counsel, at no cost to the pregnant minor.
13 c. The court proceedings shall be conducted in a
14 manner which protects the anonymity of the pregnant
15 minor and all court documents pertaining to the
16 proceedings shall remain confidential. Only the
17 pregnant minor, the pregnant minor's guardian ad
18 litem, the pregnant minor's legal counsel, and persons
19 whose presence is specifically requested by the
20 pregnant minor, by the pregnant minor's guardian ad
21 litem, or by the pregnant minor's legal counsel may
22 attend the hearing on the petition.
23 d. The court proceedings under this section shall
24 be given precedence over other pending matters to
25 ensure that the court reaches a decision
26 expeditiously.
27 e. Upon petition and following an appropriate
28 hearing, the court shall waive the notification
29 requirements if the court determines either of the
30 following:
31 (1) That the pregnant minor is mature and capable
32 of providing informed consent for the performance of
33 an abortion.
34 (2) That the pregnant minor is not mature, or does
35 not claim to be mature, but that notification is not
36 in the best interest of the pregnant minor.
37 f. The court shall issue specific factual findings
38 and legal conclusions, in writing, to support the
39 decision.
40 g. Upon conclusion of the hearing, the court shall
41 immediately issue a written order which shall be
42 provided immediately to the pregnant minor, the
43 pregnant minor's guardian ad litem, the pregnant
44 minor's legal counsel, or any other person designated

45 by the pregnant minor to receive the order.
46 h. An expedited, anonymous, confidential appeal
47 shall be available to a pregnant minor for whom the
48 court denies a petition for waiver of notification.
49 An order granting the pregnant minor's application for
50 waiver of notification is not subject to appeal.

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1 Access to the appellate courts for the purpose of an
2 appeal under this section shall be provided to a
3 pregnant minor twenty-four hours a day, seven days a
4 week.

5 i. The supreme court shall prescribe rules to
6 ensure that the proceedings under this section are
7 performed in an expeditious, anonymous, and
8 confidential manner.

9 j. A pregnant minor who chooses to utilize the
10 waiver of notification procedures under this
11 subsection shall not be required to pay a fee at any
12 level of the proceedings.

13 k. A person performing an abortion on a pregnant
14 minor under this chapter may inform the parent of the
15 pregnant minor of any necessary treatment resulting
16 from complications of the abortion procedure if, in
17 the judgment of the person, failure to inform the
18 parent would seriously jeopardize the health of the
19 pregnant minor.

20 6. Venue for proceedings under this section is in
21 any court in the state.

22 7. A person who performs an abortion in violation
23 of this section is guilty of a serious misdemeanor.

24 8. A person who provides counseling pursuant to
25 subsection 4, paragraph "e", and who complies in good
26 faith with the requirements of that paragraph, is
27 immune from any liability, civil or criminal, which
28 might arise from the provision of counseling.

29 9. A provider who performs an abortion on a
30 pregnant minor and who accepts a documentation of
31 counseling under subsection 4, paragraph "e", in good
32 faith, is immune from any liability, civil or
33 criminal, which might arise from the provider's
34 reliance on the documentation provided. The immunity
35 provided under this subsection does not provide
36 immunity from liability to any provider who performs
37 abortions on pregnant minors and who relies on
38 counseling provided by a person associated with an
39 abortion provider.

40 10. If a pregnant minor elects to continue the
41 pregnancy to term, following the birth of the child,
42 the pregnant minor shall seek the assistance of the
43 child support recovery unit in establishing the
44 paternity of the child, seeking support payments for a
45 reasonable amount of the costs associated with the

46 pregnancy, medical support, and maintenance from the
47 father of the child, or if the father is a minor, from
48 the parents of the minor father. Actions taken by the
49 child support recovery unit, the pregnant minor, or
50 the pregnant minor's parent or agent under this

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1 subsection do not constitute grounds for and legal
2 action by the putative father or the putative father's
3 parent or agent.
4 Sec. 2. NEW SECTION. 232.5 ABORTION PERFORMED ON
5 A MINOR — PROCEEDINGS.
6 The court shall have exclusive jurisdiction over
7 the authorization of an abortion on a pregnant minor
8 pursuant to section 146A.1.”
9 2. Title page, by striking lines 1 through 3, and
10 inserting the following: “An Act relating to the
11 notification of a parent prior to the performance of
12 an abortion on a pregnant minor, providing
13 alternatives to notification, and providing a
14 penalty.”

Warnstadt of Woodbury offered the following amendment H-3065,
to amendment H-3031, filed by him and Metcalf and moved its adop-
tion:

H-3065

1 Amend the amendment, H-3031, to Senate File 13, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 19 the fol-
5 lowing:
6 “kk. Any statement made by a pregnant minor to an
7 officer of the court in connection with the
8 proceedings under this section, shall not be used as
9 evidence against the pregnant minor or an alleged
10 impregnator in any criminal or juvenile proceeding
11 brought pursuant to section 709.4, subsection 2,
12 paragraph “b.”
13 2. By relettering as necessary.

Amendment H-3065 was adopted.

Witt of Black Hawk moved the adoption of amendment H-3031, as
amended.

Roll call was requested by Schrader of Marion and Holveck of Polk.

On the question “Shall amendment H-3031, as amended, be
adopted?” (S.F. 13)

The ayes were, 29:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Grundberg
Harper	Holveck	Jacobs	Jochum
Kreiman	Larkin	Martin	Mascher
Metcalf	Myers	Nelson, L.	Ollie
Schrader	Warnstadt	Weigel	Wise
Witt			

The nays were, 65:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Hurley	Huseman
Klemme	Koenigs	Kremer	Lamberti
Larson	Lord	Main	May
McCoy	Mertz	Meyer	Millage
Mundie	Murphy	Nelson, B.	Nutt
O'Brien	Rants	Renken	Running
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 6:

Brammer	Brauns	Brunkhorst	Houser
Moreland	Shoultz		

Amendment H-3031, as amended, lost.

Grundberg of Polk offered the following amendment H-3046 filed by her and moved its adoption:

H-3046

- 1 Amend Senate File 13, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 135L.1 NOTIFICATION
- 6 REQUIREMENTS — MEDICAL PROCEDURES PERFORMED ON
- 7 MINORS.
- 8 1. As used in this section, unless the context
- 9 otherwise requires:
- 10 a. "Medical emergency" means a condition that,

11 based on a physician's clinical judgment, so
12 complicates the health of a minor as to require
13 immediate medical intervention.

14 b. "Medical provider" means a person licensed to
15 practice medicine and surgery, osteopathic medicine
16 and surgery, osteopathy, chiropractic, massage
17 therapy, physical therapy, podiatry, nursing,
18 dentistry, optometry, or as a physician assistant,
19 dental hygienist, or an acupuncturist, or advanced
20 emergency medical care provider.

21 c. "Minor" means a person under eighteen years of
22 age who has not been and is not married.

23 d. "Parent" means one parent or a legal guardian
24 or custodian of a minor.

25 2. A medical provider shall not provide or perform
26 any diagnosis, treatment, or other medical
27 intervention of, to, or on a minor until a parent of
28 the minor has been notified of the minor's request or
29 presentation for medical intervention. This
30 requirement does not apply if the medical provider
31 certifies, in writing, that a medical emergency exists
32 which necessitates the immediate provision or
33 performance of diagnosis, treatment, or other medical
34 intervention.

35 Sec. 2. Section 125.33, subsection 1, Code 1995,
36 is amended to read as follows:

37 1. A substance abuser or chronic substance abuser
38 may apply for voluntary treatment or rehabilitation
39 services directly to a facility or to a licensed
40 physician and surgeon or osteopathic physician and
41 surgeon. If the proposed patient is a minor or an
42 incompetent person, a parent, a legal guardian or
43 other legal representative ~~may~~ shall make the
44 application. The licensed physician and surgeon or
45 osteopathic physician and surgeon or any employee or
46 person acting under the direction or supervision of
47 the physician and surgeon or osteopathic physician and
48 surgeon, or the facility shall not report or disclose
49 the name of the person or the fact that treatment was
50 requested or has been undertaken to any law

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1 enforcement officer or law enforcement agency; nor
2 shall such information be admissible as evidence in
3 any court, grand jury, or administrative proceeding
4 unless authorized by the person seeking treatment. If
5 ~~the person seeking such treatment or rehabilitation is~~
6 ~~a minor who has personally made application for~~
7 ~~treatment, the fact that the minor sought treatment or~~
8 ~~rehabilitation or is receiving treatment or~~
9 ~~rehabilitation services shall not be reported or~~
10 ~~disclosed to the parents or legal guardian of such~~
11 ~~minor without the minor's consent, and the minor may~~

12 ~~give legal consent to receive such treatment and~~
13 ~~rehabilitation.~~

14 Sec. 3. Section 141.22, subsection 6, Code 1995,
15 is amended to read as follows:

16 6. A person may apply for voluntary treatment,
17 contraceptive services, or screening or treatment for
18 AIDS and other sexually transmitted diseases, directly
19 to a licensed physician and surgeon, an osteopathic
20 physician and surgeon, or a family planning clinic.
21 ~~Notwithstanding any other provision of law, if~~ if the
22 ~~person seeking the treatment is a minor who has~~
23 ~~personally made a parent, legal guardian, or custodian~~
24 ~~shall make the~~ application for services, screening, or
25 ~~treatment, the fact that the minor sought services or~~
26 ~~is receiving services, screening, or treatment shall~~
27 ~~not be reported or disclosed, except for statistical~~
28 ~~purposes. Notwithstanding any other provision of law,~~
29 ~~however, the~~ The minor shall be informed prior to
30 testing that upon confirmation according to prevailing
31 medical technology of a positive HIV-related test
32 result the minor's parent, legal guardian, or
33 custodian is required to be informed by the testing
34 facility. Testing facilities where minors are tested
35 shall have available a program to assist minors and
36 parents, legal guardians, and custodians with the
37 notification process which emphasizes the need for
38 family support and assists in making available the
39 resources necessary to accomplish that goal. However,
40 a testing facility which is precluded by federal
41 statute, regulation, or center for disease control
42 guidelines, from informing the legal guardian is
43 exempt from the notification requirement, but not from
44 the requirement for an assistance program. ~~The minor~~
45 ~~shall give written consent to these procedures and to~~
46 ~~receive the services, screening, or treatment. Such~~
47 ~~consent is not subject to later disaffirmance by~~
48 ~~reason of minority.~~

49 Sec. 4. Section 147.137, subsection 3, Code 1995,
50 is amended to read as follows:

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1 3. Is signed by the patient for whom the procedure
2 is to be performed, or if the patient for any reason
3 lacks legal capacity to consent, including that the
4 patient is under eighteen years of age and has not
5 been and is not married, is signed by a person who has
6 legal authority to consent on behalf of that patient
7 in those circumstances.

8 Sec. 5. Section 147A.10, subsection 2, Code 1995,
9 is amended to read as follows:

10 2. A physician, physician's designee, physician
11 assistant, or advanced emergency medical care provider
12 shall not be subject to civil liability solely by

13 reason of failure to obtain consent before rendering
 14 emergency medical, surgical, hospital or health
 15 services to any individual, ~~regardless of age~~, when
 16 the patient is unable to give consent for any reason
 17 and there is no other person reasonably available who
 18 is legally authorized to consent to the providing of
 19 such care. However, if the individual is under
 20 eighteen years of age and has not been and is not
 21 married, a parent, legal guardian, or custodian shall
 22 be notified prior to the rendering of services to the
 23 individual, unless a medical emergency exists. For
 24 the purposes of this subsection "medical emergency"
 25 means medical emergency as defined in section 135L.1.

26 Sec. 6. Section 229.2, subsection 1, unnumbered
 27 paragraph 2, Code 1995, is amended to read as follows:

28 In the case of a minor, the parent, guardian, or
 29 custodian ~~may~~ shall make application for admission of
 30 the minor as a voluntary patient.

31 Sec. 7. Section 229.2, subsection 1, paragraphs a
 32 through f, Code 1995, are amended by striking the
 33 paragraphs.

34 Sec. 8. Sections 140.9 and 599.6, Code 1995, are
 35 repealed."

36 2. Title page, line 1, by striking the words
 37 "decision-making process" and inserting the following:
 38 "notification process for minors seeking medical
 39 intervention."

40 3. Title page, by striking lines 2 and 3.

Amendment H-3046 lost, placing out of order the following amend-
 ments: H-3057 and H-3058, filed by Connors of Polk and Baker on
 February 8, 1995.

Kreiman of Davis offered the following amendment H-3040 filed by
 him and moved its adoption:

H-3040

1 Amend Senate File 13, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting after line 20 the
 4 following:

5 "___ A person who will perform an abortion on a
 6 pregnant minor shall inform the pregnant minor of the
 7 requirement of notification of a parent of the
 8 pregnant minor prior to the performance of an abortion
 9 on the pregnant minor, of the option available to the
 10 pregnant minor to petition the court to authorize
 11 waiver of the notification requirement, and of the
 12 other exceptions to required notification."

13 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 23, nays 51.

Amendment H-3040 lost.

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

On the question "Shall the bill pass?" (S.F. 13)

The ayes were, 70:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brunkhorst	Carroll
Cataldo	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Hurley	Huseman	Jochum
Klemme	Koenigs	Kremer	Lamberti
Larson	Lord	Main	May
McCoy	Mertz	Meyer	Millage
Mundie	Murphy	Nelson, B.	Nutt
O'Brien	Rants	Renken	Running
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Van Maanen, Presiding		

The nays were, 26:

Baker	Bell	Bernau	Brand
Burnett	Cohoon	Connors	Doderer
Fallon	Grundberg	Harper	Holveck
Jacobs	Kreiman	Larkin	Martin
Mascher	Metcalf	Myers	Nelson, L.
Ollie	Schrader	Shoultz	Warnstadt
Wise	Witt		

Absent or not voting, 4:

Brammer	Brauns	Houser	Moreland
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 13** 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 February 9, 1995, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 17, a concurrent resolution urging the Federal Trade Commission to amend a consent agreement that would require the divestiture of the Fort Dodge Friskies PetCare Plant.

Also: That the Senate has on February 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 14, a bill for an act relating to the commission on compensation, expenses, and salaries for elective state officials and providing an effective date.

Also: That the Senate has on February 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 82, a bill for an act relating to medical assistance provisions including those relating to presumptive eligibility for pregnant women and the estates and trusts of recipients of medical assistance, and providing an effective date.

Also: That the Senate has on February 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 87, a bill for an act relating to nonsubstantive Code corrections, and providing effective and applicability date provisions.

Also: That the Senate has on February 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 88, 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 February 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 93, a bill for an act related to criminal offenses against minors and sexually violent offenses and offenders committing those offenses, by requiring registration by offenders, providing for the establishment of a sex offender registry, permitting the charging of fees, and providing penalties.

Also: That the Senate has on February 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 114, a bill for an act relating to anabolic steroids and the Iowa uniform controlled substances Act.

Also: That the Senate has on February 9, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 14, a concurrent resolution relating to a Biennial Memorial Session.

JOHN F. DWYER, Secretary

The House stood at ease at 11:10 p.m., until the fall of the gavel.

The House resumed session at 12:14 a.m., Speaker Corbett in the chair.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of February, 1995: House File 3.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The Annual Report, pursuant to Chapter 28C.6, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\41 Charley Schram, Manilla – For receiving the Unsung Sports Hero Award.
- 1995\42 Lisa Switzer, Cedar Rapids – For being selected the 1995 American Heart Association Ambassador.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 6

State Government: Thomson, Chair; Bernau and Martin

House File 58

Local Government: Carroll, Chair; Connors and Hanson.

House File 69

Local Government: Carroll, Chair; Klemme and Mundie.

House File 123

Local Government: Brauns, Chair; Huseman and Mundie.

House File 125

Local Government: Welter, Chair; Hanson and Larkin.

House File 139

Human Resources: Blodgett, Chair; Brand and Harrison.

House File 143

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House File 144

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House File 145

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House File 146

Local Government: Hanson, Chair; Cohoon and Huseman.

House File 148

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

Senate File 60

Economic Development: Lord, Chair; Heaton and Nelson of Pottawattamie.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 106

Appropriations: Cormack, Chair; Gipp and Kreiman.

House Study Bill 107

Appropriations: Sukup, Chair; Brand and Ertl.

House Study Bill 110

State Government: Jacobs, Chair; Bernau and Renken.

House Study Bill 111

State Government: Jacobs, Chair; Bradley and Connors.

House Study Bill 112

State Government: Tyrrell, Chair; Churchill and Jochum.

House Study Bill 113

State Government: Drake, Chair; Brammer and Renken.

House Study Bill 115

Labor and Industrial Relations: Boddicker, Chair; Kremer and Running.

House Study Bill 116

Ways and Means: Blodgett, Chair; Rants and Weigel.

House Study Bill 117

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House Study Bill 118

Ways and Means: Greig, Chair; Brammer and Teig.

House Study Bill 119

Ways and Means: Grubbs, Chair; Doderer and Gries.

House Study Bill 120

Ways and Means: Larson, Chair; Doderer, Nütt, Shultz and Van Fossen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 122 State Government**

Claiming sovereignty under the Tenth Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the federal government by the Constitution and demanding that the federal government cease mandates that are beyond the scope of its constitutional powers.

H.S.B. 123 Technology

Relating to the computerization of the chambers of the General Assembly.

H.S.B. 124 Transportation

Relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders.

H.S.B. 125 Economic Development

Relating to providing a sales tax exemption for businesses which qualify for the new jobs and income program and providing a penalty.

H.S.B. 126 State Government

Relating to persons and activities regulated by the ethics and campaign disclosure board, by adding and changing definitions of commissioner,

political committee, and lobbyist; changing the providing for the appointment of committee personnel and the maintenance of committee funds, providing for the retention of records, establishing requirements for committee names, specifying requirements for out-of-state committee filings, prohibiting political committees from supporting a single candidate, revising filing deadlines and the contents of disclosure reports, providing for disclaimers on published materials by nonregistered entities, including federal corporations under corporate activity prohibitions, allowing candidates to donate funds to political subdivisions, amending the board complaint process, providing for the establishment of staff salaries, revising personal financial disclosure statement requirements, and making other related changes.

H.S.B. 127 Human Resources

Relating to health facilities under the purview of the department of inspections and appeals.

H.S.B. 128 Human Resources

Relating to health care reform, legal process changes, income tax deductions for individuals purchasing health insurance, and providing effective date provisions.

H.S.B. 129 Technology

Relating to the Iowa communications network and authorizing the state to own the connections for certain part III users.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON TECHNOLOGY

Committee Bill (Formerly House Study Bill 13), relating to the fee which may be charged by an Iowa communications network receiving site.

Fiscal Note not required.

Recommended **Do Pass** February 9, 1995.

Committee Resolution (Formerly House Study Bill 79), requesting that the Congress of the United States direct the Health Care Financing Administration to establish a national policy no later than July 1, 1995, for Medicare reimbursement of telemedicine services.

Fiscal Note not required.

Recommended **Amend and Do Pass** February 9, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 25), updating the Iowa Code references to the Internal Revenue Code and providing retroactive applicability and effective dates.

Fiscal Note not required.

Recommended **Do Pass** February 9, 1995.

Committee Bill (Formerly House Study Bill 58), relating to the production of ornamental, flowering, or vegetable plants for purposes of the state sales tax.

Fiscal Note not required.

Recommended **Do Pass** February 9, 1995.

RESOLUTIONS FILED

HCR 18, by Klemme, Rants, Nutt, and Warnstadt, a concurrent resolution relating to border city trucking agreements.

Referred to committee on **transportation**.

HCR 19, by committee on technology, a concurrent resolution requesting that the Congress of the United States direct the Health Care Financing Administration to establish a national policy no later than July 1, 1995, for Medicare reimbursement of telemedicine services.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3072	H.F.	132	Running of Linn
H-3074	H.F.	126	Dinkla of Guthrie Vande Hoef of Osceola Metcalf of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 12:15 a.m. until 9:00 a.m., Friday, February 10, 1995.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 10, 1995

The House met pursuant to adjournment at 9:05 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Kenneth Veenstra, state representative from Sioux County.

The Journal of Thursday, February 9, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie on request of Renken of Grundy.

PETITIONS FILED

By Doderer of Johnson from thirty-three members of East Union Mennonite Congregation opposing the death penalty.

By Garman of Story from three hundred fifty-six citizens of Iowa favoring five proposed changes in the OWI law to keep the repeat drunk driving offender off the streets.

The House stood at ease at 9:15 a.m., until the fall of the gavel.

The House resumed session at 10:33 a.m., Speaker Corbett in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on February 10, 1995, appointed Senator Neuhauser in place of Senator Murphy on the Conference Committee on Senate File 17, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

JOHN F. DWYER, Secretary.

EXPLANATION OF VOTE

When the vote was taken on Senate File 32, I did not get registered. I wish to be recorded as voting "aye".

MASCHER of Johnson

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF NATURAL RESOURCES

The FY 1994 Annual Report for the Building Energy Management programs, pursuant to Chapter 7A.3(12) Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

A report of Vital Statistics for 1993, pursuant to Chapter 7E Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The 1994 annual report of the Iowa Railway Finance Authority, pursuant to Chapter 3271.8(6), Code of Iowa.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 121**

Natural Resources: Branstad, Chair; Eddie and Shultz.

House Study Bill 127

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House Study Bill 128

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

On motion by Siegrist of Pottawattamie, the House adjourned at 10:35 a.m. until 1:00 p.m., Monday, February 13, 1995.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 13, 1995

The House met pursuant to adjournment at 1:00 p.m. Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Karen Groe Dearchs, pastor of the Methodist Churches of Hornick and Smithland and the UCC Church of Rodney.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Johari Reed, Kelifala Dabo, Jalaal Reed and Ed Rhodes of the Corinthian Baptist Church Boy Scout Troop.

The Journal of Friday, February 10, 1995 was approved.

PETITION FILED

By Eddie of Buena Vista from forty-four constituents of District 10 favoring the adoption and ratification of a constitutional amendment allowing the states and congress to enact laws prohibiting physical desecration of the United States flag.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, until his return, on request of Schrader of Marion.

INTRODUCTION OF BILLS

House File 158, by Renken, a bill for an act imposing a limit on noneconomic damages in tort actions.

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

House File 159, by committee on ways and means, a bill for an act relating to the production of ornamental, flowering, or vegetable plants for purposes of the state sales tax.

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

House File 160, by Weidman, a bill for an act relating to imposing a prison and jail surcharge on scheduled fines and forfeitures and providing for the appropriation and disposition of the proceeds from the surcharge for prisons and jails.

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

House File 161, by committee on technology, a bill for an act relating to the fee which may be charged by an Iowa communications network receiving site.

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

House File 162, by Weigel, a bill for an act relating to establishing incentive regulation and pricing flexibility for telephone companies.

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

House File 163, by Meyer, a bill for an act providing for interests by persons in certain entities owning or leasing agricultural land, and making penalties applicable.

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

House File 164, by committee on ways and means, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing retroactive applicability and effective dates.

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

SENATE MESSAGES CONSIDERED

Senate File 14, by Horn, a bill for an act relating to the commission on compensation, expenses, and salaries for elective state officials and providing an effective date.

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

Senate File 82, by committee on human resources, a bill for an act relating to medical assistance provisions including those relating to presumptive eligibility for pregnant women and the estates and trusts of recipients of medical assistance and providing an effective date.

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

Senate File 87, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections, and providing effective and applicability date provisions.

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

Senate File 88, by committee on judiciary, 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**.

Senate File 93, by committee on judiciary, a bill for an act related to criminal offenses against minors and sexually violent offenses and offenders committing those offenses, by requiring registration by offenders, providing for the establishment of a sex offender registry, permitting the charging of fees, and providing penalties.

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

Senate File 114, by committee on human resources, a bill for an act relating to anabolic steroids and the Iowa uniform controlled substances Act.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker, I am directed to inform your honorable body that the Senate has on February 9, 1995, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 37, a bill for an act relating to the control of emissions from grain storage facilities, by imposing a moratorium upon the department of natural resources, providing for the issuance of a single permit, and providing an effective date.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

House File 132, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 1994, and providing an effective date, was taken up for consideration.

The House stood at ease at 1:20 p.m., until the fall of the gavel.

The House reconvened, at 2:10 p.m., Speaker Corbett in the chair.

Wise of Lee offered the following amendment H-3054 filed by him and Brand and moved its adoption:

H-3054

- 1 Amend House File 132 as follows:
- 2 1. Page 1, line 28, by striking the figure
- 3 "3,445,000" and inserting the following: "3,695,000".
- 4 2. Page 1, by inserting after line 28 the
- 5 following:
- 6 "Of the moneys appropriated in this section,
- 7 \$250,000 shall be used for costs associated with the

- 8 network including but not limited to 11 additional
 9 FTEs, financial management needs, technical resources,
 10 equipment, furnishing, support, and computer costs
 11 associated with current and additional staff.”

A non-record roll call was requested.

The ayes were 30, nays 56.

Amendment H-3054 lost.

Millage of Scott offered the following amendment H-3039 filed by him and moved its adoption:

H-3039

- 1 Amend House File 132 as follows:
 2 1. Page 2, by striking line 8 and inserting the
 3 following:
 4 “..... \$ 2,250,000”.

Amendment H-3039 was adopted.

Millage of Scott asked and received unanimous consent to withdraw amendment H-3053 filed by him on February 8, 1995.

Running of Linn offered the following amendment H-3072 filed by him and moved its adoption:

H-3072

- 1 Amend House File 132 as follows:
 2 1. Page 2, by inserting after line 8 the
 3 following:
 4 “The director of the department of economic
 5 development shall develop a proposed decision-making
 6 process for managing the community economic betterment
 7 program so that moneys available to the program for a
 8 fiscal year are sufficient for the entire fiscal year
 9 and a supplemental appropriation for the program is
 10 not requested. The director shall submit the proposed
 11 decision-making process to the general assembly and
 12 the economic development board on or before April 14,
 13 1995.”

Roll call was requested by Schrader of Marion and Running of Linn.

On the question “Shall amendment H-3072 be adopted?” (H.F. 132)

The ayes were, 36:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Coon	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May

McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Warnstadt	Weigel	Wise	Witt

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker, Corbett		

Absent or not voting, 2:

Brammer Gipp

Amendment H-3072 lost.

Murphy of Dubuque asked and received unanimous consent to suspend the rules to consider the following amendment H-3077, filed by Murphy of Dubuque and Millage from the floor and moved its adoption:

H-3077

- 1 Amend House File 132, as follows:
- 2 1. By striking page 1, line 20 and inserting the
- 3 following:
- 4 "..... \$ 674,809".

Amendment H-3077 was adopted.

Carroll of Poweshiek in the chair at 3:17 p.m.

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. 132)

The ayes were, 68:

Arnold	Bell	Blodgett	Boddicker
Boggess	Bradley	Branstad	Brauns
Brunkhorst	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Witt	Carroll, Presiding

The nays were, 29:

Baker	Bernau	Brand	Burnett
Cataldo	Cohoon	Connors	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Mascher	May
McCoy	Mertz	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Wise			

Absent or not voting, 3:

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

Under the provisions of Rule 76, relating to conflict of interest, Moreland of Wapello and Kreiman of Davis refrained from voting.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 132** be immediately messaged to the Senate.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 2, 1995, and is on file in the office of the Chief Clerk:

February 2, 1995

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

These are transmitted herewith claims against the State of Iowa to be filed with the Administration and Rules Committee of the House of Representatives.

This listing includes 89 claims of general nature that were denied by the State Appeal Board at the January 10, 1995 meetings. This supplements our filing of January 10, 1995.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Michael L. Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 76TH GENERAL ASSEMBLY
January 1995

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G940454	City of Ferguson	Marshalltown, IA	Sales Tax Refund	\$2,490.21
G950054	Joseph & Marcella Ryan	Shenandoah, IA	Income Tax Refund	\$1,711.00
G950059	Karl E. Schueller	Dubuque, IA	Income Tax Refunds	\$3,600.00
G950060	Tom Million	Hamburg, IA	Income Tax Refunds	\$2,527.00
G950062	Dwight M. Dahrymple	Waterloo, IA	Income Tax Refund	\$551.00
G950063	Dwight M. Dahrymple	Waterloo, IA	Income Tax Refund	\$561.00
G950064	Dwight M. Dahrymple	Waterloo, IA	Income Tax Refund	\$462.00
G950073	LeRoy & Helen Evans	Burlington, IA	Income Tax Refund	\$823.00
G950074	Norbert D. Moh	Des Moines, IA	Income Tax Refund	\$5,503.00
G950076	Dudley D. Kool	Sioux City, IA	Income Tax Refund	\$77.00
G950078	Robert B. Brostad	Galva, IA	Income Tax Refund	\$1,270.00
G950081	Darlene F. Smith	Sioux City, IA	Income Tax Refund	\$603.43

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950082	Irma W. Hess	Amana, IA	Income Tax Refund	\$6,335.00
G950083	Ervin E. Bostwick, Jr.	Riverton, IA	Income Tax Refund	\$351.00
G950085	Claude & Betty Engle	Shenandoah, IA	Income Tax Refund	\$479.00
G950087	Rodger L. Johnston	West Liberty, IA	Income Tax Refund	\$2,305.94
G950088	Harold L. Nellist	Storm Lake, IA	Income Tax Refund	\$521.00
G950089	Dolores J. Sierck	Spencer, IA	Income Tax Refund	Unspecified
G950096	Joseph A. Mohan	Hawarden, IA	Income Tax Refund	\$2,400.00
G950098	Edna M. Ogg	Ames, IA	Income Tax Refund	\$1,219.00
G950109	Carl W. Hergert	Middle, IA	Income Tax Refund	\$1,550.00
G950110	Laura M. Goodenow	Battle Creek, IA	Income Tax Refund	\$1,487.00
G950112	Elaine Meredith	Des Moines, IA	Income Tax Refund	\$523.00
G950113	Alfred Vogel	Sibley, IA	Income Tax Refund	\$1,270.00
G950119	Floyd T. Thompson	Des Moines, IA	Income Tax Refund	\$396.00
G950120	Floyd T. Thompson	Des Moines, IA	Income Tax Refund	\$366.00
G950121	R.W. Witcombe	Cherokee, IA	Income Tax Refund	\$1,568.00
G950127	Charles & Helen Castle	Shenandoah, IA	Income Tax Refund	\$1,071.00
G950128	Don S. Amos	Shenandoah, IA	Income Tax Refund	\$1,612.00
G950129	Leon & Maria Morland	Des Moines, IA	Income Tax Refund	\$209.00
G950130	Janice I. Wachter	Iowa City, IA	Income Tax Refund	\$1,911.00
G950134	Ramona Masters	Des Moines, IA	Income Tax Refund	\$1,586.00
G950135	Robert F. Murphy	Onawa, IA	Income Tax Refund	\$771.84
G950139	Edward C. Fritsche c/o Orville Bloethe	Victor, IA	Income Tax Refund	Unspecified
G950142	Earl R. Grace	Riceville, IA	Income Tax Refund	\$459.00
G950143	Stanley G. Osterholt	Sioux City	Income Tax Refund	\$400.00
G950145	William T. Stephens	Sioux City, IA	Income Tax Refund	\$2,196.14
G950146	James & Opal Lynes	Plainfield, IA	Income Tax Refund	\$2,007.00
G950153	Kenneth W. Winter	Sioux City, IA	Income Tax Refund	\$757.99
G950157	Dorothy Thompson Davis	Burlington, IA	Income Tax Refund	\$2,008.00

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950159	Kenneth & Marilyn Lyon	Sioux City, IA	Income Tax Refund	\$956.00
G950161	James L. Harold	Glenwood, IA	Income Tax Refund	\$3,823.00
G950163	Doyle A. Miller	Sibley, IA	Income Tax Refund	\$801.00
G950164	Samuel D. Torrence	Estherville, IA	Income Tax Refund	\$297.00
G950165	John J. Gaynor	Dubuque, IA	Income Tax Refund	\$602.00
G950166	Ralph Miller	Onawa, IA	Income Tax Refund	\$616.00
G950169	Eugene & Gladys Rittman	Ankeny, IA	Income Tax Refund	\$2,278.09
G950170	James Oldenkamp	Sioux City, IA	Income Tax Refund	\$520.00
G950176	Donald and Dean De Gooyer	Sioux Center, IA	Income Tax Refund	\$165.00
G950177	James & Lucille Harty	Sioux City, IA	Income Tax Refund	\$479.00
G950178	Virginia A. VanSlyke	Bellevue, IA	Income Tax Refund	\$580.63
G950179	Harold & Alice Lofgreen	Marshalltown, IA	Income Tax Refund	\$3,036.00
G950180	Robert & Shirlee Odell	Iowa City, IA	Income Tax Refund	\$974.77
G950183	Frederick E. Bishop	Glenwood, IA	Income Tax Refund	\$1,552.00
G950184	Wilbur J. Vogel	Dubuque, IA	Income Tax Refund	\$1,740.00
G950192	Carol M. Vincent	Iowa City, IA	Income Tax Refund	\$151.00
G950196	Peter Paul Allos	Mason City, IA	Income Tax Refund	\$3,712.00
G950200	Melvin L. Allison	Cedar Rapids, IA	Income Tax Refund	\$2,350.00
G950202	Harold Barnes	Sioux City, IA	Income Tax Refund	\$358.00
G950203	Lester Gerkey, deceased, by Theda Gerkey, widow	Chariton, IA	Income Tax Refund	\$85.00
G950206	Marjorie M. Smith	Sioux City, IA	Income Tax Refund	\$439.56
G950207	Richard & Elizabeth Pianca	Davenport, IA	Income Tax Refund	\$1,698.00
G950208	Richard & Elizabeth Pianca	Davenport, IA	Income Tax Refund	\$4,287.00

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950209	Maxine E. Spurgeon	Wausau, WI	Income Tax Refund	\$1,767.00
G950212	Geraldine Wessman	Ames,, IA	Income Tax Refund	\$3,110.00
G950213	Andrea L. Tatkon-Coker	Traverse City, MI	Income Tax Refund	\$3,058.00
G950214	Thomas W. Fries	Urbandale, IA	Income Tax Refund	\$139.00
G950215	Thomas W. Fries	Urbandale, IA	Income Tax Refund	\$134.00
G950216	Thomas W. Fries	Urbandale, IA	Income Tax Refund	\$98.00
G950217	Thomas W. Fires	Urbandale, IA	Income Tax Refund	\$82.00
G950218	Ira L. Good	Glenwood, IA	Income Tax Refund	\$1,406.00
G950220	Robert L. Davis	Glenwood, IA	Income Tax Refund	\$3,083.00
G950223	John V. McDonough	Oxford, IA	Income Tax Refund	\$196.00
G950224	John V. McDonough	Oxford, IA	Income Tax Refund	\$225.00
G950225	John V. McDonough	Oxford, IA	Income Tax Refund	\$241.00
G950226	John V. McDonough	Oxford, IA	Income Tax Refund	\$289.00
G950230	James McDonough	Oxford, IA	Income Tax Refund	\$255.00
G950231	Ralph J. Reining	Laurens, IA	Income Tax Refund	\$56.00
G950232	Rita R. Brooks	Coralville, IA	Income Tax Refund	\$301.00
G950234	Forrest & Margaret Peterson	Estherville, IA	Income Tax Refund	Unspecified
G950248	Oliver Thompson	Ridgeway, IA	Income Tax Refund	\$607.00
G950249	Oliver Thompson	Ridgeway, IA	Income Tax Refund	\$581.00
G950250	Oliver Thompson	Ridgeway, IA	Income Tax Refund	\$589.00
G950251	Oliver Thompson	Ridgeway, IA	Income Tax Refund	\$600.00
G950252	Lloyd A. Trometer	Sioux City, IA	Income Tax Refund	\$1,096.00
G950257	John T. & Hilda Feeley, Sr.	Ankeny, IA	Income Tax Refund	\$56.00
G950258	John T. & Hilda Feeley, Sr.	Ankeny, IA	Income Tax Refund	\$197.00
G950259	Arthur & Josephine Wetteland	Boone, IA	Income Tax Refund	\$723.00

<u>Claim</u>	<u>Claimant</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950260	Barry Ratley	Council Bluffs, IA	Income Tax Refund	\$4,667.00
G950261	Lloyd G. Good	Burlington, IA	Income Tax Refund	\$856.00
G951073	Lutheran Social Service of Iowa	Des Moines, IA	Purchase of Service	\$277.29

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 13, 1995, he approved and transmitted to the Secretary of State the following bill:

House File 3, an act relating to the state banner.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday evening, February 9, 1995. Had I been present, I would have voted "aye" on Senate File 13.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on Thursday evening, February 9, 1995. Had I been present, I would have voted "aye" on Senate File 13.

HOUSER of Pottawattamie

PRESENTATION OF VISITORS

Daggett of Union presented to the House the Honorable Arlo Hullinger, former member of the House representing Decatur County.

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

Three high school students from Starmont High School. By Halvorson of Clayton and Kremer of Buchanan.

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\43 Paul and Doris Van Gorp, Newton - For celebrating their 50th wedding anniversary.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 130 Ways and Means

Relating to state and local taxes including appeals of department of revenue and finance actions, the prohibition of unconstitutional or illegal tax collections, assessment procedures pertaining to amended returns, corporate income tax rates, sales tax on test laboratory services, collection of sales tax by out-of-state retailers, interest accrual on sales and use tax refunds, sales and use tax exemption for machinery and equipment replacement parts, sales tax permit denial for delinquent taxes, bonding provisions for sales tax and environmental protection charge contested case decisions, costs associated with contested case hearings, penalty for underpayment of corporation income and franchise taxes, services subject to use tax, penalty for underpayment of use tax, disclosure of tax return information, the repeal of obsolete property tax provisions, and imposition of the drug excise tax on unprocessed marijuana plants.

H.S.B. 131 Ways and Means

Relating to sales tax exemptions for aircraft repair and replacement parts inventories in certain sized counties.

H.S.B. 132 Economic Development

Relating to the statute of limitations for products liability actions and providing immunity from products liability under certain circumstances.

H.S.B. 133 Commerce-Regulation

Relating to pipelines and underground storage of hazardous liquids, and providing penalties and effective and retroactive applicability date provisions.

H.S.B. 134 Commerce-Regulation

Eliminating the prohibition on a company formed for the purpose of insurance from offering title insurance or insurance against loss or damage by reason of defective title.

H.S.B. 135 Commerce-Regulation

Relating to the administration of trusts and estates by corporate fiduciaries.

H.S.B. 136 Judiciary

Relating to the establishment of surrogacy procedures and providing for the Act's applicability.

H.S.B. 137 Judiciary

Relating to the civil rights commission concerning the enforcement of civil rights laws, and the promotion and transfer of employed disabled persons.

H.S.B. 138 Judiciary

Relating to the enforcement of civil rights laws by the civil rights commission by changing the definition of a public accommodation and by granting the commission subpoena power.

RESOLUTION FILED

SCR 14, by committee on rules and administration, a senate concurrent resolution relating to a Biennial Memorial Session.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3076	H.F.	111	O'Brien of Boone
H-3078	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3079	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3080	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3081	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3082	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3083	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3084	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3085	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3086	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3087	H.F.	126	Kremer of Buchanan Heaton of Henry

H-3088	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3089	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3090	H.F.	126	Kremer of Buchanan Heaton of Henry
H-3091	H.F.	126	Wise of Lee Nelson of Pottawattamie Warnstadt of Woodbury
Myers of Johnson Koenigs of Mitchell Bell of Jasper			
H-3092	H.F.	126	Kremer of Buchanan Heaton of Henry

On motion by Siegrist of Pottawattamie, the House adjourned at 4:10 p.m until 8:45 a.m., Tuesday, February 14, 1995.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 14, 1995

The House met pursuant to adjournment at 8:48 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Cathy Young, First Presbyterian Church of Waterloo.

The Journal of Monday, February 13, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story on request of Schrader of Marion; Siegrist of Pottawattamie on request of Gipp of Winneshiek.

INTRODUCTION OF BILLS

House File 165, by Shoultz, a bill for an act creating an assisted school districts fund and making an appropriation.

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

House File 166, by Mertz, a bill for an act relating to procedures and criteria for recovery by private property owners due to inverse condemnation of real property by state government action and providing an applicability date.

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

House File 167, by Ollie, a bill for an act making an appropriation to the teacher exchange program.

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

House File 168, by Koenigs, a bill for an act relating to animal feeding operations, by providing for a pilot project, and providing for an appropriation.

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

CONSIDERATION OF BILLS

Appropriations Calendar

House File 133, a bill for an act creating a highway safety patrol fund, allocating use tax receipts, and providing appropriations, was taken up for consideration.

The House stood at ease at 8:53 a.m., until the fall of the gavel.

The House resumed session at 10:06 a.m., Speaker Corbett in the chair.

Gipp of Winneshiek asked and received unanimous consent that **House File 133** be deferred and that the bill retain its place on the calendar.

On motion by Gipp of Winneshiek, the House was recessed at 10:09 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House resumed session at 1:00 p.m., Speaker Corbett in the chair.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 13

Martin of Scott called up for consideration of House Concurrent Resolution 13, a concurrent resolution recognizing the seventy-fifth anniversary of the founding of the League of Women Voters of Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 13** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Martin of Scott presented to the House Jane Cox, Professor of Theatre, Iowa State University, who portrayed Carrie Chapman Catt, of Iowa, the founder of the League of Women Voters organization on February 14, 1920. The organization is celebrating the Seventy-fifth Anniversary. Ms. Cox, assuming the role of Carrie Chapman Catt, addressed the House briefly with Ms. Catt's remarks.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS Appropriations Calendar

The House resumed consideration of **House File 133**, a bill for an act creating a highway safety patrol fund, allocating use tax receipts, and providing appropriations, previously deferred.

Koenigs of Mitchell offered the following amendment H-3036 filed by him and moved its adoption:

H-3036

- 1 Amend House File 133 as follows:
- 2 1. Page 1, by striking lines 19 through 22 and
- 3 inserting the following:
- 4 "2. Any revenues remaining shall be credited to
- 5 the road use tax fund created under section 312.1."

Roll call was requested by Koenigs of Mitchell and Rants of Woodbury.

On the question "Shall amendment H-3036 be adopted?"
(H.F. 133)

The ayes were, 52:

Arnold	Bernau	Boggess	Bradley
Brand	Branstad	Brunkhorst	Burnett
Carroll	Cohoon	Coon	Cornelius
Daggett	Doderer	Drake	Drees
Eddie	Garman	Greig	Greiner
Gries	Hammitt	Harper	Heaton
Houser	Hurley	Huseman	Jochum
Klemme	Koenigs	Kreiman	Kremer
Larkin	Lord	Main	Mascher
May	Mertz	Meyer	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Salton	Schrader
Teig	Tyrrell	Weidman	Weigel

The nays were, 44:

Baker	Bell	Blodgett	Boddicker
Brauns	Cataldo	Churchill	Connors
Cormack	Dinkla	Disney	Ertl
Gipp	Grubbs	Hahn	Halvorson
Hanson	Harrison	Holveck	Jacobs
Lamberti	Larson	Martin	McCoy
Metcalf	Millage	Nelson, B.	Nutt
Rants	Renken	Running	Schulte
Shoultz	Sukup	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Welter	Wise	Witt	Mr. Speaker Corbett

Absent or not voting, 4:

Brammer	Fallon	Grundberg	Siegrist
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Amendment H-3036 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. 133)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cphoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Döderer	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 3:

Bernau	Churchill	Shoultz
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Absent or not voting, 5:

Brammer	Fallon	Grundberg	Metcalf
Siegrist			

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that House File 133 be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED

Disney of Polk asked and received unanimous consent for the immediate consideration of the motion to reconsider House File 54,

filed by him on February 7, 1995, and moved to reconsider the vote by which **House File 54**, a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state, passed the House and was placed on its last reading on February 7, 1995, placing out of order the motion to reconsider filed by Moreland of Wapello on February 7, 1995.

The motion prevailed and the House reconsidered **House File 54**, a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state.

Disney of Polk offered the following amendment H-3062 filed by him and Kreiman and moved its adoption:

H-3062

- 1 Amend House File 54 as follows:
- 2 1. Page 1, by striking line 30 and inserting the
- 3 following: "conviction" means a conviction for an
- 4 indictable offense and includes a guilty plea,
- 5 deferred judgment from the time of entry of the
- 6 deferred judgment until the time the defendant is
- 7 discharged by the court without entry of judgment,
- 8 or".
- 9 2. Page 3, by striking line 24 and inserting the
- 10 following: "conviction" means a conviction for an
- 11 indictable offense and includes a guilty plea,
- 12 deferred judgment from the time of entry of the
- 13 deferred judgment until the time the defendant is
- 14 discharged by the court without entry of judgment,
- 15 or".

Amendment H-3062 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Schrader of Marion.

Disney 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. 54)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cphoon	Connors	Coon	Cormack

Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Ränts	Renken
Running	Salton	Schrader	Schulte
Shoultz	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

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

Regular Calendar

House File 128, a bill for an act relating to administrative procedures of rural water districts, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 128)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson

Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Brammer Fallon Siegrist

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 54** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, February 9, 1995. Had I been present, I would have voted "aye" on Senate File 32; amendments H-3031, H-3037, H-3041, H-3043, H-3052, H-3056, H-3073 to H-3009 to Senate File 13; and "nay" to Senate File 17 to rule 39A - suspension, and to final passage of Senate File 13.

MORELAND of Wapello

COMMUNICATION FROM SECRETARY OF STATE

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

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

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

I, PAUL D. PATE, Secretary of State of the State of Iowa, do hereby certify that the following named newspapers were designated to publish HOUSE JOINT

RESOLUTION #28, Acts of the Seventy-fifth General Assembly. In accordance with Chapter 49A, Code of Iowa, affidavits showing proof of those publications are on file in this Department and are recorded as follows:

Congressional <u>District</u>	<u>Newspapers</u>	1994		
		<u>Dates Published</u>		
First	Quad City Times, Davenport	8\1	9\5	10\3
	Cedar Rapids Gazette, Cedar Rapids	8\2	9\6	10\4
Second	Dubuque Telegraph Herald, Dubuque	8\1	9\5	10\3
	Waterloo Courier, Waterloo	8\3	9\7	10\5
Third	Ames Daily Tribune, Ames	8\4	9\8	10\6
	Burlington Hawk Eye, Burlington	8\3	9\7	10\5
Fourth	Council Bluffs Nonpariel, Council Bluffs	8\4	9\8	10\6
	Des Moines Register, Des Moines	8\1	9\5	10\3
Fifth	Fort Dodge Messenger, Fort Dodge	8\2	9\6	10\4
	Sioux City Journal, Sioux City	8\5	9\9	10\7

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Secretary of State at the Capitol, in Des Moines, this seventh day of February, 1995.

PAUL D. PATE, Secretary of State of the State of Iowa

I hereby acknowledge that I received the original copy of this document on the seventh day of February, 1995.

ELIZABETH A. ISAACSON, Chief Clerk of the House of Representatives

PRESENTATION OF VISITORS

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

Seventy-five third grade students from Whittier Elementary, Indianola, accompanied by Mrs. Eddy. By Coon of Warren.

Fifth grade students from Greenwood Elementary, Des Moines. By Grundberg of Polk.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\44 John and Florice Spitznagle, Council Bluffs – For celebrating their 60th wedding anniversary.

1995\45 League of Women Voters of Iowa, Des Moines – For the 75th anniversary of the founding of the League of Women Voters of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 121

Education: Kreiman, Chair; Gries and Grundberg.

House File 151

Commerce-Regulation: Jacobs, Chair; Halvorson and McCoy.

House File 152

Judiciary: Coon, Chair; Moreland and Nutt.

House File 153

Education: Cornelius, Chair; Cohoon and Garman.

House File 157

State Government: Drake, Chair; Cataldo and Coon.

House File 162

Commerce-Regulation: Metcalf, Chair; Brunkhorst, Holveck, Lamberti and Weigel.

House File 163

Agriculture: Meyer, Chair; Hahn and Weigel.

Senate File 14

State Government: Jacobs, Chair; Connors and Gipp.

Senate File 82

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

Senate File 84

Commerce-Regulation: Lamberti, Chair; Doderer, Halvorson, Holveck and Jacobs.

Senate File 114

Human Resources: Blodgett, Chair; Burnett and Hurley.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 108

Commerce-Regulation: Lamberti, Chair; Doderer, Halvorson, Holveck and Jacobs.

House Study Bill 109

Commerce-Regulation: Nutt, Chair; Cataldo and Halvorson.

House Study Bill 114

Commerce-Regulation: Larson, Chair; Baker and Churchill.

House Study Bill 122

State Government: Gipp, Chair; Connors and Thomson.

House Study Bill 125

Economic Development: Larson, Chair; Mascher and Nelson of Marshall.

House Study Bill 126

State Government: Gipp, Chair; Brammer, Jacobs, Jochum and Tyrrell.

House Study Bill 132

Economic Development: Bradley, Chair; Teig and Warnstadt.

House Study Bill 133

Commerce-Regulation: Renken, Chair; Nelson of Pottawattamie and Sukup.

House Study Bill 134

Commerce-Regulation: Metcalf, Chair; Baker and Van Fossen.

House Study Bill 135

Commerce-Regulation: Nutt, Chair; Churchill and McCoy.

House Study Bill 136

Judiciary: Hurley, Chair; Boddicker and Kreiman.

House Study Bill 137

Judiciary: Grubbs, Chair; Bernau and Kremer.

House Study Bill 138

Judiciary: Grubbs, Chair; Bernau and Kremer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 139 Ways and Means**

Proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments.

H.S.B. 140 Ways and Means

Relating to the deduction of payments made for medical and health care insurance or coverage for individual income tax purposes and providing effective and retroactive applicability date provisions.

H.S.B. 141 Ways and Means

Relating to the collection of taxes and debts owed to or collected by the state, including the renewal of registrations and certificates of title, the publication of information pertaining to certain taxes and debts, providing for an administrative levy to seize certain accounts of a debtor, the denial, revocation, suspension, or renewal of licenses authorized by the state, providing for thirty-day delinquencies for collection of fines, penalties, fees, court costs, surcharges, and restitutions, redistributing collected amounts, creating a driver's license indebtedness clearance pilot project, and other related matters, and providing an effective date.

H.S.B. 142 Ways and Means

Relating to the exemption from the state sales, services, and use taxes for computers sold or leased to insurance companies.

H.S.B. 143 Transportation

Relating to the joint purchasing of equipment by political subdivisions of the state.

H.S.B. 144 Transportation

Relating to the operation of maintenance equipment by road workers on highways.

H.S.B. 145 Transportation

Requiring purchase of flexible fuel state vehicles.

H.S.B. 146 Transportation

Relating to motor vehicle and highway regulation by the state department of transportation concerning retention of records and documents, registration plates and stickers, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, motorcycle license requirements, leased motor vehicles, proof of financial responsibility, charges for handicapped identification devices, single state registration for motor carriers, commodity base state registration, other technical changes, and providing an effective date.

H.S.B. 147 Appropriations

Relating to the commercial air service marketing program.

H.S.B. 148 Education

Relating to administrative costs associated with implementation by the area education agencies of the medical assistance reimbursement for eligible special education services.

RESOLUTION FILED

HCR 20, by Siegrist and Schrader, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3093	H.F. 126	Weigel of Chickasaw
H-3094	H.F. 126	Witt of Black Hawk Kremer of Buchanan Heaton of Henry Mertz of Kossuth
H-3095	H.F. 126	Witt of Black Hawk Kremer of Buchanan Mertz of Kossuth Heaton of Henry
H-3096	H.F. 126	Witt of Black Hawk Kremer of Buchanan Mertz of Kossuth
H-3097	H.F. 126	Dinkla of Guthrie Harrison of Scott Vande Hoef of Osceola Brauns of Muscatine Renken of Grundy Cornelius of Jackson
H-3099	H.F. 126	Holveck of Polk Kremer of Buchanan Heaton of Henry Weigel of Chickasaw
H-3100	H.F. 126	Doderer of Johnson Kremer of Buchanan

On motion by Gipp of Winneshiek, the House adjourned at 2:00 p.m. until 8:45 a.m., Wednesday, February 15, 1995.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 15, 1995

The House met pursuant to adjournment at 8:53 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County.

The Journal of Tuesday, February 14, 1995 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 7, by Schulte, Hurley, Boddicker, Grubbs, Welter, Main, Cornelius, Disney, Salton, Vande Hoef, Klemme, Cormack, Van Fossen, Sukup, Brauns, Churchill, Kremer, Bradley, Eddie, Branstad, Drake, Greig, Blodgett, Nelson of Marshall, Greiner, Carroll, Boggess, Veenstra, Van Maanen, Larson, Arnold, Heaton, Hanson and Grundberg, a joint resolution claiming sovereignty under the Tenth Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the federal government and demanding that the federal government cease mandates that are beyond the scope of its constitutional powers.

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

House File 169, by Brauns, a bill for an act relating to mileage reimbursement for county supervisors.

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

House File 170, by Renken and Cataldo, a bill for an act relating to exempting employees of the state fair authority from the state merit personnel system.

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

House File 171, by Brauns, a bill for an act eliminating an appropriation for recreational trails.

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

House File 172, by Ollie, a bill for an act establishing an extended school year program for school districts, providing for an appropriation and the imposition of a property tax, and providing an effective date.

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

House File 173, by Bell, a bill for an act relating to the creation of real estate improvement districts, providing for the election of boards of trustees, providing for the powers and duties of the trustees, authorizing the issuance of general obligation bonds and revenue bonds, authorizing the imposition of ad valorem property taxes, special assessments, and fees, and making provisions for other properly related matters.

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

House File 174, by Nelson of Marshall, a bill for an act relating to notice for vacating and closing roads.

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

House File 175, by Wise, Ollie, Shoultz, Nelson of Pottawattamie and Cataldo, a bill for an act relating to establishing the state percent of growth for purposes of the school foundation aid program and providing effective and applicability date provisions.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 126, a bill for an act relating to certain franchise agreements by amending provisions relating to transfer, termination, and nonrenewal of franchise agreements, and to a civil cause of action for appropriate relief, and repealing certain franchise provisions, was taken up for consideration.

The House stood at ease at 9:14 a.m., until the fall of the gavel.

The House resumed session at 10:05 a.m., Speaker Corbett in the chair.

Gipp of Winneshiek asked and received unanimous consent that **House File 126** be deferred and that the bill retain its place on the calendar.

On motion by Gipp of Winneshiek, the House was recessed at 10:08 a.m., until 4:30 p.m.

EARLY EVENING SESSION

The House reconvened at 4:45 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie on request of Gipp of Winneshiek; Fallon of Polk on request of Schrader of Marion.

The House stood at ease at 4:46 p.m., until the fall of the gavel.

The House resumed session at 5:07 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

The House resumed consideration of **House File 126**, a bill for an act relating to certain franchise agreements by amending provisions relating to transfer, termination, and nonrenewal of franchise agreements, and to a civil cause of action for appropriate relief, and repealing certain franchise provisions, previously deferred.

Kremer of Buchanan asked and received unanimous consent to defer action on amendment H-3089.

Witt of Black Hawk asked and received unanimous consent to defer action on amendment H-3095.

Dinkla of Guthrie offered amendment H-3097 filed by Dinkla, et. al., as follows:

H-3097

- 1 Amend House File 126 as follows:
- 2 1. Page 1, line 5, by inserting before the word
- 3 "A" the following: "1."
- 4 2. Page 1, by inserting after line 23 the
- 5 following:
- 6 "2. A franchisor shall not deny the transfer of an
- 7 ownership interest in a franchise to an existing
- 8 partner in the franchise who has previously been
- 9 approved by the franchisor and who, since being
- 10 approved, has remained active in the management of the
- 11 franchise as a partner."

Doderer of Johnson offered the following amendment H-3102, to amendment H-3097, filed by her and Kremer from the floor and requested division as follows:

H-3102

- 1 Amend the amendment, H-3097, to House File 126 as
- 2 follows:
- 3 1. Page 1, by inserting after line 3 the

H-3102A

- 4 following:
- 5 " . Page 1, line 19, by inserting after the
- 6 word "franchise" the following: "but does prohibit a
- 7 franchisor from exercising a right of first refusal
- 8 with respect to a transfer of a franchise to a

H-3102A

9 surviving spouse or heir who is seeking to qualify as
 10 a franchisee or who becomes qualified as a
 11 franchisee.”

H-3102B

12 2. Page 1, line 8, by inserting after the word
 13 “partner” the following: “or shareholder”.
 14 3. Page 1, line 11, by inserting after the word
 15 “partner” the following: “or shareholder”.
 16 4. Renumber as necessary.

On motion by Doderer of Johnson, amendment H-3102A, to amend-
 ment H-3097, was adopted.

Doderer of Johnson moved the adoption of amendment H-3102B, to
 amendment H-3097.

A non-record roll call was requested.

The ayes were 35, nays 52.

Amendment H-3102B lost.

On motion by Dinkla of Guthrie, amendment H-3097, as amended,
 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar, until his return, on request of Gipp of Winneshiek.

Doderer of Johnson offered amendment H-3100 filed by her and
 Kremer and requested division as follows:

H-3100

1 Amend House File 126 as follows:

H-3100A

2 1. Page 1, line 5, by inserting before the word
 3 “A” the following: “1.”
 4 2. Page 1, line 19, by inserting after the word
 5 “franchise” the following: “but does prohibit a
 6 franchisor from exercising a right of first refusal
 7 with respect to a transfer of a franchise to a
 8 surviving spouse or heir who is seeking to qualify as
 9 a franchisee or who becomes qualified as a
 10 franchisee”.

H-3100B

- 11 3. Page 1, by inserting after line 23 the
- 12 following:
- 13 "2. A transfer of interest in a franchise within
- 14 an existing ownership group of a franchise shall not
- 15 be refused by a franchisor and shall not be considered
- 16 a transfer subject to a right of first refusal,
- 17 provided that more than fifty percent of a franchise
- 18 is held by persons who meet the franchisor's
- 19 reasonable current qualifications for franchisees."

Amendment H-3100A was ruled out of order, placing out of order amendment H-3107, to amendment H-3100A, filed from the floor by Dinkla of Guthrie.

Dinkla of Guthrie asked and received unanimous consent to withdraw amendment H-3074 filed by Dinkla, et. al., on February 9, 1995, placing out of order amendment H-3101, filed from the floor by Doderer of Johnson and Kremer.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-3086 filed by him and Heaton of Henry on February 13, 1995.

Kremer of Buchanan offered the following amendment H-3092 filed by him and Heaton and moved its adoption:

H-3092

- 1 Amend House File 126 as follows:
- 2 1. Page 1, line 23, by inserting after the word
- 3 "franchise" the following: ", unless the bona fide
- 4 offer is received from a person who is currently a
- 5 partner or an employee in the franchise for which the
- 6 offer is made".

A non-record roll call was requested.

The ayes were 33, nays 52.

Amendment H-3092 lost.

Kremer of Buchanan offered amendment H-3079 filed by him and Heaton as follows:

H-3079

- 1 Amend House File 126 as follows:
- 2 1. Page 1, by striking lines 1 through 23.
- 3 2. By renumbering as necessary.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McCoy of Polk and Mertz of Kossuth, until their return, on request of Schrader of Marion.

On motion by Kremer of Buchanan, amendment H-3079 lost.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-3088 filed by him and Heaton of Henry on February 13, 1995.

Wise of Lee offered the following amendment H-3091 filed by Wise, et. al. and moved its adoption:

H-3091

- 1 Amend House File 126 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ Section 523H.6, Code 1995, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 523H.6 ENCROACHMENT.
- 8 A franchise agreement shall include a statement as
- 9 to whether the franchise is to be granted for a
- 10 specific geographic area. If the agreement includes a
- 11 statement that the franchise is to be granted for a
- 12 specific geographic area, the agreement shall also
- 13 indicate whether the specified geographic area is
- 14 granted to the franchisee as an exclusive franchise,
- 15 or, if not exclusive, the agreement shall indicate any
- 16 limitations upon the franchisor's ability or right to
- 17 establish additional franchises or franchisor-owned
- 18 outlets or stores within the specified geographic
- 19 area."
- 20 2. Page 4, line 33, by striking the figure
- 21 "523H.6,".
- 22 3. Renumber as necessary.

Amendment H-3091 was adopted, placing out of order amendment H-3084, filed by Kremer of Buchanan and Heaton on February 13, 1994.

The House resumed consideration of amendment H-3100B, filed by Doderer of Johnson and Kremer, found on page 429 of the House Journal.

On motion by Doderer of Johnson, amendment H-3100B lost.

Kremer of Buchanan offered the following amendment H-3083 filed by him and Heaton and moved its adoption:

H-3083

- 1 Amend House File 126 as follows:
- 2 1. Page 1, line 32, by striking the word
- 3 "material" and inserting the following: "material".

Roll call was requested by Kreiman of Davis and Holveck of Polk.

On the question "Shall amendment H-3083 be adopted?" (H.F. 126)

The ayes were, 39:

Baker	Boddicker	Branstad	Burnett
Cohoon	Connors	Coon	Disney
Doderer	Drees	Garman	Greiner
Gries	Grundberg	Harper	Heaton
Holveck	Houser	Hurley	Jochum
Koenigs	Kreiman	Kremer	Larkin
May	Mertz	Millage	Mundie
Murphy	Myers	Nelson, L.	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 51:

Arnold	Bell	Blodgett	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Drake
Eddie	Gipp	Greig	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Huseman	Jacobs	Klemme
Larson	Lord	Main	Martin
Mascher	McCoy	Metcalf	Meyer
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Sukup	Teig
Thomson	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 10:

Bernau	Brammer	Brand	Ertl
Fallon	Lamberti	Moreland	O'Brien
Siegrist	Tyrrell		

Amendment H-3083 lost.

Kremer of Buchanan offered amendment H-3087 filed by him and Heaton as follows:

H-3087

- 1 Amend House File 126 as follows:
- 2 1. By striking page 1, line 31, through page 2,

3 line 1, and inserting the following: "business
4 reason. "Good cause" includes the failure of the
5 franchisee to comply with any material lawful
6 requirement of the franchise agreement, provided that
7 the termination by the franchisor is not arbitrary or
8 capricious when compared to the actions of the
9 franchisor in other similar circumstances."

Kremer of Buchanan offered the following amendment H-3104, to amendment H-3087 filed by him from the floor and moved its adoption:

H-3104

1 Amend the amendment, H-3087, to House File 126 as
2 follows:
3 1. Page 1, by striking lines 6 through 9 and
4 inserting the following: "requirement of the
5 franchise agreement, ~~provided that the termination by~~
6 ~~the franchisor is not arbitrary or capricious when~~
7 ~~compared to the actions of the franchisor in other~~
8 ~~similar circumstances."~~

Amendment H-3104 was adopted.

On motion by Kremer of Buchanan, amendment H-3087, as amended, lost.

Witt of Black Hawk offered the following amendment H-3096 filed by Witt, et. al., and moved its adoption:

H-3096

1 Amend House File 126 as follows:
2 1. Page 2, by striking lines 6 through 10 and
3 inserting the following: "period of time to cure the
4 default, which in no event shall be less than thirty
5 days or more than ninety days. However, during that
6 period, the franchise may be terminated if the
7 franchisee fails to make reasonable progress in curing
8 the default."

A non-record roll call was requested.

The ayes were 45, nays 42.

Amendment H-3096 was adopted.

Kremer of Buchanan offered amendment H-3082 filed by him and Heaton as follows:

H-3082

1 Amend House File 126 as follows:
2 1. Page 2, by striking lines 18 through 21 and
3 inserting the following:
4 "(2) The franchisee admits to an inability to pay
5 debts as".

Dinkla of Guthrie offered the following amendment H-3103, to amendment H-3082 filed by him and Heaton from the floor and moved its adoption:

H-3103

- 1 Amend the amendment, H-3082, to House File 126, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting the following:
- 5 "Page 2, line 20, by inserting after the
- 6 word "creditor" the following: "which is subject to
- 7 chapter 681. An assignment for the benefit of any
- 8 creditor pursuant to this subparagraph does not
- 9 include the granting of a security interest in the
- 10 normal course of business."

Amendment H-3103 was adopted.

On motion by Kremer of Buchanan, amendment H-3082, as amended, was adopted.

Kremer of Buchanan offered amendment H-3080 filed by him and Heaton as follows:

H-3080

- 1 Amend House File 126 as follows:
- 2 1. Page 3, by striking lines 3 through 9 and
- 3 inserting the following:
- 4 "e. The franchisee repeatedly fails to comply with
- 5 the same material provision of a franchise agreement,
- 6 when the enforcement of the material provision by the
- 7 franchisor is not arbitrary or capricious when
- 8 compared to the franchisor in other similar cir-
- 9 cumstances."

Kremer of Buchanan offered the following amendment H-3105, to amendment H-3080, filed by him from the floor and moved its adoption:

H-3105

- 1 Amend the amendment, H-3080, to House File 126 as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 9 and
- 4 inserting the following: "the same material provision
- 5 of a franchise agreement, ~~when the enforcement of the~~
- 6 ~~material provision by the franchisor is not arbitrary~~
- 7 ~~or capricious when compared to the franchisor in other~~
- 8 ~~similar circumstances."~~

Amendment H-3105 was adopted.

Kremer of Buchanan moved the adoption of amendment H-3080, as amended.

Roll call was requested by Schrader of Marion and Running of Linn.

On the question "Shall amendment H-3080, as amended, be adopted?" (H.F. 126)

The ayes were, 39:

Arnold	Baker	Bernau	Boddicker
Brand	Branstad	Burnett	Cohoon
Connors	Coon	Cornelius	Doderer
Garman	Greiner	Harper	Heaton
Holveck	Hurley	Jochum	Kreiman
Kremer	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Running
Schrader	Schulte	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 56:

Bell	Blodgett	Bogges	Bradley
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Gipp	Greig
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Houser	Huseman	Jacobs	Klemme
Koenigs	Larson	Lord	Main
Martin	McCoy	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 5:

Brammer	Fallon	Lamberti	O'Brien
Siegrist			

Amendment H-3080 lost.

Kremer of Buchanan offered amendment H-3081 filed by him and Heaton as follows:

H-3081

- 1 Amend House File 126 as follows:
- 2 1. Page 3, by striking line 23 and inserting the
- 3 following: "both of the following apply:".

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone and Koenigs of Mitchell on request of Schrader of Marion.

Kremer of Buchanan moved the adoption of amendment H-3081.

Roll call was requested by Weigel of Chickasaw and Holveck of Polk.

On the question "Shall amendment H-3081 be adopted?" (H.F. 126)

The ayes were, 36:

Bernau	Boddicker	Brand	Branstad
Burnett	Cohoon	Connors	Coon
Cormack	Doderer	Drees	Ertl
Garman	Grubbs	Harper	Heaton
Holveck	Hurley	Jochum	Kreiman
Kremer	Larkin	Mascher	May
Mertz	Mundie	Murphy	Myers
Nelson, L.	Ollie	Running	Schrader
Shultz	Warnstadt	Weigel	Witt

The nays were, 58:

Arnold	Baker	Bell	Blodgett
Bogges	Bradley	Brauns	Brunckhorst
Carroll	Cataldo	Churchill	Corbett, Spkr.
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Houser	Huseman	Jacobs	Klemme
Larson	Lord	Main	Martin
McCoy	Metcalf	Meyer	Millage
Moreland	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Wise	Van Maanen, Presiding		

Absent or not voting, 6:

Brammer	Fallon	Koenigs	Lamberti
O'Brien	Siegrist		

Amendment H-3081 lost.

Witt of Black Hawk offered the following amendment H-3094 filed by Witt, et. al., and moved its adoption:

H-3094

- 1 Amend House File 126 as follows:
- 2 1. Page 4, by inserting after line 24 the
- 3 following:

- 4 "Sec. ____ Section 523H.12, subsection 1, Code
 5 1995, is amended to read as follows:
 6 1. Except as provided in subsection 2, a
 7 franchisor shall allow a franchisee to obtain
 8 equipment, fixtures, supplies, and services used in
 9 the establishment and operation of the franchised
 10 business from sources of the franchisee's choosing,
 11 provided that such goods and services are purchased on
 12 a cooperative basis with other franchisees who have
 13 franchise agreements with the same franchisor, and the
 14 goods and services which are cooperatively purchased
 15 meet standards as to their nature and quality
 16 promulgated by the franchisor."
 17 2. Page 4, line 33, by striking the word and
 18 figures "523H.11, and 523H.12," and inserting the
 19 following: "and 523H.11,"
 20 3. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Holveck of Polk.

On the question "Shall amendment H-3094 be adopted?" (H.F. 126)

The ayes were, 35:

Arnold	Bernau	Boddicker	Brand
Branstad	Burnett	Cohoon	Connors
Coon	Cornelius	Doderer	Drees
Garman	Grubbs	Heaton	Holveck
Hurley	Jochum	Kreiman	Kremer
Larkin	Mascher	May	Mertz
Mundie	Murphy	Nelson, L.	Ollie
Running	Schrader	Shultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 58:

Baker	Bell	Blodgett	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Houser	Huseman	Jacobs
Klemme	Larson	Lord	Main
Martin	McCoy	Metcalf	Meyer
Millage	Moreland	Nelson, B.	Nutt
Rants	Renken	Thomson	Schulte
Sukup	Teig	Salton	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 7:

Brammer	Fallon	Koenigs	Lamberti
Myers	O'Brien	Siegrist	

Amendment H-3094 lost.

Kremer of Buchanan offered the following amendment H-3085 filed by him and Heaton and moved its adoption:

H-3085

- 1 Amend House File 126 as follows:
- 2 1. Page 4, by striking lines 25 through 32.
- 3 2. By renumbering as necessary.

Amendment H-3085 lost.

Kremer of Buchanan offered the following amendment H-3078 filed by him and Heaton and moved its adoption:

H-3078

- 1 Amend House File 126 as follows:
- 2 1. Page 4, line 33, by striking the figure
- 3 "523H.10,".
- 4 2. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Holveck of Polk.

On the question "Shall amendment H-3078 be adopted?" (H.F. 126)

The ayes were, 34:

Bernau	Boddicker	Brand	Branstad
Burnett	Cohoon	Connors	Daggett
Doderer	Drees	Ertl	Garman
Greiner	Harper	Heaton	Holveck
Hurley	Jochum	Kreiman	Kremer
Larkin	Mascher	Mertz	Mundie
Murphy	Myers	Nelson, L.	Ollie
Running	Schrader	Shultz	Warnstadt
Weigel	Witt		

The nays were, 59:

Arnold	Baker	Bell	Blodgett
Boggess	Bradley	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Coon
Corbett, Spkr.	Cormack	Cornelius	Dinkla
Disney	Drake	Eddie	Gipp
Greig	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Houser	Huseman	Jacobs
Klemme	Larson	Lord	Main
May	McCoy	Metcalf	Meyer
Millage	Moreland	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte

Sukup
Van Fossen
Welter

Teig
Vande Hoef
Wise

Thomson
Veenstra
Van Maanen,
Presiding

Tyrrell
Weidman

Absent or not voting, 7:

Brammer
Martin

Fallon
O'Brien

Koenigs
Siegrist

Lamberti

Amendment H-3078 lost.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-3090 filed by him and Heaton on February 13, 1995.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3093 filed by him on February 14, 1995.

Kremer of Buchanan offered the following amendment H-3089, previously deferred, filed by him and Heaton and moved its adoption:

H-3089

- 1 Amend House File 126 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 523H.2, Code 1995, is amended
- 5 to read as follows:
- 6 523H.2 APPLICABILITY.
- 7 This chapter applies to a ~~new or existing~~ franchise
- 8 ~~that is operated in the state of Iowa created and~~
- 9 ~~operated in this state on or after July 1, 1995.~~ For
- 10 purposes of this chapter, the franchise is operated in
- 11 this state only if the premises from which the
- 12 franchise is operated is physically located in this
- 13 state. For purposes of this chapter, a franchise
- 14 including marketing rights in or to this state, is
- 15 deemed to be operated in this state only if the
- 16 franchisee's principal business office is physically
- 17 located in this state. This chapter does not apply to
- 18 a franchise solely because an agreement relating to
- 19 the franchise provides that the agreement is subject
- 20 to or governed by the laws of this state. The
- 21 provisions of this chapter do not apply to any
- 22 ~~existing or future~~ contracts between Iowa franchisors
- 23 ~~or non-Iowa franchisors~~ and ~~out-of-state~~ franchisees
- 24 operating franchises physically located outside of
- 25 this state."
- 26 2. By renumbering as necessary.

Amendment H-3089 lost.

Witt of Black Hawk offered amendment H-3095, previously deferred, filed by Witt, et. al., as follows:

H-3095

- 1 Amend House File 126 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 523H.4A ENCROACHMENT —
- 5 GOOD FAITH REQUIREMENT — COMPENSATION AND INJUNCTIVE
- 6 RELIEF.
- 7 Notwithstanding the terms, provisions, or
- 8 conditions of an agreement or franchise, if a
- 9 franchisor seeks to establish a new outlet, company-
- 10 owned store, or carry-out store, the franchisor shall
- 11 make a good faith effort not to divert market share of
- 12 an existing franchisee to the new outlet, company-
- 13 owned store, or carry-out store. A franchisor who
- 14 does not make a good faith effort as required by this
- 15 section, shall be liable for damages proximately
- 16 caused by the establishment of the new outlet,
- 17 company-owned store, or carry-out store. The
- 18 franchisee may bring a cause of action under this
- 19 section for damages or injunctive relief. A
- 20 petitioner praying for injunctive relief shall not be
- 21 required to allege facts necessary to show, or tending
- 22 to show, a lack of adequate remedy at law, that
- 23 irreparable damage or loss will result if the action
- 24 is brought at law, or that unique or special
- 25 circumstances exist."
- 26 2. By renumbering as necessary.

Witt of Black Hawk offered the following amendment H-3108, to amendment H-3095, filed by Witt of Black Hawk, Holveck and Kremer from the floor and moved its adoption:

H-3108

- 1 Amend the amendment, H-3095, to House File 126 as
- 2 follows:
- 3 1. Page 1, by striking lines 19 through 25 and
- 4 inserting the following: "section for damages or
- 5 injunctive relief."

Amendment H-3108 was adopted.

On motion by Witt of Black Hawk, amendment H-3095, as amended, lost.

Holveck of Polk offered the following amendment H-3099, previously deferred, filed by Holveck, et. al., and moved its adoption:

H-3099

- 1 Amend House File 126 as follows:
- 2 1. Page 4, by inserting after line 24 the
- 3 following:
- 4 "Sec. ____ Section 523H.10, Code 1995, is amended
- 5 to read as follows:
- 6 523H.10 DUTY OF GOOD FAITH.
- 7 A franchise imposes on the parties a duty of good
- 8 faith, as determined under the common law by the Iowa
- 9 supreme court, in performance and enforcement of the
- 10 franchise agreement. "Good faith" means honesty in
- 11 fact and the observance of reasonable commercial
- 12 standards of fair dealing in the trade."
- 13 2. Page 4, line 33, by striking the figure "
- 14 "523H.10,".
- 15 3. By renumbering as necessary.

Amendment H-3099 was adopted.

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

On the question "Shall the bill pass?" (H.F. 126)

The ayes were, 68:

Arnold	Baker	Bell	Blodgett
Bogges	Bradley	Brunkhorst	Carroll
Cataldo	Churchill	Cohoon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Huseman	Jacobs
Klemme	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Metcalf	Meyer	Millage
Moreland	Myers	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Van Maanen, Presiding

The nays were, 26:

Bernau	Boddicker	Brand	Branstad
Brauns	Burnett	Connors	Coon
Doderer	Drees	Garman	Holveck
Hurley	Jochum	Kreiman	Kremer
Mertz	Mundie	Murphy	Nelson, L.
Ollie	Running	Schrader	Shoultz
Weigel	Witt		

Absent or not voting, 6:

Brammer
O'Brien

Fallon
Siegrist

Koenigs

Lamberti

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

Rule 76 invoked. Under the provisions of Rule 76, conflict of interest, Lamberti of Polk refrained from voting.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 126** 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 February 15, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 117, a bill for an act adopting a new uniform anatomical gift Act and providing a penalty.

Also: That the Senate has on February 15, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 132, a bill for an act relating to compensation for victims of crimes, by providing for compensation to secondary victims of crimes and increasing the maximum amount that may be recovered for loss of work income due to injuries received by victims.

Also: That the Senate has on February 14, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 13, a concurrent resolution recognizing the seventy-fifth anniversary of the founding of the League of Women Voters of Iowa.

JOHN F. DWYER, Secretary

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

The FY 94 Annual Report, pursuant to Chapter 15.226, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\46 Gene Paris, Chariton – For celebrating her 100th birthday.
- 1995\47 Bill Potts, Osceola – For receiving the 1994 Citizens Community Service Award.
- 1995\48 Staff of the University of Northern Iowa “Old Gold” Yearbook, Cedar Falls – For receiving the All-American rating, highest recognition of the Associated Collegiate Press.

SUBCOMMITTEE ASSIGNMENTS

House File 131

Environmental Protection: Vande Hoef, Chair; Gries and Holveck.

House File 156

Ways and Means: Blodgett, Chair; Rants and Weigel.

House File 158

Judiciary: Millage, Chair; Holveck and Hurley.

House File 160

Judiciary: Harrison, Chair; Lamberti and Moreland.

House Concurrent Resolution 18

Transportation: Brauns, Chair; Carroll and Mundie.

Senate File 87

Judiciary: Dinkla, Chair; Bernau and Nutt.

Senate File 88

Judiciary: Dinkla, Chair; Bernau and Nutt.

Senate File 93

Judiciary: Coon, Chair; Brammer and Lamberti.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 95

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House Study Bill 130

Ways and Means: Dinkla, Chair; Shoultz, Teig, Van Fossen and Weigel.

House Study Bill 131

Ways and Means: Rants, Chair; Drake and Larkin.

House Study Bill 139

Ways and Means: Larson, Chair; Doderer, Nutt, Shoultz and Van Fossen.

House Study Bill 140

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House Study Bill 141

Ways and Means: Blodgett, Chair; Jochum and Main.

House Study Bill 142

Ways and Means: Lamberti, Chair; Main and Weigel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 149 Judiciary**

Relating to the establishment of minimum standards for the training of telecommunicators.

H.S.B. 150 Judiciary

Relating to consumer-related actions.

H.S.B. 151 Judiciary

Relating to consortium claims in contributory fault actions.

H.S.B. 152 Natural Resources

Relating to the powers and duties of the department of natural resources by authorizing distinguishing license plates to vehicles assigned to the department of natural resources, by amending procedures for granting easements and leases by the natural resource commission, by amending procedures for issuing and establishing fees for scientific collector's licenses or permits, by authorizing the use of certain revenue to repay loans related to sewage collection and treatment plants in state parks and recreation areas, by providing a definition of resident for hunting, fishing, trapping, or taking protected species of animals, and by providing for penalties and other related matters.

H.S.B. 153 Environmental Protection

Relating to dumping of solid waste by a private or public agency and applying penalties.

H.S.B. 154 Environmental Protection

Relating to solid waste tonnage fees.

H.S.B. 155 Ways and Means

Relating to the taxation of financial institutions and providing an effective and applicability date provision.

H.S.B. 156 Commerce-Regulation

Relating to health care benefits coverage by providing for coordination of benefits with state medical assistance, for continuation of benefits

pursuant to court-ordered medical child support, and for coverage for an adopted child.

H.S.B. 157 Labor and Industrial Relations

Relating to drug testing of certain employees and applicants for employment, providing for employer defenses, and making penalties applicable.

H.S.B. 158 Education

Relating to authorizing school districts to adopt a dress code policy, providing for a reduction in aid to a recipient of the family investment program for continued truancy by a recipient's child, the expulsion of a student for bringing a weapon to school, establishing a penalty for providing aid, support, or shelter to a runaway or truant, and eliminating the twenty-four-hour notice to students of a periodic inspection of students' lockers.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 52), relating to eggs and poultry by reorganizing the statutory provisions and providing for the administration of the Iowa egg council, assessments and refunds, and the repeal of certain sections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1995.

COMMITTEE ON COMMERCE-REGULATION

Senate File 84, a bill for an act relating to individual health insurance and individual health benefit plan reforms, and establishing an income tax credit for certain individuals.

Fiscal Note is not required.

Committee Action: **Without Recommendation** February 15, 1995.

Pursuant to Rule 31.7, Senate File 84 was referred to the committee on ways and means.

COMMITTEE ON HUMAN RESOURCES

Senate File 114, a bill for an act relating to anabolic steroids and the Iowa uniform controlled substances Act.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1995.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 61, a bill for an act providing immunity from civil liability for an employer who in good faith discloses information about a current or former employee of the employer.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3106** February 15, 1995.

Committee Bill (Formerly House Study Bill 67), relating to the payment of wages to a suspended or terminated employee under the Iowa wage payment collection law.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1995.

COMMITTEE ON NATURAL RESOURCES

House File 113, a bill for an act relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 27), relating to the sales, services, and use tax exemption for items used by printers and publishers, limiting the amount of refunds, and providing retroactive and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1995.

RESOLUTION FILED

HCR 21, by Connors, a concurrent resolution honoring Ms. Sugar Macaulay upon her retirement as the Capitol Tour Guide Supervisor.

Laid over under **Rule 25**.

AMENDMENT FILED

H-3106

H.F.

61

Committee on Labor and
Industrial Relations

On motion by Gipp of Winneshiek, the House adjourned at 9:38 p.m. until 8:45 a.m., Thursday, February 16, 1995.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 16, 1995

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend James Clark, St. Andrew's Presbyterian Church, Davenport.

The Journal of Wednesday, February 15, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie on request of Gipp of Winneshiek.

INTRODUCTION OF BILLS

House Joint Resolution 8, by Cormack, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the recall, by petition and election, of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, and members of the General Assembly.

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

House File 176, by Disney, a bill for an act relating to open alcoholic beverage container violations and driving records and providing a penalty.

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

House File 177, by Vande Hoef, a bill for an act relating to the applicability of the special valuation provisions for certain wind energy conversion property and providing an effective date.

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

House File 178, by committee on labor and industrial relations, a bill for an act relating to the payment of wages to a suspended or terminated employee under the Iowa wage payment collection law.

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

House File 179, by committee on agriculture, a bill for an act relating to eggs and poultry by reorganizing the statutory provisions and providing for the administration of the Iowa egg council, assessments and refunds, and the repeal of certain sections, and providing an effective date.

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

House File 180, by Brunkhorst, a bill for an act providing that members of the general assembly may not include expenses as part of base salary for purposes of the Iowa public employees' retirement system.

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

House File 181, by Hurley, a bill for an act relating to termination of a lease due to a clear and present danger created by a tenant near the rental property and providing an effective date.

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

SENATE MESSAGES CONSIDERED

Senate File 117, by committee on human resources, a bill for an act adopting a new uniform anatomical gift Act and providing a penalty.

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

Senate File 132, by committee on judiciary, a bill for an act relating to compensation for victims of crimes, by providing for compensation to secondary victims of crimes and increasing the maximum amount that may be recovered for loss of work income due to injuries received by victims.

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

On motion by Gipp of Winneshiek, the House was recessed at 8:58 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:26 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 20

Doderer of Johnson called up for consideration House Concurrent Resolution 20 as follows:

- 1 HOUSE CONCURRENT RESOLUTION 20
- 2 By Siegrist and Schrader
- 3 A House Concurrent Resolution relating to Pioneer
- 4 Lawmakers.
- 5 *Whereas*, the Seventy-sixth General Assembly is
- 6 advised of a meeting of the Pioneer Lawmakers

7 Association to be held on Tuesday, March 28, 1995; and
 8 *Whereas*, the Pioneer Lawmakers request the
 9 opportunity to meet formally with the General
 10 Assembly, *Now Therefore*,
 11 *Be It Resolved By The House of Representatives, The*
 12 *Senate Concurring*, that the General Assembly meet in
 13 joint session in the House chamber on Tuesday, March
 14 28, 1995, at 1:30 p.m. and that the Pioneer Lawmakers
 15 be invited to attend and present a program on that
 16 occasion, and that the Speaker of the House of
 17 Representatives and the President of the Senate be
 18 designated to deliver the invitation to them.

On motion by Doderer of Johnson, the following amendment H-3110, filed by her from the floor, was adopted by unanimous consent.

H-3110

1 Amend House Concurrent Resolution 20 as follows:
 2 Page 1, line 14 by striking the numerals "1:30
 3 p.m." and inserting the following: "2:00 p.m."

On motion by Doderer of Johnson, the resolution, as amended, was adopted.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House Concurrent Resolution 21.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 21

Connors of Polk called up for consideration House Concurrent Resolution 21, a concurrent resolution honoring Ms. Sugar Macaulay upon her retirement as the Capitol Tour Guide Supervisor, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolutions 20 and 21.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 16, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 124, a bill for an act relating to access to certain adoption records by the subject of the record.

Also: That the Senate has on February 16, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 146, a bill for an act relating to Iowa-foaled horses and Iowa-whepled dogs used for breeding and racing.

Also: That the Senate has on February 16, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 149, a bill for an act relating to child support recovery.

Also: That the Senate has on February 16, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 8, a concurrent resolution urging support of the striking workers at Bridgestone\Firestone in Des Moines through legislation and other means.

Also: That the Senate has on February 16, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 15, a concurrent resolution requesting that the Congress of the United States direct the Health Care Financing Administration to establish a national policy no later than July 1, 1995, for Medicare reimbursement of telemedicine services.

JOHN F. DWYER, Secretary

SPONSOR ADDED (House Joint Resolution 7)

Garman of Story requested to be added as a sponsor of House Joint Resolution 7.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 15, 1995. Had I been present, I would have voted "aye" on House File 126.

KOENIGS of Mitchell

PRESENTATION OF VISITORS

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

Fifteen students of the Local and State Government class from Lamoni Community High School, Lamoni, accompanied by Brad Kunecke. By Daggett of Union.

Two students from Estherville Forrest Ridge Youth Services, accompanied by Cindy Cox. By Greig of Emmett.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ELDER AFFAIRS

The annual report of the activities and recommendations of the Long-Term Care Resident's Advocate Program, including the activities of Care Review Committees, pursuant to Chapter 231.42, Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

The special audit of the Camp Courageous Farm Raffle, pursuant to Chapter 1097, 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF REVENUE AND FINANCE

The Comprehensive Annual Financial Report for the State of Iowa for the fiscal year ended June 30, 1994, pursuant to Chapter 421.31(5), Code of Iowa.

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\49 Edna Tyler, Oakland - For celebrating her 102nd birthday.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 7

State Government: Gipp, Chair; Renken and Thomson.

House File 155

Local Government: Brauns, Chair; Huseman and Mundie.

House File 165

Education: Boddicker, Chair; Baker and Garman.

House File 166

Agriculture: Mertz, Chair; Eddie and Salton.

House File 167

Education: Daggett, Chair; Grundberg and Mascher.

House File 168

Agriculture: Hahn, Chair; Greiner and Koenigs.

House File 170

State Government: Disney, Chair; Cataldo and Renken.

House File 171

Appropriations: Brauns, Chair; Koenigs and Metcalf.

House File 175

Education: Grubbs, Chair; Brunkhorst and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 147**

Appropriations: Millage, Chair; Brauns and Koenigs.

House Study Bill 149

Judiciary: Coon, Chair; Bell and Harrison.

House Study Bill 150

Judiciary: Nutt, Chair; Dinkla and Kreiman.

House Study Bill 151

Judiciary: Millage, Chair; Hurley and Kreiman.

House Study Bill 152

Natural Resources: Brauns, Chair; Garman and Mundie.

House Study Bill 153

Environmental Protection: Meyer, Chair; Boggess and Mascher.

House Study Bill 154

Environmental Protection: Meyer, Chair; Shultz and Teig.

House Study Bill 156

Commerce - Regulation: Halvorson, Chair; Doderer, Holveck, Jacobs and Lamberti.

House Study Bill 157

Labor and Industrial Relations: Sukup, Chair; Millage and Running.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 159 Economic Development**

Relating to the assessment of long distance telephone companies for purposes of property taxation.

H.S.B. 160 State Government

Relating to authorizing the payment of salaries to senior judges, providing for a maximum retirement annuity amount paid to senior judges, and providing effective and applicability dates.

H.S.B. 161 State Government

Relating to the distribution and sale of beer, providing for the regulation of brewer and wholesaler agreements, prohibiting certain conduct, providing for the transfer of business assets, providing judicial remedies, specifying applicability, and providing for other properly related matters.

H.S.B. 162 State Government

Providing for the payment of employee contributions for members of fire and police retirement systems for certain state tax purposes and providing an effective and applicability date.

H.S.B. 163 State Government

Relating to the financing of political campaigns and by adding and changing definitions of commissioner and political committee, changing the providing for the appointment of committee personnel and the maintenance of committee funds, providing for the retention of records, establishing requirements for committee names, specifying requirements for out-of-state committee filings, prohibiting political committees from supporting a single candidate, revising filing deadlines and the contents of disclosure reports, providing for disclaimers on published materials by nonregistered entities, including federal corporations under corporate activity prohibitions, allowing candidates to donate funds to political subdivisions, providing for the establishment of ethics and campaign disclosure board staff salaries, and making other related changes.

H.S.B. 164 State Government

Ratifying a proposed balanced budget amendment to the Constitution of the United States.

H.S.B. 165 Economic Development

Relating to a royalties income tax credit for purposes of individual and corporate state income tax and providing an applicability date.

H.S.B. 166 Economic Development

Establishing an economic development opportunity fund in the state treasury.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 107), relating to energy conservation including making appropriations of petroleum overcharge funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1995.

COMMITTEE ON JUDICIARY

House File 2, a bill for an act applying the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's applicability.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3109** February 15, 1995.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 38), relating to the funding of state mandates.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1995.

COMMITTEE ON TECHNOLOGY

Committee Bill (Formerly House Study Bill 129), relating to the Iowa communications network and authorizing the state to own the connections for certain part III users.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 16, 1995.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 60), to provide conformity to the definition of travel trailers.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1995.

COMMITTEE ON WAYS AND MEANS

Senate File 84, a bill for an act relating to individual health insurance and individual health benefit plan reforms, and establishing an income tax credit for certain individuals.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1995.

Committee Bill (Formerly House Study Bill 117), relating to a property tax exemption for property used for the recycling of ferrous and nonferrous metal, tires, scrap tires, and shredded tires, and for property used to manufacture new products composed primarily of recycled material.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1995.

RESOLUTION FILED

SCR 13, by Hammond, Lundby, Neuhauser, Boettger, Freeman, Szymoniak, Judge, Douglas, Tinsman and Kramer, a concurrent resolution recognizing the seventy-fifth anniversary of the founding of the League of Women Voters of Iowa.

Referred to **state government**.

AMENDMENTS FILED

H-3109	H.F.	2	Committee on Judiciary
H-3111	H.F.	149	Weigel of Chickasaw
H-3112	H.F.	159	Weigel of Chickasaw

On motion by Gipp of Winneshiek, the House adjourned at 2:54 p.m. until 8:45 a.m. Friday, February 17, 1995.

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 17, 1995

The House met pursuant to adjournment at 8:48 a.m., Meyer of Sac in the chair.

Prayer was offered by Elizabeth A. Isaacson, Chief Clerk of the House.

The Journal of Thursday, February 16, 1995 was approved.

INTRODUCTION OF BILLS

House File 182, by Renken, a bill for an act relating to products liability actions.

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

House File 183, by Grundberg, a bill for an act relating to public employee collective bargaining by eliminating fact-finding in negotiations, modifying the time guidelines concerning bargaining by certain employees, and changing the budget certification date and the notice of teacher termination date for school districts.

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

SENATE MESSAGES CONSIDERED

Senate File 124, by committee on judiciary, a bill for an act relating to access to certain adoption records by the subject of the record.

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

Senate File 146, by committee on agriculture, a bill for an act relating to Iowa-foaled horses and Iowa-whelped dogs used for breeding and racing.

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

Senate File 149, by committee on human resources, a bill for an act relating to child support recovery.

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

SUBCOMMITTEE ASSIGNMENT

House Joint Resolution 7 Reassigned

State Government: Gipp, Chair; Connors and Thomson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 155

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House Study Bill 160

State Government: Bradley, Chair; Jacobs and Running.

House Study Bill 161

State Government: Churchill, Chair; Cataldo and Martin.

House Study Bill 162

State Government: Gipp, Chair; Jacobs and Jochum.

House Study Bill 163

State Government: Gipp, Chair; Brammer, Jacobs, Jochum and Tyrrell.

House Study Bill 164

State Government: Coon, Chair; Bernau and Thomson.

House Study Bill 165

Economic Development: Cornelius, Chair; Hammitt and O'Brien.

House Study Bill 166

Economic Development: Cormack, Chair; Baker and Main.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 167 Judiciary

To create a criminal offense for violation of domestic abuse orders as an alternative to contempt, establishing a mandatory minimum term of confinement, and providing penalties.

H.S.B. 168 Judiciary

Relating to the transfer of real estate by exempting certain transfers of real estate from the real estate transfer tax and providing that a lien for a purchase money mortgage has priority over other interests in the property.

H.S.B. 169 Judiciary

Relating to remedies upon the dishonoring of a financial instrument.

H.S.B. 170 Judiciary

Relating to prison time served by persons convicted of a second or subsequent forcible felony, by providing for increases in the mandatory

minimum terms of sentences to be served, and providing for a reduction in the amount of good and honor time that may be earned.

H.S.B. 171 Judiciary

Relating to the verification required for uniform citations and complaints.

RESOLUTIONS FILED

SCR 8, by Bisignano, Palmer, Judge, Dearden, Szymoniak, Fink, Dvorsky, Vilsack, Giannetto, Kibbie, Gettings, Connolly, Flynn, Halvorson, Sorensen, Neuhauser, Fraise, Husak, Horn, Boswell, Hansen, Gronstal, Priebe, Murphy, Hammond and Lundby, a concurrent resolution urging support of the striking workers at Bridgestone/Firestone in Des Moines through legislation and other means.

Referred to committee on **labor and industrial relations**.

SCR 15, by committee on communications and information policy, a concurrent resolution requesting that the Congress of the United States direct the Health Care Financing Administration to establish a national policy no later than July 1, 1995, for Medicare reimbursement of telemedicine services.

Referred to committee on **technology**.

On motion by Gipp of Winneshiek, the House adjourned at 8:52 a.m. until 1:00 p.m., Monday, January 20, 1995.

JOURNAL OF THE HOUSE

Forty-third Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 20, 1995

The House met pursuant to adjournment at 1:10 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by the Honorable Richard Vande Hoef, state representative from Osceola County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sara Tapken, Chris Timmerman, Betsy Sanders and Robin Sanders, all of Johnston, and members of the Forevergreens 4-H Group, Johnston.

The Journal of Friday, February 17, 1995 was approved.

PETITION FILED

The following petition was received and placed on file:

By Eddie of Buena Vista from thirty-eight constituents of District 10, opposing House File 2, relating to the reinstatement of the death penalty.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brand of Benton, Bernau of Story, Shoultz of Black Hawk, Nelson of Pottawattamie, for February 20 and 21; and Moreland of Wapello, all on request of Schrader of Marion; Dinkla of Guthrie on request of Renken of Grundy.

INTRODUCTION OF BILLS

House File 184, by Connors, a bill for an act relating to obligations for child support related to postsecondary education costs.

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

House File 185, by committee on ways and means, a bill for an act relating to the sales, services, and use tax exemption for items used by printers and publishers, limiting the amount of refunds, and providing retroactive and applicability date provisions.

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

PASSED ON FILE

The Speaker announced that **Senate Concurrent Resolution 15**, previously referred to committee on **technology**, has been **passed on file**.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 14

Witt of Black Hawk called up for consideration of House Concurrent Resolution 14, a concurrent resolution to urge the Governor and the citizens of Iowa to make available to the people of Japan all appropriate aid and assistance to help the people of Japan recover from the disastrous earthquake of January 17, 1995, and moved its adoption.

The motion prevailed and the resolution was adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 17, 1995, he approved and transmitted to the Secretary of State the following bill:

Senate File 45, an act changing the name of the league of Iowa municipalities to the Iowa league of cities.

Also: the Governor announced that on February 20, 1995, he approved and transmitted to the Secretary of State the following bill:

Senate File 32, an act relating to the inclusion of school nurses and area education agency professionals in the educational excellence program and providing effective and retroactive applicability dates.

SUBCOMMITTEE ASSIGNMENT

House File 172

Education: Grundberg, Chair; Mascher and Veenstra.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 148

Education: Gries, Chair; Mascher and Veenstra.

House Study Bill 158

Education: Gries, Chair; Hanson, Nelson of Pottawattamie, Rants and Warnstadt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 172 Commerce-Regulation

Relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and parties to such policies and contracts, establishing fees, and providing civil penalties.

H.S.B. 173 Education

Relating to the intervals in which general state financial aid payments are made to the community colleges and including 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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 72), relating to employment services by eliminating wage credit liability transfers and allowing all employers relief from charges when an unemployment compensation overpayment is made and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1995.

COMMITTEE ON STATE GOVERNMENT

Committee Resolution (Formerly House Joint Resolution 1), a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, and Treasurer of State.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1995.

AMENDMENTS FILED

H-3113	S.F. 84	Doderer of Johnson Myers of Johnson Holveck of Polk
H-3114	S.F. 84	Doderer of Johnson Holveck of Polk Warnstadt of Woodbury McCoy of Polk Koenigs of Mitchell Murphy of Dubuque Kreiman of Davis Witt of Black Hawk Running of Linn Cohon of Des Moines Mascher of Johnson
H-3115	S.F. 84	Doderer of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 1:20 p.m. until 8:45 a.m., Tuesday, February 21, 1995.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 21, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Jim Robertson, Highland Park Christian Church, Des Moines.

The Journal of Monday, February 20, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Kremer of Buchanan, from twenty-two residents favoring the adoption of the Senate version of Senate File 69.

By Koenigs of Mitchell, from seventy-six constituents of District 29, opposing House File 2, relating to the reinstatement of the death penalty.

INTRODUCTION OF BILLS

House Joint Resolution 9, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, and Treasurer of State.

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

House File 186, by committee on appropriations, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

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

House File 187, by committee on transportation, a bill for an act to provide conformity to the definition of travel trailers.

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

House File 188, by committee on labor and industrial relations, a bill for an act relating to employment services by eliminating wage credit liability transfers and allowing all employers relief from charges when an unemployment compensation overpayment is made and providing an applicability date.

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

House File 189, by committee on local government, a bill for an act relating to the funding of state mandates.

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

House File 190, by committee on ways and means, a bill for an act relating to a property tax exemption for property used for the recycling of ferrous and nonferrous metal, wood, glass, tires, scrap tires, and shredded tires, and for property used to manufacture new products composed primarily of recycled material.

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

House File 191, by Boddicker, Schulte, Hurley, Bradley, Disney, Lord, Branstad, Tyrrell, Blodgett, Houser, Klemme, Gries, Hanson, Ertl, Welter, Van Maanen, Greig, Weidman, Larson, Garman and Heaton, a bill for an act creating a child abuse registry review council.

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

House File 192, by Kreiman, a bill for an act relating to the deadline for the enactment of a statute that establishes the state percent of growth for a budget year and providing an effective date.

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

House File 193, by Daggett, a bill for an act providing that animals classified as ostriches, rheas, and emus are considered livestock.

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

House File 194, by Martin, a bill for an act relating to waiver of a juvenile to adult court.

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

House File 195, by Renken, a bill for an act relating to consumer credit transactions, by providing for certain licensing revocations and for the imposition of certain finance charges upon refinancing and consolidation of debts.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 2, a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

Also: That the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 116, a bill for an act authorizing certain persons to access dependent adult abuse information.

Also: That the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 118, a bill for an act relating to the development and implementation of a coordinated statewide trauma care delivery system and providing penalties and immunity from liability.

Also: That the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 130, a bill for an act relating to limiting the manner in which an order appointing a guardian or conservator is subject to attack by third parties.

Also: That the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 147, a bill for an act providing for the issuance of single general permits by the department of natural resources and providing an effective date.

Also: That the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 152, a bill for an act relating to the name of those persons who engage in the practice of podiatry.

Also: That the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 155, a bill for an act relating to employment services by eliminating wage credit liability transfers and allowing all employers relief from charges when an unemployment compensation overpayment is made and providing an applicability date.

Also: That the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 157, a bill for an act relating to solid waste by eliminating the polystyrene ban and providing an effective date.

Also: That the Senate has on February 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 158, a bill for an act to provide conformity to the definition of travel trailers.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Martin of Scott called up for consideration **House Concurrent Resolution 10**, a concurrent resolution calling for the convening of a

Conference of States and providing for Iowa's participation in the Conference, amended by the Senate, and moved that the House concur in the following Senate amendment H-3027:

H-3027

- 1 Amend House Concurrent Resolution 10, as amended,
- 2 passed, and reprinted by the House as follows:
- 3 1. Page 2, line 28, by striking the word
- 4 "distorted" and inserting the following: "changed".
- 5 2. Page 3, line 8, by striking the word "five"
- 6 and inserting the following: "no more than seven".
- 7 3. Page 3, by striking lines 13 and 14 and
- 8 inserting the following: "proposal. The composition
- 9 of the Iowa delegation shall be as follows:".
- 10 4. Page 3, by striking lines 18 through 22 and
- 11 inserting the following:
- 12 "b. No more than six legislators, selected by the
- 13 majority leader of each house, so long as an equal
- 14 number of legislators from each house is selected and
- 15 at least one member from each house is selected from
- 16 each major political party represented in that house.
- 17 The majority leader of each house shall follow the
- 18 recommendations of the minority leader of that house
- 19 regarding the appointment of members of the minority
- 20 party from that house.
- 21 Each majority leader may designate two alternate".
- 22 5. Page 4, by striking lines 10 and 11 and
- 23 inserting the following: "least 26 legislatures adopt
- 24 a resolution of participation in the Conference."

A non-record roll call was requested.

The ayes were 60, nays 28.

The motion prevailed and the House concurred in the Senate amendment H-3027.

On motion by Martin of Scott, the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 10** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:08 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 10, by committee on state government, a joint resolution ratifying a proposed balanced budget amendment to the Constitution of the United States.

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

House File 196, by Garman and O'Brien, a bill for an act relating to the definition of "support" for the purposes of support established for a child under a child support order or under an order related to a dissolution of marriage decree and providing an applicability provision.

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

House File 197, by Mundie, a bill for an act relating to the expansion of the volunteer physician program to include other health care providers.

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

House File 198, by Greig, a bill for an act creating a lien arising from the care and feeding of livestock in a custom cattle feedlot.

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

House File 199, by committee on state government, a bill for an act limiting the number of terms a person may serve as secretary of agriculture and providing applicability and effective date provisions.

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

House File 200, by Gries, a bill for an act denying per diem to members of the general assembly for each day after the required thirty days until the time the state percent of growth for school foundation purposes is finally established and providing an effective date.

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

House File 201, by Brunkhorst, a bill for an act relating to computer equipment as compensation under phase III plans in the educational excellence program and making a technical correction relating to the phase III program.

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

SENATE MESSAGES CONSIDERED

Senate File 2, by Vilsack and Sorensen, a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

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

Senate File 116, by committee on human resources, a bill for an act authorizing certain persons to access dependent adult abuse information.

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

Senate File 118, by committee on human resources, a bill for an act relating to the development and implementation of a coordinated statewide trauma care delivery system and providing penalties and immunity from liability.

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

Senate File 130, by Vilsack, a bill for an act relating to limiting the manner in which an order appointing a guardian or conservator is subject to attack by third parties.

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

Senate File 147, by committee on agriculture, a bill for an act providing for the issuance of single general permits by the department of natural resources and providing an effective date.

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

Senate File 152, by committee on state government, a bill for an act relating to the name of those persons who engage in the practice of podiatry.

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

Senate File 155, by committee on business and labor relations, a bill for an act relating to employment services by eliminating wage credit liability transfers and allowing all employers relief from charges when an unemployment compensation overpayment is made and providing an applicability date.

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

Senate File 157, by committee on natural resources, environment and energy, a bill for an act relating to solid waste by eliminating the polystyrene ban and providing an effective date.

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

Senate File 158, by committee on transportation, a bill for an act to provide conformity to the definition of travel trailers.

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

CONSIDERATION OF BILLS
Regular Calendar

Senate File 84, a bill for an act relating to individual health insurance and individual health benefit plan reforms, and establishing an income tax credit for certain individuals, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 1:11 p.m., until the fall of the gavel.

The House resumed session at 2:28 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Doderer of Johnson offered amendment H-3115 filed by her as follows:

H-3115

- 1 Amend Senate File 84, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 2 the
- 4 following:
- 5 "_. Premium rates for any block of business or
- 6 for any individual health insurance benefit plans
- 7 shall not vary or be changed based upon the gender of
- 8 the eligible individual."
- 9 2. By renumbering as necessary.

Doderer of Johnson offered the following amendment H-3116, to amendment H-3115, filed by her from the floor and moved its adoption:

H-3116

- 1 Amend the amendment, H-3115, to Senate File 84, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 7 and 8 and
- 5 inserting the following: "shall be established in
- 6 accordance with actuarial principles, but the premium
- 7 rates shall not be determined according to an
- 8 individual's gender, and shall not be excessive,
- 9 inadequate, or unfairly discriminatory."

Amendment H-3116 was adopted.

Doderer of Johnson moved the adoption of amendment H-3115, as amended.

A non-record roll call was requested.

The ayes were 27, nays 57.

Amendment H-3115, as amended, lost.

Doderer of Johnson offered the following amendment H-3113 filed by Doderer, et. al., and moved its adoption:

H-3113

- 1 Amend Senate File 84, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, line 26, by striking the word "seven"
- 4 and inserting the following: "nine".
- 5 2. Page 14, by inserting after line 2 the
- 6 following:
- 7 "c. Two members shall be members of the public and
- 8 shall be appointed by the governor and subject to
- 9 senate confirmation."
- 10 3. Page 14, by striking lines 3 and 4 and
- 11 inserting the following:
- 12 "Appointments to the board shall be coordinated so
- 13 that the board is bipartisan and gender-balanced in
- 14 accordance with sections 69.16 and 69.16A."

Amendment H-3113 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McCoy of Polk on request of Schrader of Marion.

Doderer of Johnson offered the following amendment H-3114 filed by Doderer, et. al., and moved its adoption:

H-3114

- 1 Amend Senate File 84, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by striking line 26 and inserting the
- 4 following: "apply retroactively to January 1, 1995,
- 5 for tax years beginning on or"
- 6 2. Title page, line 3, by inserting after the
- 7 word "individuals" the following: "and providing for
- 8 retroactive applicability".

Roll call was requested by Schrader of Marion and Bernau of Story.

On the question "Shall amendment H-3114 be adopted?" (S.F. 84)

The ayes were, 33:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
O'Brien	Ollie	Running	Schrader
Shultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 5:

Brammer	Grundberg	Houser	McCoy
Nelson, L.			

Amendment H-3114 lost.

Lamberti 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. 84)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Lambert	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig

Thomson
Veenstra
Welter

Tyrrell
Warnstadt
Wise

Van Fossen
Weidman
Witt

Vande Hoef
Weigel
Van Maanen,
Presiding

The nays were, none.

Absent or not voting, 4:

Brammer

Grundberg

McCoy

Nelson, L.

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 84** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Speaker Corbett presented to the House the Honorable Paul Tsongas, former United States Senator from Massachusetts.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday afternoon, February 21, 1995. Had I been present, I would have voted "aye" on Senate File 84.

McCOY of Polk

PRESENTATION OF VISITORS

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

FFA students from Mount Ayr High School, Mount Ayr, accompanied by Jack Cook. By Daggett of Union.

Twenty FFA students from Linn-Mar High School, Marion, accompanied by Dennis Selness. By Thomson of Linn.

Seven FFA students, including a foreign exchange student from Germany, from Irwin, Kirkman and Manila, accompanied by Larry Genzen. By Gries of Crawford and Drake of Pottawattamie.

Six FFA high school students from North Polk Community School, Alleman, accompanied by Mrs. Elaine Cheaney. By Disney and Lamberti of Polk.

Five FFA students from Lynnville-Sully High School, Sully, accompanied by Kayla Nelson. By Carroll of Poweshiek.

Five FFA students from Grinnell High School, Grinnell, accompanied by Chris Molitor. By Carroll of Poweshiek.

Fourteen high school students from Mid Prairie Community School, Wellman, accompanied by Neil Knobloch and Jamie Townsend. By Greiner of Washington.

Three FFA students from Prairie Valley High School, accompanied by Steve Kehoe. By Mundie of Webster.

Seven FFA students from Harlan Community High School, Harlan, accompanied by Dan Leinen and Jason Kollin. By Drake of Pottawattamie.

Students from Shenandoah High School, accompanied by Curt Barkley. By Boggess of Taylor.

Thirteen FFA students from Southeast Polk High School, accompanied by Mr. Heath Ellis. By Disney of Polk.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF CORRECTIONS Iowa Prison Industries

A report on the financial conditions of the Iowa Prison Industries farming operations, pursuant to Chapter 904.706, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The Health Data Commission 1995 Annual report, pursuant to Chapter 145.6, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\50 Roy Schmeichel, Dubuque – For 15 years of service as executive director of ARC of the Dubuque area.

1995\51 Willie Henschel, Dubuque – For celebrating his 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 7 Reassigned

State Government: Disney, Chair; Connors and Thomson.

House Joint Resolution 8

State Government: Churchill, Chair; Bernau and Martin.

House File 176

Judiciary: Veenstra, Chair; Coon and Shoultz.

House File 180

State Government: Gipp, Chair; Jacobs and Running.

House File 181

Judiciary: Hurley, Chair; Bernau and Harrison.

House File 182

Judiciary: Millage, Chair; Hurley and Kremer

House File 183

Labor and Industrial Relations: Daggett, Chair; Harper and Kremer.

House File 184

Judiciary: Hurley, Chair; Doderer and Kremer.

House File 194

Judiciary: Lamberti, Chair; Bernau and Harrison.

Senate File 93 Reassigned

Judiciary: Coon, Chair; Doderer and Lamberti.

Senate File 117

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

Senate File 124

Judiciary: Hurley, Chair; Bell and Boddicker.

Senate File 132

Judiciary: Lamberti, Chair; Hurley and Moreland.

Senate File 149

Human Resources: Harrison, Chair; Fallon, Hammitt, Hurley and Moreland.

Senate Concurrent Resolution 8

Labor and Industrial Relations: Boddicker, Chair; Bell and Renken.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 70**

Commerce-Regulation: Churchill, Chair; Doderer, Larson, Van Fossen and Weigel.

House Study Bill 122 Reassigned

State Government: Disney, Chair; Connors and Thomson.

House Study Bill 167

Judiciary: Boddicker, Chair; Kreiman and Millage.

House Study Bill 168

Judiciary: Nutt, Chair; Dinkla and Moreland.

House Study Bill 169

Judiciary: Nutt, Chair; Dinkla and Kreiman.

House Study Bill 170

Judiciary: Hurley, Chair; Lamberti and Shoultz.

House Study Bill 171

Judiciary: Boddicker, Chair; Bell and Schulte.

House Study Bill 172

Commerce-Regulation: Halvorson, Chair; Doderer, Holveck, Jacobs and Lamberti.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 174 Economic Development**

Relating to the development of housing for low or moderate income families in urban renewal areas, including an applicability date provision.

H.S.B. 175 Economic Development

Changing the definition of disabled for purposes of targeted small business programs.

H.S.B. 176 State Government

Relating to the state archivist's office.

H.S.B. 177 State Government

Relating to state budget and program review processes by providing for appropriation of moneys to the general assembly and its legislative agencies, requiring biennial budgets, requiring review of state programs and functions, and providing effective and applicability dates.

H.S.B. 178 State Government

Relating to the distribution and sale of beer, providing for the regulation of brewer and wholesaler agreements, prohibiting certain conduct, providing for the transfer of business assets, providing judicial remedies, specifying applicability, and providing for other properly related matters.

H.S.B. 179 State Government

Relating to the abolishment of the department of human rights, transfer of its various divisions to other entities of state government, and providing effective dates.

H.S.B. 180 Education

Relating to the transmission of a course via the Iowa communications network by postsecondary education institutions in Iowa.

H.S.B. 181 Judiciary

Relating to the release or detention of certain criminal defendants pending sentencing or appeal following conviction.

H.S.B. 182 Human Resources

Relating to activities of the department of human services, including provisions involving the state hospital-schools and other institutions, commitments of persons with mental retardation, and the department's public housing unit.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 100), limiting the number of terms a person may serve as secretary of agriculture and providing applicability and effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1995.

Committee Resolution (Formerly House Study Bill 164), a joint resolution ratifying a proposed balanced budget amendment to the Constitution of the United States.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1995.

AMENDMENTS FILED

H-3117	H.F.	189	Millage of Scott
H-3118	H.F.	36	Gries of Crawford Vande Hoef of Osceola

H-3119	H.F.	185	Weigel of Chickasaw
H-3120	S.F.	69	Grubbs of Scott
H-3121	S.F.	69	Rants of Woodbury
			Grubbs of Scott
			Mertz of Kossuth
			Mundie of Webster
H-3122	H.F.	2	Weidman of Cass
			Millage of Scott
			Rants of Woodbury
H-3123	H.F.	2	Connors of Polk
H-3124	H.F.	2	Millage of Scott
H-3125	H.F.	2	Millage of Scott
H-3126	H.F.	2	Millage of Scott
H-3127	H.F.	2	Holveck of Polk
H-3128	H.F.	2	Fallon of Polk
			Mascher of Johnson
			Holveck of Polk
H-3129	H.F.	2	Holveck of Polk
			Connors of Polk
			Witt of Black Hawk
			Shoultz of Black Hawk
			Koenigs of Mitchell
			Burnett of Story
H-3130	H.F.	2	Shoultz of Black Hawk
			Jochum of Dubuque
			Mascher of Johnson
			Burnett of Story
H-3131	H.F.	2	Shoultz of Black Hawk
			Jochum of Dubuque
			Mascher of Johnson
			Koenigs of Mitchell
H-3132	H.F.	2	Holveck of Polk
			Wise of Lee
			Mascher of Johnson
			Shoultz of Black Hawk
			Koenigs of Mitchell

H-3133

H.F. 2

Brand of Benton

May of Worth

Wise of Lee

Shoultz of Black Hawk

Fallon of Polk

Burnett of Story

On motion by Siegrist of Pottawattamie, the House adjourned at 3:45 p.m. until 8:45 a.m., Wednesday, February 22, 1995.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 22, 1995

The House met pursuant to adjournment at 8:58 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Steve Pike, Martelle Christian Church, Martelle.

The Journal of Tuesday, February 21, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teig of Hamilton, until he arrives, on request of Arnold of Lucas.

PETITION FILED

By Grundberg and Jacobs of Polk from one hundred twenty-five constituents of Districts 73 and 74, opposing House File 2, relating to the death penalty.

INTRODUCTION OF BILLS

House File 202, by Shoultz and Teig, a bill for an act to establish a state training certification program for certain private investigators and private security officers.

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

House File 203, by Van Maanen, Kremer, Bradley, Vande Hoef and Baker, a bill for an act relating to the location of the office of the commission of veterans affairs, and providing an effective date.

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

House File 204, by Boddicker, a bill for an act relating to benefits payable under certain policies or contracts providing for third-party payment or prepayment for diagnostic or surgical procedures involving a bone or joint of the skeletal structure.

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

On motion by Siegrist of Pottawattamie, the House was recessed at 9:03 a.m., until 10:00 a.m.

The House reconvened at 10:13 a.m., Rants of Woodbury in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nelson of Pottawattamie, until she arrives, on request of Schrader of Marion.

HOUSE FILE 35 REREFERRED

The Speaker announced that House File 35, previously referred to committee on **commerce-regulation**, was rereferred to committee on **natural resources**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2, a bill for an act applying the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's applicability, with report of committee recommending amendment and passage, was taken up for consideration.

Grubbs of Scott offered amendment H-3109 filed by the committee on judiciary as follows:

H-3109

1 Amend House File 2 as follows:

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

4 "Section 1. Section 13B.4, Code 1995, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 6A. The state public defender
7 shall perform all of the following duties with respect
8 to the appointment of counsel for indigent persons in
9 cases in which a sentence of death may be or is to be
10 imposed:

11 a. Provide or contract with attorneys for
12 appointment as lead counsel and co-counsel to provide
13 legal services in cases where a person is charged with
14 murder in the first degree and the state has given
15 notice of intent to seek the death penalty or in cases
16 in which a sentence of death is to be imposed.

17 b. Conduct or sponsor specialized training
18 programs for attorneys representing persons who may be
19 executed.

20 Sec. 2. NEW SECTION. 13D.1 QUALIFICATIONS OF
21 COUNSEL IN DEATH PENALTY CASES.

22 The supreme court shall prescribe rules which
23 establish minimum standards and procedures by which
24 attorneys may become qualified to provide legal

25 services as lead counsel in cases in which a sentence
26 of death may be or is to be imposed.

27 Sec. 3. NEW SECTION. 812A.1 PROCEDURE TO
28 DETERMINE SANITY OF CONDEMNED INMATE.

29 1. At any time prior to execution of an inmate
30 under section 902.1, if the director of the department
31 of corrections or the counsel for a person who is
32 under a sentence of execution has cause to believe
33 that the inmate is suffering from such a diseased or
34 deranged condition of the mind as to prevent the
35 defendant from knowing the nature and quality of the
36 act the defendant has been convicted of, or from
37 understanding that trial on the offense has taken
38 place and that execution proceedings are about to take
39 place, or otherwise causes the defendant to lack the
40 capacity to understand the sentence which has been
41 imposed and to participate in any legal proceedings
42 relating to the sentence, the director or counsel may
43 file a request with the court that issued the warrant
44 for execution for a determination of the inmate's
45 sanity. If the district court determines that there
46 is not sufficient reason to believe that the inmate is
47 insane, the court shall enter an order denying the
48 request and shall state the grounds for denying the
49 request. If the court believes that there is
50 sufficient reason to believe that the inmate is

Page 2

1 insane, the court shall suspend the execution and
2 conduct a hearing to determine the sanity of the
3 inmate.

4 2. At the hearing, the court shall determine the
5 issue of the inmate's sanity. The court shall order a
6 psychiatric or psychological examination of the
7 inmate. For that purpose, the court shall appoint two
8 licensed physicians or licensed psychologists, or one
9 licensed physician and one licensed psychologist, who
10 are qualified by training and practice to make such an
11 examination and to examine the inmate and report any
12 findings in writing to the court within ten days after
13 the order of examination is issued. The inmate shall
14 have the right to present evidence and cross-examine
15 any witnesses at the hearing. Any statement made by
16 the inmate during the course of any examination
17 provided for in this section, whether or not the
18 inmate consents to the examination, shall not be
19 admitted into evidence against the convict in any
20 criminal proceeding.

21 3. If, at the conclusion of a hearing held
22 pursuant to this section, the court determines that
23 the inmate is sane, the court shall enter an order
24 setting a date for the convict's execution, which
25 shall be carried into effect in the same manner as

26 provided in the original sentence. A copy of the
27 order shall be sent to the director of the department
28 of corrections and the governor.

29 4. If, at the conclusion of a hearing held
30 pursuant to this section, the court determines that
31 the convict is insane, the court shall suspend the
32 execution until further order. At any time after
33 issuance of the order, if the court has sufficient
34 reason to believe that the inmate has become sane, the
35 court shall again determine the sanity of the inmate
36 as provided by this section. Proceedings pursuant to
37 this section may continue to be held at such times as
38 the court orders until it is either determined that
39 the inmate is sane or incurably insane.

40 Sec. 4. NEW SECTION. 814.28 REVIEW OF DEATH
41 SENTENCE.

42 1. In a case in which a sentence of death is
43 imposed, the supreme court shall automatically review
44 the judgment and sentence. The court's review of the
45 case shall be de novo. The case shall not be
46 transferred to the court of appeals.

47 2. A review by the supreme court of a judgment and
48 sentence imposing the punishment of death has priority
49 over all other criminal and other actions pending
50 before the supreme court.

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1 3. The supreme court shall review the trial and
2 judgment, and separately shall review the sentencing
3 proceeding. Upon determining that errors did not
4 occur at the trial requiring reversal or modification
5 of the judgment, the supreme court shall proceed to
6 determine if the sentence of death is lawfully
7 imposed. In its review of the sentencing proceeding
8 the supreme court shall determine all of the
9 following:

10 a. Whether the sentence of death was imposed
11 capriciously or under the influence of prejudice or
12 other arbitrary factor.

13 b. Whether the special verdicts returned under
14 section 901.11 are supported by the evidence.

15 c. Whether the sentence of death is excessive or
16 disproportionate to the penalty imposed in similar
17 cases, considering both the crime and the defendant.

18 4. If the supreme court determines that the
19 sentence of death was not lawfully imposed, the court
20 shall set aside the sentence and shall remand the case
21 to the trial court for imposition of a sentence of
22 life imprisonment.

23 5. If the supreme court affirms the judgment and
24 sentence of death, the clerk of the supreme court
25 shall certify the judgment of the supreme court under
26 the seal of the court to the clerk of the trial court.

27 Sec. 5. Section 815.10, Code 1995, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 1A. The court shall appoint for
30 each indigent person who is charged with murder in the
31 first degree and in which a notice of intent to seek
32 the death penalty has been filed two attorneys to
33 represent the person in the murder proceedings and in
34 all state legal proceedings which take place from the
35 time the person is arraigned until the time of
36 sentencing on the charge. Only private attorneys and
37 public defenders who are qualified for representation
38 in cases in which the death penalty may be imposed are
39 eligible for appointment or assignment to a case in
40 which the death penalty may be imposed.

41 Sec. 6. NEW SECTION. 901.11 MURDER PROCEEDINGS
42 — REQUEST FOR DEATH PENALTY — PENALTY PROCEEDINGS.

43 1. If a notice of intent to seek the death penalty
44 has been filed, objections to the imposition of the
45 death penalty based upon allegations that a defendant
46 was mentally retarded at the time of the commission of
47 the offense shall be raised within the time provided
48 for the filing of pretrial motions under rule of
49 criminal procedure 10, Iowa court rules, third
50 edition. The court may, for good cause shown, allow

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1 late filing of the motion. Hearing on the motion
2 shall be held prior to trial and the burden of proof
3 shall be on the defendant to prove mental retardation
4 by a preponderance of the evidence. However, a
5 rebuttable presumption of mental retardation arises if
6 a defendant has an intelligence quotient of seventy or
7 below. A finding of the court that the evidence
8 presented by the defendant at the hearing does not
9 preclude the imposition of the death penalty under
10 this section and section 902.12 shall not preclude the
11 introduction of evidence of mental retardation during
12 the penalty proceeding. If the court finds that
13 evidence of mental retardation does not preclude
14 imposition of the death penalty, evidence of mental
15 retardation may be reviewed by the jury in the penalty
16 proceeding and the jury shall not be informed of the
17 finding in the initial proceeding at any time during
18 the penalty proceeding.

19 2. If at the trial of a charge of murder in the
20 first degree, the state intends to request that the
21 death penalty be imposed under section 902.1,
22 subsection 2, the prosecutor shall file a notice of
23 intent to seek the death penalty, listing the factors
24 enumerated under section 902.12 that the state intends
25 to establish in support of imposition of the death
26 penalty, at the time of and as part of the information
27 or indictment filed in the case.

28 3. If a notice of intent to seek the death penalty
29 has been filed, the trial shall be conducted in
30 bifurcated proceedings before the same trier of fact.
31 During the initial proceeding, the jury, or the court,
32 if the defendant waives the right to a jury trial,
33 shall decide only whether the defendant is guilty or
34 not guilty of murder in the first degree.
35 a. If, in the initial proceeding, the court or
36 jury finds the defendant guilty of, or the defendant
37 pleads guilty to, an offense other than murder in the
38 first degree, the court shall sentence the defendant
39 in accordance with the sentencing procedures set forth
40 in rule of criminal procedure 22, Iowa court rules,
41 third edition, and chapters 901 through 909, which are
42 applicable to the offense.
43 b. If the court or jury finds the defendant guilty
44 of, or the defendant pleads guilty to, murder in the
45 first degree, but the prosecuting attorney waives the
46 death penalty, the court shall sentence the defendant
47 to life imprisonment in accordance with the sentencing
48 procedures set forth in rule of criminal procedure 22,
49 Iowa court rules, third edition, and chapters 901
50 through 909, which are applicable to convictions of

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1 murder in the first degree.

2 c. If the court or jury finds the defendant guilty
3 of murder in the first degree, or a defendant enters a
4 plea of guilty in the initial proceeding, and the
5 prosecuting attorney does not waive imposition of the
6 death penalty, a penalty proceeding shall be held in
7 the manner provided in subsections 4 through 9.

8 4. No sooner than twenty-four hours after a
9 verdict of guilty or a plea of guilty to the charge of
10 murder in the first degree is returned in the initial
11 proceeding, a penalty proceeding shall be held to
12 determine whether the defendant shall be sentenced to
13 death or to life imprisonment. The proceeding shall
14 be conducted in the trial court before the trial jury,
15 or the court if the defendant has waived the right to
16 a jury trial. In the proceeding, evidence relevant to
17 the existence of any aggravating or mitigating
18 circumstances may be presented as follows:

19 a. The state or the defendant may present evidence
20 relevant to any of the factors enumerated in section
21 902.12 and any aggravating circumstances other than
22 juvenile delinquency adjudications for offenses which
23 carry penalties equivalent to the penalties imposed
24 for simple or serious misdemeanors. The state shall
25 be required to prove the existence of any of the
26 factors enumerated in section 902.12 beyond a
27 reasonable doubt.

28 b. The defendant may present evidence that the

29 defendant was mentally retarded at the time of the
30 commission of the offense. The burden of proof shall
31 be on the defendant to prove mental retardation by a
32 preponderance of the evidence. However, a rebuttable
33 presumption of mental retardation arises if a
34 defendant has an intelligence quotient of seventy or
35 below.

36 c. The state or the defendant may present evidence
37 relevant to any mitigating circumstances which may
38 exist. Mitigating circumstances may include the
39 following circumstances:

40 (1) The defendant was under the influence of an
41 extreme mental or emotional disturbance insufficient
42 to constitute a defense.

43 (2) The victim solicited, participated in, or
44 consented to the conduct which resulted in the
45 victim's death.

46 (3) The age of the defendant at the time of the
47 murder.

48 (4) The defendant's capacity to appreciate the
49 wrongfulness of the defendant's conduct and to conform
50 that conduct to the requirements of law was

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1 significantly impaired as a result of a mental disease
2 or defect or mental retardation, but not to a degree
3 sufficient to constitute a defense.

4 (5) The defendant has no significant history of
5 prior adult criminal activity or prior juvenile
6 criminal activity involving offenses which carry
7 penalties equivalent to the penalties imposed for
8 aggravated misdemeanors or felonies.

9 (6) The defendant acted under extreme duress or
10 under the substantial domination of another person.

11 (7) The defendant did not directly commit the
12 murder and the defendant did not intend to kill or
13 anticipate that lethal force would be used.

14 (8) Any other factor which is relevant to the
15 defendant's character or record or to the
16 circumstances of the offense.

17 (9) The defendant rendered substantial assistance
18 to the state in the prosecution of another person for
19 the crime of murder.

20 d. The state and the defendant or the defendant's
21 counsel shall be permitted to present and cross-
22 examine witnesses and present arguments for or against
23 a sentence of death. The court shall receive any
24 evidence offered that is required to be presented
25 under the rules of criminal procedure. The admission
26 of evidence in support of the existence of a factor
27 enumerated in section 902.12 shall be governed by the
28 rules governing admissibility of evidence at a
29 criminal trial. Evidence regarding aggravating and

30 mitigating circumstances shall not be governed by the
31 rules governing admissibility of evidence, except that
32 introduction of evidence secured in violation of the
33 Constitution of the United States or of the
34 Constitution of the State of Iowa shall not be
35 permitted.

36 5. At the conclusion of presentation of evidence
37 in the penalty proceeding, the following issues shall
38 be determined by the jury or the court, if there is no
39 jury:

40 a. Whether one or more of the factors enumerated
41 in section 902.12 have been established beyond a
42 reasonable doubt.

43 b. If one or more aggravating circumstances are
44 established, whether the aggravating circumstance or
45 circumstances outweigh any one or more mitigating
46 circumstances.

47 c. Whether the defendant shall be sentenced to
48 death.

49 6. A recommendation for a sentence of death shall
50 not be permitted if the recommendation is based on the

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1 race, color, religious beliefs, national origin, or
2 sex of the defendant or the victim. After submission
3 of the issues, but prior to the return of a finding in
4 the penalty proceeding, if the matter is tried before
5 a jury, the court shall instruct the jury that in
6 considering whether a sentence of death is justified,
7 it shall not consider race, color, religious beliefs,
8 national origin, or sex of the defendant or of any
9 victim. The court shall further instruct the jury
10 that it shall not return a sentence of death unless it
11 concludes that such a sentence would be recommended no
12 matter what the race, color, religious beliefs,
13 national origin, or sex of the defendant or victim may
14 be.

15 7. If the jury, or the court if there is no jury,
16 returns a unanimous affirmative finding on each of the
17 issues submitted under subsection 5, paragraphs "a",
18 "b", and "c", the court shall enter a judgment of
19 conviction and shall sentence the defendant to death
20 as provided in section 902.1, subsection 2.

21 8. However, if evidence that the defendant did not
22 directly commit the murder and the defendant did not
23 intend to kill or anticipate that lethal force would
24 be used is presented to the jury, or the court, if
25 there is no jury, the jury or the court shall return a
26 special verdict on the issue. If the jury unanimously
27 determines, or the court, if there is no jury, finds
28 that a preponderance of evidence exists that shows
29 that the defendant did not directly commit the murder
30 and the defendant did not intend to kill or anticipate

31 that lethal force would be used, the court shall enter
32 a judgment of conviction and shall sentence the
33 defendant to life imprisonment as provided in section
34 902.1, subsection 1, even if the jury or the court
35 returns unanimous affirmative findings on each of the
36 issues submitted under subsection 5.

37 9. If the jury, or the court, if there is no jury,
38 returns a negative finding on any of the issues
39 submitted under subsection 5, paragraphs "a", "b", and
40 "c", the court shall enter a judgment of conviction
41 and shall sentence the defendant to life imprisonment
42 as provided in section 902.1, subsection 1.

43 10. This section shall not apply to a defendant
44 who was under the age of eighteen at the time the
45 offense was committed.

46 Sec. 7. Section 902.1, Code 1995, is amended to
47 read as follows:

48 902.1 CLASS "A" FELONY.

49 1. Upon- Except as otherwise provided in subsection
50 2. upon a plea of guilty, a verdict of guilty, or a

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1 special verdict upon which a judgment of conviction of
2 a class "A" felony may be rendered, the court shall
3 enter a judgment of conviction and shall commit the
4 defendant into the custody of the director of the Iowa
5 department of corrections for the rest of the
6 defendant's life. Nothing in the Iowa corrections
7 code pertaining to deferred judgment, deferred
8 sentence, suspended sentence, or reconsideration of
9 sentence applies to a sentence of life imprisonment
10 for a class "A" felony, and a person convicted of a
11 class "A" felony and sentenced to life imprisonment
12 shall not be released on parole unless the governor
13 commutes the sentence to a term of years.

14 2. Upon return of a plea or verdict of guilty to
15 the offense of murder in the first degree under
16 section 707.2 and a return of a verdict in favor of a
17 sentence of death in a penalty proceeding conducted as
18 provided in section 901.11, the court shall enter a
19 judgment of conviction and shall commit the defendant
20 into the custody of the director of the Iowa
21 department of corrections. The sentence shall be
22 carried out by the administration of a lethal
23 injection pursuant to rules adopted by the board of
24 corrections. If a defendant, for whom a warrant of
25 execution is issued, is pregnant, the execution shall
26 not take place until after the defendant is no longer
27 pregnant. If a defendant, for whom a warrant of
28 execution is issued, is suffering from such a diseased
29 or deranged condition of the mind as to prevent the
30 defendant from knowing the nature and quality of the

31 act the defendant has been convicted of, or from
32 understanding that trial on the offense has taken
33 place and that execution proceedings are about to take
34 place, or otherwise causes the defendant to lack the
35 capacity, to understand the sentence which has been
36 imposed and to participate in any legal proceedings
37 relating to the sentence the execution shall not take
38 place until after the defendant's capacity is
39 restored. If the director of the department of
40 corrections or the defendant's counsel files a request
41 with the court which issued the warrant of execution,
42 alleging that the defendant suffers from such a
43 diseased or deranged condition, a hearing on the
44 matter shall be held in the manner provided in section
45 812A.1. If a defendant was under the age of eighteen
46 at the time the offense was committed, the defendant
47 shall be sentenced as provided in subsection 1. For
48 the purposes of this section, "lethal injection" means
49 a continuous intravenous injection of a lethal
50 quantity of sodium thiopental or other equally or more

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1 effective substance sufficient to cause death.
2 Sec. 8. Section 902.2, Code 1995, is amended to
3 read as follows:
4 902.2 RECORD OF CLASS "A" FELON REVIEWED.
5 The board shall interview a class "A" felon who has
6 been sentenced to life imprisonment within five years
7 of the felon's confinement and regularly thereafter.
8 If, in the opinion of the board, the person should be
9 considered for release on parole, the board shall
10 recommend to the governor that the person's sentence
11 be commuted to a term of years. If the person's
12 sentence is so commuted, the person shall be eligible
13 for parole as provided in chapter 906.
14 Sec. 9. NEW SECTION. 902.12 FIRST DEGREE MURDER
15 — ADDITIONAL FACTORS.
16 A person who commits murder in the first degree,
17 who is not mentally retarded, and who is age eighteen
18 or older at the time the offense is committed, shall
19 be eligible for a sentence of death under section
20 902.1, subsection 2, if one or more of the following
21 factors have been established:
22 1. The person has been previously convicted of a
23 class "A" felony in this state or a criminal offense
24 in any other state which would constitute a class "A"
25 felony under section 707.2, 709.2, or 710.2 if
26 committed in this state. For purposes of this
27 section, a conviction which occurs prior to the filing
28 of an indictment or information for murder in the
29 first degree shall be considered to be a previous
30 conviction. An adjudication of delinquency does not
31 constitute a conviction for purposes of this

32 subsection.

33 2. The person is convicted, during the course of
34 the same trial in which the defendant is convicted of
35 murder in the first degree, of committing another
36 class "A" felony under section 707.2, 709.2, or 710.2.

37 3. The victim was a witness to a crime and the
38 murder is for the purpose of preventing the victim
39 from testifying in any criminal proceeding and the
40 murder was not committed during the commission of the
41 crime that the victim witnessed, or the victim was a
42 witness to a crime and the murder is in retaliation
43 for the victim's testimony in any criminal proceeding.

44 4. The victim was a prosecutor or former
45 prosecutor, as defined in section 801.4, subsection
46 12, or was a prosecutor or former prosecutor for any
47 federal prosecutor's office, and the murder is in
48 retaliation for or to prevent the victim from carrying
49 out the victim's official duties.

50 5. The victim was a judicial officer as defined

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1 under section 602.1101, subsection 8, or a former
2 judicial officer of any court of record in this state
3 or any other state and the murder is in retaliation
4 for or to prevent the victim from carrying out the
5 victim's official duties.

6 6. The victim was an employee of an institution or
7 facility under the control of the department of
8 corrections or a judicial district department of
9 correctional services or of a city or county jail who
10 was performing the victim's official duties.

11 7. The victim was under the age of twelve years
12 and the death results from exceptionally brutal or
13 heinous behavior indicative of wanton cruelty.

14 For purposes of this section, "mentally retarded"
15 means significant subaverage general intellectual
16 functioning accompanied by significant deficits or
17 impairments in adaptive functioning manifested in the
18 developmental period, but no later than the age of
19 eighteen years, and accompanied by deficits in
20 adaptive behavior.

21 Sec. 10. NEW SECTION. 902.13 DATA COLLECTION FOR
22 DEATH PENALTY.

23 1. The supreme court shall collect data on all
24 murder charges in which the death penalty is or was
25 not waived, which are filed and processed in the
26 courts in this state. This data may be used by the
27 supreme court to determine whether death sentences
28 imposed are excessive or disproportionate, or under
29 the influence of prejudice as a result of racial
30 discrimination under section 814.28. The court shall
31 make this data available to litigants in death penalty
32 cases.

33 2. Data collected by public officials concerning
34 factors relevant to the imposition of the death
35 sentence shall be made publicly available.
36 Sec. 11. NEW SECTION. 903B.1 EXECUTIONS —
37 REFUSAL TO PERFORM.

38 An employee of the state who may lawfully perform,
39 assist, or participate in the execution of a person
40 pursuant to section 902.1, and rules adopted by the
41 department of corrections, shall not be required to
42 perform, assist, or participate in the execution.
43 State employees who refuse to perform, assist, or
44 participate in the execution of a person shall not be
45 discriminated against in any way, including, but not
46 limited to, employment, promotion, advancement,
47 transfer, licensing, education, training, or the
48 granting of any privileges or appointments because of
49 the refusal to perform, assist, or participate in the
50 execution.

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1 Sec. 12. Section 904.105, Code 1995, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 9A. Adopt rules pursuant to
4 chapter 17A pertaining to executions of persons
5 convicted of murder in the first degree. Rules
6 adopted shall include, but are not limited to, rules
7 permitting the witnessing of executions by members of
8 the public. Invitations to witness an execution shall
9 at least be extended to the following representatives
10 of the news media:

- 11 a. A representative from a wire service serving
12 Iowa.
- 13 b. A representative from a broadcasting network
14 serving Iowa.
- 15 c. A representative from a television station
16 located in Iowa.
- 17 d. A representative from a radio station located
18 in Iowa.
- 19 e. A representative from a daily newspaper
20 published in Iowa.
- 21 f. A representative from a weekly newspaper
22 published in Iowa.
- 23 g. A representative from the news media from the
24 community in which the condemned person resided, if
25 that community is located in Iowa.

26 Sec. 13. Rules of criminal procedure, Iowa court
27 rules, third edition, are amended by adding sections
28 14 through 17 of this Act.

29 Sec. 14. NEW RULE. MURDER IN THE FIRST DEGREE —
30 PROCEDURE.

31 1. If a notice of intent to seek the death penalty
32 has been filed, objections to the imposition of the
33 death penalty based upon allegations that a defendant

34 was mentally retarded at the time of the commission of
35 the offense shall be raised within the time provided
36 for the filing of pretrial motions under R.Cr.P. 10,
37 Iowa court rules, third edition. The court may, for
38 good cause shown, allow late filing of the motion.
39 Hearing on the motion shall be held prior to trial and
40 the burden of proof shall be on the defendant to prove
41 mental retardation by a preponderance of the evidence.
42 However, a rebuttable presumption of mental
43 retardation arises if a defendant has an intelligence
44 quotient of seventy or below. A finding of the court
45 that the evidence presented by the defendant at the
46 hearing does not preclude the imposition of the death
47 penalty under this section and section 902.12 shall
48 not preclude the introduction of evidence of mental
49 retardation during the penalty proceeding. If the
50 court finds that the evidence presented by the

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1 defendant does not preclude the imposition of the
2 death penalty, evidence of mental retardation may be
3 reviewed by the jury during the penalty proceeding and
4 the jury shall not be informed of the finding in the
5 initial proceeding at any time during the penalty
6 proceeding.

7 2. Upon a finding or plea that a defendant is
8 guilty of murder in the first degree in an initial
9 proceeding, if a notice of intent to seek the death
10 penalty has been filed and has not been waived, the
11 court shall conduct a separate penalty proceeding to
12 determine whether the defendant shall be sentenced to
13 death or to life imprisonment. The proceeding shall
14 be conducted in the trial court before the trial jury,
15 or the court, if there is no jury, no sooner than
16 twenty-four hours after the return of the verdict or
17 plea in the initial proceeding. In the proceeding,
18 additional evidence may be presented as to any factor
19 enumerated in Iowa Code section 902.12 or any
20 aggravating or mitigating circumstance which may
21 exist. Evidence presented which is relevant to the
22 existence of a factor enumerated in Iowa Code section
23 902.12 shall be subject to the rules of evidence.
24 Presentation of evidence which is relevant to the
25 existence of an aggravating or mitigating circumstance
26 shall not be bound by the rules of evidence. This
27 subsection does not authorize the introduction of any
28 evidence secured in violation of the Constitution of
29 the United States or of the Constitution of the State
30 of Iowa. The state and the defendant or the
31 defendant's counsel shall be permitted to cross-
32 examine witnesses and to present argument for or
33 against a sentence of death.

34 3. On conclusion of the presentation of the

35 evidence, the court shall submit each of the following
36 issues to the jury:

37 a. Whether one or more of the factors enumerated
38 in Iowa Code section 902.12 have been proven.

39 b. If one or more aggravating circumstances have
40 been established, whether one or more of those
41 circumstances outweigh any one or more mitigating
42 circumstances.

43 c. Whether the defendant shall be sentenced to
44 death.

45 If the case is not tried to a jury, the court shall
46 determine the issues.

47 4. The state must prove the issue in subsection 3,
48 paragraph "a" beyond a reasonable doubt, and the jury,
49 or the court if there is no jury, shall return a
50 special verdict of "yes" or "no" on each issue.

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1 5. If the case is tried to a jury, the court shall
2 charge the jury that:

3 a. It shall answer any issue "yes" if it agrees
4 unanimously.

5 b. It shall answer any issue "no" if the jurors
6 unanimously agree that the answer is "no" or if the
7 jurors do not unanimously agree that the answer is
8 "yes".

9 6. If the jury, or the court, if there is no jury,
10 returns an affirmative finding on all applicable
11 issues, the court shall sentence the defendant to
12 death. If the jury or the court returns a negative
13 finding on any applicable issue, the court shall
14 sentence the defendant to the custody of the director
15 of the department of corrections for confinement for
16 the rest of the defendant's life.

17 7. However, if evidence that the defendant did not
18 directly commit the murder and the defendant did not
19 intend to kill or anticipate that lethal force would
20 be used is presented to the jury, or the court if
21 there is no jury, the jury or the court shall return a
22 special verdict on the issue. If the jury unanimously
23 determines, or the court, if there is no jury, finds
24 that a preponderance of evidence exists that shows
25 that the defendant did not directly commit the murder
26 and the defendant did not intend to kill or anticipate
27 that lethal force would be used, the court shall enter
28 a judgment of conviction and shall sentence the
29 defendant to life imprisonment as provided in section
30 902.1, subsection 1, even if the jury or the court
31 returns unanimous affirmative findings on each of the
32 issues submitted under subsection 3.

33 8. Provisions relating to deferred judgment,
34 deferred sentence, suspended sentence, reconsideration
35 of sentence, probation, parole, or work release

36 contained in Iowa Code chapters 901 through 909 do not
37 apply to a conviction of murder in the first degree if
38 the defendant is sentenced to death.

39 Sec. 15. NEW RULE. AUTOMATIC REVIEW — STAY OF
40 EXECUTION OF JUDGMENT.

41 1. A judgment of conviction and sentence of death
42 shall be reviewed automatically in the manner provided
43 in Iowa Code section 814.28, and the Iowa supreme
44 court has exclusive jurisdiction of the review.

45 2. Upon entry of judgment and sentence of death,
46 the trial court shall prepare a complete record and
47 transcript of the action in the manner provided in the
48 rules of criminal procedure and shall docket the
49 record and transcript with the clerk of the supreme
50 court.

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1 3. The execution of judgment of the trial court is
2 stayed as a matter of law from the time of its entry
3 until the judgment of the supreme court is certified
4 to and entered by the trial court. Upon entry of a
5 judgment of the supreme court which affirms the
6 conviction and sentence, the stay of execution of
7 judgment terminates as a matter of law.

8 4. All court costs required due to the automatic
9 preparation of the record and transcript, docketing
10 with the supreme court, and stay of execution of
11 judgment shall be assessed to the state.

12 Sec. 16. NEW RULE. ISSUANCE OF WARRANT.

13 1. Upon entry by the trial court of the judgment
14 of the supreme court affirming a judgment and sentence
15 of death, a district judge shall within five days of
16 the entry issue a warrant under the seal of the court
17 for the execution of the sentence of death. The
18 warrant shall specifically set forth the offense and
19 the fact of conviction, shall state the judgment and
20 sentence of the court, shall state that the judgment
21 and sentence were affirmed by the supreme court and
22 the date of entry of judgment of the supreme court in
23 the trial court, and shall, subject to the
24 requirements of Iowa Code section 902.1, subsection 2,
25 specify the date fixed for execution of the defendant
26 which shall be not less than fifty nor more than sixty
27 days after the date of entry in the trial court of the
28 judgment of the supreme court affirming the judgment
29 and sentence of death. The warrant shall be directed
30 to the director of the department of corrections
31 commanding the director to cause the warrant to be
32 executed on the date specified. The trial court shall
33 deliver the warrant to the sheriff of the county in
34 which judgment of conviction was entered and the
35 sheriff shall deliver the warrant to the director of
36 the department of corrections. The director of the

37 department of corrections shall acknowledge receipt of
38 the warrant and the defendant, and the sheriff shall
39 return the acknowledgment to the office of the clerk
40 of the trial court from which the warrant was issued.

41 2. Immediately after issuance of a warrant
42 ordering a sentence of death, the clerk of the trial
43 court issuing the warrant shall transmit by certified
44 mail to the governor a copy of the indictment, the
45 plea, the verdict and special findings, the
46 affirmation of judgment and sentence by the supreme
47 court, and the complete transcript of the trial court.

48 3. Notwithstanding subsection 1, if a defendant,
49 for whom a warrant of execution is issued, is
50 pregnant, the execution shall not take place until

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1 after the defendant is no longer pregnant.
2 Notwithstanding subsection 1, if a defendant, for whom
3 a warrant of execution is issued, is suffering from
4 such a diseased or deranged condition of the mind as
5 to prevent the defendant from knowing the nature and
6 quality of the act the defendant has been convicted
7 of, or from understanding that trial on the offense
8 has taken place and that execution proceedings are
9 about to take place, or otherwise causes the defendant
10 to lack the capacity to understand the sentence which
11 has been imposed and to participate in any legal
12 proceedings relating to the sentence, the execution
13 shall not take place until after the defendant is no
14 longer suffering from the condition.

15 Sec. 17. NEW RULE. EVIDENCE AT PENALTY PROCEEDING
16 WHERE DEATH SENTENCE REQUESTED.

17 1. At a reasonable time before the commencement of
18 initial proceedings in a first degree murder trial in
19 which a sentence of death has been requested, each
20 party shall file and serve upon the other party the
21 following:

22 a. A list of all aggravating or mitigating
23 circumstances which the party intends to prove during
24 the sentencing proceedings.

25 b. The names of all persons whom the party intends
26 to call as witnesses during the sentencing
27 proceedings.

28 c. Notwithstanding R.Cr.P. 13, copies, or for
29 inspection purposes, the location, of all documents,
30 including books, papers, writings, drawings, graphs,
31 charts, photographs, phone records, and other data
32 compilations from which information can be obtained,
33 or other objects which the party intends to offer into
34 evidence during the sentencing proceedings. If copies
35 are not supplied to opposing counsel, the party shall
36 make the items available for inspection and copying
37 without order of the court.

38 2. In proceedings to determine whether the
39 sentence shall be death or life imprisonment, evidence
40 may be presented as to any matter which the trial

41 court deems relevant to the sentence, including but
 42 not limited to the nature, circumstances, and manner
 43 of completion of the murder, and the defendant's
 44 character, background, history, and mental and
 45 physical condition. The trial court shall admit any
 46 relevant admissible evidence respecting any
 47 aggravating or mitigating circumstances, if the party
 48 has included the circumstance on a list provided
 49 pursuant to this rule, or good cause is shown for the
 50 failure to do so.

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1 Sec. 18. APPLICABILITY. This Act applies to
 2 offenses committed on or after the effective date of
 3 this Act."
 4 2. Title page, line 1, by inserting after the
 5 word "imprisonment" the following: "for the offense
 6 of first degree murder".
 7 3. Title page, by striking line 2 and inserting
 8 the following: "establishing circumstances under
 9 which the death penalty will be applied, by providing
 10 a".

The House stood at ease at 10:37 a.m., until the fall of the gavel.

The House resumed session at 11:25 a.m., Rants of Woodbury in the chair.

Weigel of Chickasaw asked and received unanimous consent to defer action on amendment H-3152, to the committee amendment H-3109, filed from the floor.

Brand of Benton offered the following amendment H-3154, to the committee amendment H-3109, filed by Brand, Bernau, Mascher and Shoultz from the floor and moved its adoption:

H-3154

1 Amend the amendment, H-3109, to House File 2 as
 2 follows:
 3 1. Page 1, by inserting after line 26, the
 4 following:
 5 "Sec. ____ Section 216A.133, Code 1995, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 8. Review the effects of the
 8 reinstatement of the death penalty on arrest,
 9 prosecution, conviction, and incarceration rates; law
 10 enforcement duties and ability to obtain evidence
 11 necessary for arrests; court dockets and workload;
 12 prison space; recidivism rates of persons charged with
 13 crimes of violence against persons; and other aspects
 14 of the criminal justice system. Based on the review
 15 and other factors deemed relevant, the council shall
 16 make findings and develop recommendations resulting

17 from those findings. Commencing January 1, 1997, the
18 council shall report its findings and any related
19 recommendations annually to the governor and to the
20 general assembly."
21 2. By designating, redesignating, and correcting
22 internal references, as necessary.

Amendment H-3154 was adopted.

Kreiman of Davis offered the following amendment H-3136, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3136

1 Amend the amendment, H-3109, to House File 2 as
2 follows:
3 1. Page 2, by inserting after line 39 the
4 following:
5 "Sec. . NEW SECTION. 813.5 DEATH PENALTY
6 REQUEST REVIEW PANEL.
7 1. The death penalty request review panel is
8 established, consisting of three retired judges or
9 justices who shall be appointed by the governor,
10 subject to confirmation by the senate. The duties of
11 the death penalty request review panel shall be to
12 review proposed requests for imposition of the death
13 penalty filed with the panel by the attorney
14 representing the interests of the state and to
15 authorize or disallow the requests. The members of
16 the panel shall serve four-year staggered terms, which
17 shall begin and end as provided in section 69.19. The
18 panel shall be balanced, as nearly as is possible, by
19 gender and political affiliation as provided in
20 sections 69.16 and 69.16A. Members appointed shall be
21 compensated for any actual and necessary expenses of
22 office in the manner provided in section 7E.6.
23 2. An attorney representing the interests of the
24 state who wishes to seek the death penalty in any
25 case, must first submit the request to seek the death
26 penalty to the panel and seek permission to file the
27 notice. The attorney must demonstrate to the panel
28 how the facts of the particular case meet the
29 requirements of section 902.12 and why a sentence of
30 imprisonment until death is insufficient. The
31 attorney shall not file a notice of intent to seek the
32 death penalty in any case in which the panel has
33 disallowed the request. If the panel fails to approve
34 or disapprove the request within thirty days of
35 submission of the request or the panel approves the
36 request, the attorney may file the notice as provided
37 in section 901.11.
38 3. Before the panel approves or disapproves a
39 request to seek the death penalty, the counsel for the
40 defendant shall be notified of the filing of the
41 request and shall be given the opportunity, both

42 orally and in writing, to contest the request and to
 43 demonstrate that the request is inappropriate in the
 44 particular case. The panel may deny the attorney
 45 representing the interests of the state's request, if
 46 the panel determines that the ends of justice would
 47 not be served by the imposition of a death sentence.
 48 All factual information submitted by the attorney
 49 representing the interests of the state shall be
 50 retained by the panel for an indefinite period of

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1 time. The panel shall make the information available
 2 to members of the general public upon request, at the
 3 conclusion of the trial court proceedings, and to the
 4 defendant prior to or during the course of trial
 5 pursuant to a subpoena."
 6 2. By designating, redesignating, and correcting
 7 internal references as necessary.

Roll call was requested by Baker of Polk and Shoultz of Black Hawk.

On the question "Shall amendment H-3136, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 31:

Baker	Bell	Bernau	Brand
Burnett	Cohoon	Connors	Doderer
Drees	Fallon	Grundberg	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Murphy	Myers
O'Brien	Ollie	Running	Schrader
Shoultz	Weigel	Witt	

The nays were, 65:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Gries	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Wise
Rants, Presiding			

Absent or not voting, 4:

Brammer

Greiner

Nelson, L.

Warnstadt

Amendment H-3136 lost.

Moreland of Wapello offered the following amendment H-3146, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3146

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

3 1. Page 3, by inserting after line 17 the
4 following:

5 " ___. The court shall also, upon the request of
6 the defendant, in addition to any other determination,
7 review whether the sentence of death is excessive or
8 disproportionate to the penalty imposed in similar
9 cases by virtue of the race of the defendant or the
10 victim of the crime for which the defendant was
11 convicted. For purposes of this section:

12 a. The universe of potentially similar cases
13 considered by the courts shall include all cases in
14 which an indictment was returned for the charge of
15 first degree murder on or after the effective date of
16 this Act, which did not result in the dismissal of the
17 indictment or a judgment of acquittal, and in which
18 one or more of the statutory factors enumerated in
19 section 902.12 is present.

20 b. Cases similar to the case under review shall be
21 identified by assessing and comparing the overall
22 culpability of offenders' conduct as determined by the
23 presence or absence of aggravating or mitigating
24 factors in potentially similar cases, combined with
25 such other criteria as the court deems appropriate.

26 c. The determination of whether the sentence is
27 excessive or disproportionate shall be based upon the
28 relative frequency with which death sentences are
29 imposed in similar cases."

30 2. Page 3, by inserting after line 22 the
31 following:

32 " ___. The court may suspend consideration of death
33 penalty cases until such time as the court determines
34 that the court is prepared to perform the comparative
35 assessments required under this section. The court
36 shall appoint one or more special administrative
37 assistants possessing appropriate expertise and
38 training to accumulate the case records and to compile
39 and provide such other information as the court deems
40 necessary for their review.

41 ___. The briefs filed on the appeal by the state
42 and the defendant shall include written argument
43 regarding the propriety of the sentence that was

- 44 imposed and shall specifically address the issue of
 45 whether the imposition of the death sentence is
 46 excessive or disproportionate to the sentence imposed
 47 in similar cases, if any, considering both the crime
 48 and the defendant."
 49 3. Page 3, line 26, by inserting after the word
 50 "court." the following: "Decisions of the court shall

Page 2

- 1 include findings relating to the aggravating and
 2 mitigating factors established in the record on
 3 appeal, including an assessment of the offender's
 4 level of culpability, and similar cases, if any, which
 5 the court took into consideration, in affirming or
 6 reversing the trial court judgment."
 7 4. By numbering, renumbering, and correcting
 8 internal references as necessary.

Roll call was requested by Baker of Polk and Fallon of Polk.

On the question "Shall amendment H-3146, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Fallon	Halvorson	Hanson
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Gries
Grubbs	Grundberg	Hahn	Hammitt
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Myers	Nelson, B.	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Rants, Presiding			

Absent or not voting, 5:

Brammer
Van Fossen

Drees

Greiner

Nelson, L.

Amendment H-3146 lost.

Siegrist of Pottawattamie asked and received unanimous consent that House File 2 be deferred.

(The committee amendment H-3109, as amended, pending)

On motion by Siegrist of Pottawattamie, the House was recessed at 12:22 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:32 p.m., Rants of Woodbury in the chair.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2**, a bill for an act applying the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's applicability, previously deferred, and the committee amendment H-3109, as amended, pending.

Doderer of Johnson offered the following amendment H-3138, to the committee amendment H-3109, filed by Doderer, Jochum, Connors, Bernau, Mascher and Burnett from the floor and moved its adoption:

H-3138

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 3, line 22, by striking the words "life
- 4 imprisonment" and inserting the following:
- 5 "imprisonment until death".
- 6 2. Page 3, by inserting after line 40 the
- 7 following:
- 8 "Sec. ____, Section 818.14, Code 1995, is amended
- 9 to read as follows:
- 10 818.14 BAIL.
- 11 Unless the crime with which the prisoner is charged
- 12 is shown to be an offense punishable by death or life
- 13 imprisonment until death under the laws of the
- 14 demanding state, a judge or magistrate in the asylum
- 15 state may admit the person arrested to bail by bond
- 16 with sufficient sureties, and in such sum as the judge

17 or magistrate deems proper, conditioned for the
18 prisoner's appearance before the judge or magistrate
19 at a time specified in such bond, and for the
20 prisoner's surrender. In the event of a violation of
21 the conditions of said bond, forfeiture thereof and
22 recovery thereon may be had as in the case of
23 appearance bonds given by accused persons in criminal
24 proceedings in the asylum state.

25 Sec. ____ Section 820.16, Code 1995, is amended to
26 read as follows:

27 820.16 BAIL — EXCEPTIONS.

28 Unless the offense with which the prisoner is
29 charged is shown to be an offense punishable by death
30 or life-imprisonment until death under the laws of the
31 state in which it was committed, a judge or magistrate
32 in this state may admit the person arrested to bail by
33 bond, with sufficient sureties, and in such sum as the
34 judge or magistrate deems proper, conditioned for the
35 prisoner's appearance before the judge or magistrate
36 at a time specified in such bond, and for the
37 prisoner's surrender, to be arrested upon the warrant
38 of the governor of this state."

39 3. Page 4, line 47, by striking the words "life
40 imprisonment" and inserting the following:
41 "imprisonment until death".

42 4. Page 5, line 13, by striking the words "life
43 imprisonment" and inserting the following:
44 "imprisonment until death".

45 5. Page 7, line 33, by striking the words "life
46 imprisonment" and inserting the following:
47 "imprisonment until death".

48 6. Page 7, line 41, by striking the words "life
49 imprisonment" and inserting the following:
50 "imprisonment until death".

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1 7. Page 8, lines 5 and 6, by striking the words
2 "for the rest of the defendant's life" and inserting
3 the following: "~~for the rest of the defendant's life~~
4 until the defendant's death".

5 8. Page 8, line 9, by striking the words "life
6 imprisonment" and inserting the following:
7 "imprisonment until death".

8 9. Page 8, line 11, by striking the words "life
9 imprisonment" and inserting the following:
10 "imprisonment until death".

11 10. Page 9, line 6, by striking the words "life
12 imprisonment" and inserting the following:
13 "imprisonment until death".

14 11. Page 10, by inserting after line 35 the
15 following:

16 "Sec. ____ Section 903A.2, subsections 4 and 5,
17 Code 1995, are amended to read as follows:

18 4. Good conduct time earned and not forfeited
19 shall accrue to an inmate serving a ~~life~~ sentence of
20 imprisonment until death. The good conduct time so
21 accrued does not apply to reduce the ~~life~~ sentence of
22 imprisonment until death, but shall be credited to the
23 inmate on the date of commutation, if the ~~life~~
24 sentence of imprisonment until death is commuted to a
25 term of years.

26 5. Except in ~~life~~ sentences of imprisonment until
27 death, good conduct time shall be credited to the
28 maximum sentence annually on the date of admission."

29 12. Page 12, line 13, by striking the words "life
30 imprisonment" and inserting the following:
31 "imprisonment until death".

32 13. Page 13, by striking lines 15 and 16 and
33 inserting the following: "of the department of
34 corrections for confinement until the defendant's
35 death."

36 14. Page 13, line 29, by striking the words "life
37 imprisonment" and inserting the following:
38 "imprisonment until death".

39 15. Page 15, line 39, by striking the words "life
40 imprisonment" and inserting the following: "imprison-
41 ment until death".

42 16. By designating and redesignating and
43 correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 41, nays 54.

Amendment H-3138 lost.

Connors of Polk offered the following amendment H-3123, to the committee amendment H-3109, filed by him and moved its adoption:

H-3123

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

3 1. Page 3, by striking lines 31 and 32 and
4 inserting the following: "first degree two attorneys
5 to".

6 2. Page 3, by striking lines 39 and 40 and
7 inserting the following: "eligible for appointment or
8 assignment to a first degree murder case."

9 3. Page 4, line 10, by striking the words and
10 figure "and section 902.12".

11 4. Page 4, by inserting after line 18 the
12 following:

13 "For purposes of this subsection, "mentally
14 retarded" means significant subaverage general
15 intellectual functioning accompanied by significant
16 deficits or impairments in adaptive functioning

- 17 manifested in the developmental period, but no later
 18 than the age of eighteen years, and accompanied by
 19 deficits in adaptive behavior.”
- 20 5. Page 4, by striking lines 23 through 27 and
 21 inserting the following: “intent to seek the death
 22 penalty as part of the information or indictment filed
 23 in the case.”
- 24 6. Page 5, by striking lines 20 and 21 and
 25 inserting the following: “relevant to any aggravating
 26 circumstances other than”.
- 27 7. Page 5, by striking lines 24 through 27 and
 28 inserting the following: “for simple or serious
 29 misdemeanors.”
- 30 8. Page 6, by striking lines 25 through 29 and
 31 inserting the following: “under the rules of criminal
 32 procedure. Evidence regarding aggravating and”.
- 33 9. Page 6, by striking lines 40 through 42.
- 34 10. Page 7, lines 17 and 18, by striking the
 35 words “a”, “b”, and “c” and inserting the following:
 36 “a” and “b”.
- 37 11. Page 7, lines 39 and 40, by striking the
 38 words “a”, “b”, and “c” and inserting the following:
 39 “a” and “b”.
- 40 12. By striking page 9, line 14, through page 10,
 41 line 20.
- 42 13. Page 11, line 47, by striking the words and
 43 figure “and section 902.12”.
- 44 14. Page 12, by striking lines 18 and 19 and
 45 inserting the following: “additional evidence may be
 46 presented as to any”.
- 47 15. Page 12, by striking lines 21 through 23 and
 48 inserting the following: “exist.”
- 49 16. Page 12, by striking lines 37 and 38.
- 50 17. Page 12, by striking lines 47 and 48 and

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- 1 inserting the following:
 2 “4. The jury.”
 3 18. By renumbering and correcting internal
 4 references as necessary.

A non-record roll call was requested.

The ayes were 8, nays 64.

Amendment H-3123 lost.

Holveck of Polk asked and received unanimous consent to defer action on amendment H-3165, to the committee amendment H-3109.

Doderer of Johnson offered the following amendment H-3137, to the committee amendment H-3109, filed by her from the floor and moved its adoption:

H-3137

- 1 Amend the amendment, H-3109, to House File 2, as
- 2 follows:
- 3 1. Page 4, line 7, by inserting after the word
- 4 "below." the following: "If the court finds that the
- 5 defendant is mentally retarded, the defendant, if
- 6 convicted of murder in the first degree, shall be
- 7 sentenced to life imprisonment in the manner provided
- 8 in section 902.1, subsection 1."

Amendment H-3137 was adopted.

Kreiman of Davis offered the following amendment H-3160, to the committee amendment H-3109, filed by Kreiman, May and Burnett from the floor and moved its adoption:

H-3160

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 4, line 30, by inserting after the word
- 4 "fact." the following: "However, if there was no jury
- 5 in the initial proceeding or the defendant waived the
- 6 right to jury trial in the initial proceeding, the
- 7 defendant may demand a jury for the penalty proceeding
- 8 by filing an oral or written request with the court."
- 9 2. Page 5, line 14, by striking the words "the
- 10 trial jury" and inserting the following: "a jury".
- 11 3. Page 5, line 16, by inserting after the word
- 12 "trial" the following: "in the initial proceeding and
- 13 has not filed a demand for jury trial or has waived
- 14 the right to trial by jury in the penalty proceeding".
- 15 4. Page 12, line 14, by striking the words "the
- 16 trial jury" and inserting the following: "a jury".

A non-record roll call was requested.

The ayes were 30, nays 57.

Amendment H-3160 lost.

Fallon of Polk asked and received unanimous consent to defer action on amendment H-3164, to the committee amendment H-3109, filed from the floor.

Kreiman of Davis offered the following amendment H-3143, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3143

- 1 Amend the amendment, H-3109, to House File 2, as
- 2 follows:
- 3 1. Page 4, line 34, by inserting after the word
- 4 "degree." the following: "If a notice of intent to

5 seek the death penalty has been filed, and has not
 6 been waived prior to trial, at trial each party shall
 7 have the right to individualized, sequestered,
 8 counsel-conducted voir dire. The court shall be
 9 present throughout voir dire proceedings and the
 10 proceedings shall be recorded and transcribed."

11 2. Page 12, by inserting after line 6 the
 12 following:

13 " ___. If a notice of intent to seek the death
 14 penalty has been filed, and has not been waived prior
 15 to trial, at trial each party shall have the right to
 16 individualized, sequestered, counsel-conducted voir
 17 dire. The court shall be present throughout voir dire
 18 proceedings and the proceedings shall be recorded and
 19 transcribed."

20 3. By designating, redesignating, and changing
 21 internal references as necessary.

A non-record roll call was requested.

The ayes were 31, nays 57.

Amendment H-3143 lost.

Kreiman of Davis offered amendment H-3155, to the committee amendment H-3109, filed by Kreiman, Moreland and Bernau from the floor and requested division as follows:

H-3155

1 Amend the amendment, H-3109, to House File 2, as
 2 follows:

H-3155A

3 1. Page 5, line 16, by inserting after the word
 4 "trial." the following: "Both the state and the
 5 defendant shall have the right to present opening
 6 statements at the commencement of the penalty
 7 proceedings."

H-3155B

8 2. Page 5, by striking lines 21 through 24 and
 9 inserting the following: "902.12 and any aggravating
 10 circumstances. The state shall".

On motion by Kreiman of Davis, amendment H-3155A, to the committee amendment H-3109, was adopted.

Millage of Scott offered the following amendment H-3135, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3135

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 5, line 24, by inserting after the word
- 4 "misdemeanors." the following: "The state may
- 5 introduce evidence of the actual harm caused by the
- 6 commission of the murder including, but not limited
- 7 to, evidence relating to the life of the victim and
- 8 the impact of the loss of the victim to the victim's
- 9 family and society."

Amendment H-3135 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3155B, to the committee amendment H-3109, filed by Kreiman, Moreland and Bernau.

Holveck of Polk offered the following amendment H-3161, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3161

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 5, line 27, by inserting after the word
- 4 "doubt" the following: "by evidence that includes the
- 5 testimony of at least two witnesses to the murder who
- 6 viewed the murder from the same vantage point".
- 7 2. Page 6, line 29, by inserting after the word
- 8 "trial" the following: ", except that the testimony
- 9 of the defendant or a parent, child, or sibling of the
- 10 defendant shall not be admissible for purposes of
- 11 establishing the existence of a factor enumerated
- 12 under section 902.12, or any aggravating
- 13 circumstance".
- 14 3. Page 12, line 23, by inserting after the word
- 15 "evidence" the following: ", except that the
- 16 testimony of the defendant or a parent, child, or
- 17 sibling of the defendant shall not be admissible for
- 18 purposes of establishing the existence of a factor
- 19 enumerated under section 902.12, or any aggravating
- 20 circumstance".
- 21 4. Page 12, line 48, by inserting after the word
- 22 "doubt" the following: "by evidence that includes the
- 23 testimony of at least two witnesses to the murder who
- 24 viewed the murder from the same vantage point".

Roll call was requested by Baker of Polk and Fallon of Polk.

On the question "Shall amendment H-3161, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 30:

Baker	Bell	Bernau	Brand
Burnett	Connors	Doderer	Drees
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Witt		

The nays were, 68:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Cphoon
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Wise	Rants, Presiding

Absent or not voting, 2:

Brammer Nelson, L.

Amendment H-3161 lost.

Speaker pro tempore Van Maanen of Marion in the chair at 4:02 p.m.

Kreiman of Davis offered the following amendment H-3167, to the committee amendment H-3109, filed by him and Bernau from the floor and moved its adoption:

H-3167

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 6, by inserting after line 13 the
- 4 following:
- 5 "() Another defendant, who is equally culpable
- 6 in the murder, will not receive or has not received a
- 7 sentence of death for participation in the offense."
- 8 2. By designating, redesignating, and correcting
- 9 internal references as necessary.

A non-record roll call was requested.

The ayes were 23, nays 57.

Amendment H-3167 lost.

Hurley of Fayette offered the following amendment H-3148, to the committee amendment H-3109, filed by him and Drake from the floor and moved its adoption:

H-3148

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 6, by inserting after line 19 the
- 4 following:
- 5 "(). The evidence which establishes that the
- 6 defendant committed murder in the first degree either
- 7 does not include the testimony of two or more
- 8 eyewitnesses or is not irrefutable."
- 9 2. By numbering, renumbering, and correcting
- 10 internal references as necessary.

Amendment H-3148 was adopted.

Rants of Woodbury in the chair at 4:28 p.m.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-3162, to the committee amendment H-3109, filed by him from the floor.

Kreiman of Davis offered amendment H-3166, to the committee amendment H-3109, filed by him from the floor and requested division as follows:

H-3166

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:

H-3166A

- 3 1. Page 6, line 35, by inserting after the word
- 4 "permitted." the following: "At the conclusion of
- 5 evidence in the penalty proceeding, both the state and
- 6 the defendant shall be permitted to make rebuttal
- 7 arguments."
- 8 2. Page 6, line 36, by inserting after the word
- 9 "evidence" the following: "and arguments".

H-3166B

- 10 3. Page 6, line 37, by inserting after the word
- 11 "proceeding," the following: "neither the state nor
- 12 the defendant shall be permitted to make any further
- 13 rebuttal arguments and".

Kreiman of Davis asked and received unanimous consent to defer action on amendment H-3166A, to the committee amendment H-3109.

Kreiman of Davis asked and received unanimous consent to defer action on amendment H-3166B, to the committee amendment H-3109.

Moreland of Wapello asked and received unanimous consent to defer action on amendment H-3156, to the committee amendment H-3109, filed from the floor.

Moreland of Wapello offered the following amendment H-3147, to the committee amendment H-3109, filed by Moreland, Jochum, Bernau, Mascher, Witt, Brand and Koenigs from the floor and moved its adoption:

H-3147

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 6, line 46, by inserting after the word
- 4 "circumstances" the following: "beyond a reasonable
- 5 doubt".
- 6 2. Page 6, by striking lines 47 and 48 and
- 7 inserting the following:
- 8 "c. Whether the jury, or the court if there is no
- 9 jury, concludes beyond a reasonable doubt that the
- 10 defendant should be sentenced to death."
- 11 3. Page 12, line 42, by inserting after the word
- 12 "circumstances" the following: "beyond a reasonable
- 13 doubt".
- 14 4. Page 12, by striking lines 43 and 44 and
- 15 inserting the following:
- 16 "c. Whether the jury concludes beyond a reasonable
- 17 doubt that the defendant should be sentenced to
- 18 death."

Roll call was requested by Baker of Polk and Doderer of Johnson.

On the question "Shall amendment H-3147, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 44:

Baker	Bell	Bernau	Brand
Burnett	Carroll	Cataldo	Cohoon
Connors	Disney	Doderer	Drees
Ertl	Fallon	Grundberg	Halvorson
Harper	Holveck	Jacobs	Jochum
Koenigs	Kreiman	Larkin	Martin
Mascher	May	McCoy	Mertz
Metcalf	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Tyrrell
Warnstadt	Weigel	Wise	Witt

The nays were, 54:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Klemme
Kremer	Lamberti	Lord	Main
Meyer	Millage	Nelson, B.	Nutt
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Rants,		
	Presiding		

Absent or not voting, 2:

Brammer Larson

Amendment H-3147 lost.

Shoultz of Black Hawk offered the following amendment H-3130, to the committee amendment H-3109, filed by Shoultz, et. al., and moved its adoption:

H-3130

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 7, by inserting after line 14 the
- 4 following:
- 5 "_. After submission of the issues, but prior to
- 6 the commencement of the jury deliberations in the
- 7 penalty proceeding, the court shall instruct the jury
- 8 that if the defendant is not sentenced to death, the
- 9 court is required by law to impose a sentence of
- 10 imprisonment until death without parole. The court
- 11 shall further instruct the jury that the sentence of
- 12 imprisonment until death without parole is required by
- 13 law if the jury fails to reach a unanimous verdict
- 14 recommending a sentence of death."
- 15 2. By numbering, renumbering, and correcting
- 16 internal references as necessary.

A non-record roll call was requested.

The ayes were 50, nays 45.

Amendment H-3130 was adopted.

Kreiman of Davis asked and received unanimous consent to defer action on amendment H-3174, to the committee amendment H-3109, filed by him from the floor.

Grubbs of Scott offered the following amendment H-3142, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3142

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

3 1. Page 7, by striking lines 21 through 24 and
4 inserting the following:

5 "8. However, if evidence that the defendant was
6 not a major participant in the commission of the
7 murder and that the defendant's conduct did not
8 manifest a reckless indifference to human life is
9 presented to the jury, or the court, if".

10 2. Page 7, by striking lines 29 through 31 and
11 inserting the following: "that the defendant was not
12 a major participant in the commission of the murder
13 and that the defendant's conduct did not manifest a
14 reckless indifference to human life, the court shall
15 enter".

16 3. Page 13, by striking lines 17 through 20 and
17 inserting the following:

18 "7. However, if evidence that the defendant was
19 not a major participant in the commission of the
20 murder and that the defendant's conduct did not
21 manifest a reckless indifference to human life is
22 presented to the jury, or the court, if".

23 4. Page 13, by striking lines 25 through 27 and
24 inserting the following: "that the defendant was not
25 a major participant in the commission of the murder
26 and that the defendant's conduct did not manifest a
27 reckless indifference to human life, the court shall
28 enter".

Amendment H-3142 was adopted.

Fallon of Polk offered amendment H-3151, to the committee amendment H-3109, filed by him and Bernau from the floor and requested division as follows:

H-3151

1 Amend the amendment, H-3109, to House File 2, as
2 follows:

H-3151A

3 1. Page 7, by striking lines 29 through 31 and
4 inserting the following: "any of the following, the
5 court shall enter".

H-3151B

6 2. Page 7, line 36, by striking the figure "5."
7 and inserting the following: "5:

H-3151B

- 8 a. That the defendant did not directly commit the
9 murder and the defendant did not intend to kill or
10 anticipate that lethal force would be used.
11 b. That the defendant's capacity to appreciate the
12 wrongfulness of the defendant's conduct and to conform
13 that conduct to the requirements of law was
14 significantly impaired as a result of a mental disease
15 or defect or mental retardation, but not to a degree
16 sufficient to constitute a defense.
17 c. That the defendant acted under extreme duress
18 or under the substantial domination of another
19 person."

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3151A, to the committee amendment H-3109.

Fallon of Polk moved the adoption to amendment H-3151B, to the committee amendment H-3109.

A non-record roll call was requested.

The ayes were 33, nays 58.

Amendment H-3151B lost.

Kreiman of Davis offered the following amendment H-3150, to the committee amendment H-3109, filed by Kreiman, Moreland and Bernau from the floor and moved its adoption:

H-3150

- 1 Amend the amendment, H-3109, to House File 2 as
2 follows:
3 1. Page 7, by inserting after line 42 the
4 following:
5 "_. After a verdict has been rendered it shall
6 be recorded on the jury verdict form and shall be read
7 and recorded in open court. The jurors shall be
8 collectively asked by the court whether the verdict
9 returned is their true and correct verdict. Even
10 though no juror makes any declaration to the contrary,
11 the jury shall, if either party so requests, be polled
12 and each juror shall be separately asked whether the
13 verdict rendered by the jury foreperson is the juror's
14 true and correct verdict. If, upon either the
15 collective or the separate inquiry, any juror denies
16 that the verdict is the juror's verdict, the court
17 shall refuse to accept the verdict. The court may
18 direct inquiry or permit inquiry by counsel to
19 ascertain whether any juror has been subjected to
20 coercion or has become confused during the jury

21 deliberation process. The court may, as appropriate,
 22 direct the jury to resume deliberation in the case.
 23 If no disagreement on the verdict is expressed by any
 24 of the jurors, the court shall discharge the jury.”
 25 2. Page 13, by inserting after line 32 the
 26 following:
 27 “_. After a verdict has been rendered it shall
 28 be recorded on the jury verdict form and shall be read
 29 and recorded in open court. The jurors shall be
 30 collectively asked by the court whether the verdict
 31 returned is their true and correct verdict. Even
 32 though no juror makes any declaration to the contrary,
 33 the jury shall, if either party so requests, be polled
 34 and each juror shall be separately asked whether the
 35 verdict rendered by the jury foreperson is the juror's
 36 true and correct verdict. If, upon either the
 37 collective or the separate inquiry, any juror denies
 38 that the verdict is the juror's verdict, the court
 39 shall refuse to accept the verdict. The court may
 40 direct inquiry or permit inquiry by counsel to
 41 ascertain whether any juror has been subjected to
 42 coercion or has become confused during the jury
 43 deliberation process. The court may, as appropriate,
 44 direct the jury to resume deliberation in the case.
 45 If no disagreement on the verdict is expressed by any
 46 of the jurors, the court shall discharge the jury.”
 47 3. By designating, redesignating, and correcting
 48 internal references as necessary.

Amendment H-3150 was adopted.

Holveck of Polk asked and received unanimous consent to defer action on amendment H-3129, to the committee amendment H-3109.

Shoultz of Black Hawk offered the following amendment H-3131, to the committee amendment H-3109, filed by Shoultz, et. al., and moved its adoption:

H-3131

1 Amend the amendment, H-3109, to House File 2 as
 2 follows:
 3 1. Page 7, by inserting after line 45 the
 4 following:
 5 “Sec. ____ **NEW SECTION. 901.12 INFERENCE OF RACE**
 6 **AS BASIS FOR DEATH SENTENCE.**
 7 1. An inference that race was the basis of
 8 imposition of a death sentence is established if
 9 relevant evidence is presented demonstrating that, at
 10 the time the death sentence was imposed, race was a
 11 significant factor influencing decisions to seek or
 12 impose the sentence of death in the jurisdiction in
 13 question.
 14 2. Evidence relevant to establish an inference
 15 that race was the basis of a death sentence may
 16 include both qualitative or quantitative evidence that

17 death sentences, at the time in which the particular
 18 sentence was sought or imposed, were being sought or
 19 imposed significantly more frequently in the
 20 jurisdiction in question as follows:

21 a. Against or upon persons of one race rather than
 22 upon persons of another race.

23 b. As punishment for capital murder committed
 24 against persons of one race rather than as punishment
 25 for capital murder committed against persons of
 26 another race.

27 3. If statistical evidence is presented to
 28 establish an inference that race was the basis for
 29 seeking or imposing a sentence of death, the court
 30 shall determine the validity and statistical
 31 significance of the evidence. Valid and statistically
 32 significant evidence shall include, to the extent such
 33 information is compiled and made publicly available,
 34 evidence of the statutory aggravating factors of the
 35 crimes involved and comparisons of similar cases
 36 involving persons of different races.

37 4. If an inference is made that race was the basis
 38 for seeking or imposing a death sentence, the person
 39 shall not be executed under section 902.12, unless the
 40 state rebuts the inference by a preponderance of the
 41 evidence. The state cannot rely on mere assertions
 42 that it did not intend to discriminate or that the
 43 case or cases in question meet the statutory criteria
 44 for eligibility for imposition of the death penalty."

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

Roll call was requested by Baker of Polk and Doderer of Johnson.

On the question "Shall amendment H-3131, to the committee
 amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn

Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

Absent or not voting, 1:

Brammer

Amendment H-3131 lost.

Fallon of Polk offered the following amendment H-3128, to the committee amendment H-3109, filed by Fallon, et. al., and moved its adoption:

H-3128

- 1 Amend the amendment, H-3109, to House File 2, as
- 2 follows:
- 3 1. Page 8, line 24, by inserting after the word
- 4 "corrections." the following: "The governor of this
- 5 state shall be present when the sentence is executed."

A non-record roll call was requested.

The ayes were 14, nays 60.

Amendment H-3128 lost.

Moreland of Wapello offered the following amendment H-3172, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3172

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 8, by striking line 50.
- 4 2. Page 9, line 1, by striking the word
- 5 "effective".

Amendment H-3172 was adopted.

Brand of Benton asked and received unanimous consent to withdraw amendment H-3133, to the committee amendment H-3109, filed by Brand, et. al., on February 21, 1995.

Weidman of Cass offered the following amendment H-3122, to the committee amendment H-3109, filed by Weidman, et. al., and moved its adoption:

H-3122

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 10, by inserting after line 10 the
- 4 following:
- 5 "_. The victim was a peace officer, as defined
- 6 under section 801.4, subsection 11, or a former peace
- 7 officer and the murder is in retaliation for or to
- 8 prevent the victim from carrying out the victim's
- 9 official duties."
- 10 2. By numbering, renumbering, and correcting
- 11 internal references as necessary.

Amendment H-3122 was adopted.

Holveck of Polk offered the following amendment H-3132, to the committee amendment H-3109, filed by Holveck, et. al., and moved its adoption:

H-3132

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. By striking page 9, line 37, through page 10,
- 4 line 13.
- 5 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Grubbs of Scott.

On the question "Shall amendment H-3132, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 42:

Baker	Bell	Bernau	Brand
Burnett	Churchill	Cohoon	Connors
Cornelius	Dinkla	Doderer	Drees
Ertl	Fallon	Gipp	Grundberg
Halvorson	Harper	Holveck	Jacobs
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Tyrrell	Warnstadt	Weigel
Wise	Witt		

The nays were, 57:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Coon	Corbett, Spkr.
Cormack	Daggett	Disney	Drake
Eddie	Garman	Greig	Greiner
Gries	Grubbs	Hahn	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Mundie	Nelson, B.	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Rants, Presiding			

Absent or not voting, 1:

Brammer

Amendment H-3132 lost.

Millage of Scott asked and received unanimous consent to withdraw amendment H-3124, to the committee amendment H-3109, filed by him on February 21, 1995.

Millage of Scott offered the following amendment H-3125, to the committee amendment H-3109, filed by him and moved its adoption:

H-3125

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 10, by inserting after line 13 the
- 4 following:
- 5 "_. The murder was especially heinous,
- 6 atrocious, cruel, or manifesting exceptional
- 7 depravity. For purposes of this subsection, the
- 8 phrase "especially heinous, atrocious, cruel, or
- 9 manifesting exceptional depravity" means a
- 10 conscienceless or pitiless crime which is
- 11 unnecessarily torturous to the victim."
- 12 2. By numbering, renumbering, and correcting
- 13 internal references as necessary.

Amendment H-3125 was adopted.

Millage of Scott offered the following amendment H-3126, to the committee amendment H-3109, filed by him and moved its adoption:

H-3126

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:

- 3 1. Page 10, by inserting after line 13 the
4 following:
5 " . The victim was an employee of an institution
6 or facility under the control of the department of
7 corrections or a judicial district department of
8 correctional services or of a city or county jail who
9 was performing the victim's official duties or the
10 victim was an inmate of the institution, facility, or
11 jail and was killed on the grounds of the institution
12 facility, or jail, or the victim was present at such
13 an institution, facility, or jail with the knowledge
14 and consent of the chief administrative officer of the
15 institution, facility, or jail."
16 2. By numbering, renumbering, and correcting
17 internal references as necessary.

A non-record roll call was requested.

The ayes were 31, nays 52.

Amendment H-3126 lost.

Holveck of Polk asked and received unanimous consent to withdraw the following amendments, to the committee amendment H-3109, filed by him from the floor: H-3145 and H-3159.

Holveck of Polk offered the following amendment H-3171, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3171

- 1 Amend the amendment, H-3109, to House File 2 as
2 follows:
3 1. Page 11, line 6, by inserting after the word
4 "rules" the following: "which require that executions
5 be carried out by only one individual and that all of
6 the duties to be performed to carry out the execution
7 are performed by that one individual and rules".

Amendment H-3171 lost.

Holveck of Polk offered the following amendment H-3127, to the committee amendment H-3109, filed by him and moved its adoption:

H-3127

- 1 Amend the amendment, H-3109, to House File 2, as
2 follows:
3 1. Page 11, line 8, by inserting after the word
4 "public" the following: "and rules which provide that
5 executions shall take place between eight a.m. and
6 five p.m".

A non-record roll call was requested.

The ayes were 21, nays 66.

Amendment H-3127 lost.

Holveck of Polk offered the following amendment H-3158, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3158

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 11, line 8, by inserting after the word
- 4 "public" the following: "and live television and
- 5 radio transmission of the execution".

Amendment H-3158 lost.

Fallon of Polk asked and received unanimous consent to defer action on amendment H-3173, to the committee amendment H-3109, filed by him from the floor.

Kreiman of Davis offered the following amendment H-3175, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3175

- 1 Amend the amendment, H-3109, to House File 2, as
- 2 follows:
- 3 1. Page 15, by striking lines 20 through 37 and
- 4 inserting the following: "party shall file and serve
- 5 upon the other party requests for discovery pursuant
- 6 to the rules of criminal procedure."
- 7 2. Page 15, by striking lines 47 through 50 and
- 8 inserting the following: "aggravating or mitigating
- 9 circumstances."

Amendment H-3175 lost.

Doderer of Johnson asked and received unanimous consent to defer action on amendment H-3134, to the committee amendment H-3109.

Grubbs of Scott offered the following amendment H-3141, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3141

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 16, by striking lines 1 through 3 and

4 inserting the following:

5 "Sec. ___ EFFECTIVE DATE — SEVERABILITY —
6 SENTENCES COMMUTED TO LIFE IMPRISONMENT IF ACT
7 UNCONSTITUTIONAL.

8 1. This Act takes effect October 1, 1995, and
9 applies to offenses committed on or after that date.

10 2. If any provision of this Act or the application
11 thereof to any person is invalid, the invalidity shall
12 not affect the provisions or application of this Act
13 which can be given effect without the invalid
14 provisions or application and to this end the
15 provisions of this Act are severable.

16 3. If the imposition of a sentence of death under
17 this Act is found to be unconstitutional, the sentence
18 of any person who has been sentenced to death under
19 this Act shall automatically be commuted to a term of
20 life imprisonment."

21 2. Page 16, by inserting after line 10 the
22 following:

23 "_. Title page, line 6, by inserting after the
24 word "providing" the following: "an effective date
25 and".

26 3. By numbering, renumbering, and correcting
27 internal references, as necessary.

Amendment H-3141 was adopted, placing out of order amendment H-3134, to the committee amendment H-3109, filed by Doderer, Shoultz, Fallon, Jochum, Burnett and Bernau from the floor.

Doderer of Johnson offered the following amendment H-3144, to the committee amendment H-3109, filed by her from the floor and moved its adoption:

H-3144

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

3 1. Page 16, by inserting after line 3 the
4 following:

5 "_. EFFECTIVE DATE. This Act shall not take
6 effect unless an appropriation is made in accordance
7 with section 25B.2, subsection 3, which fully funds or
8 funds a proportionate share of the costs of
9 implementing this Act.""

10 2. By numbering, renumbering, and correcting
11 internal references as necessary.

Amendment H-3144 lost.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-3182, to the committee amendment H-3109, filed by her from the floor.

Bernau of Story asked and received unanimous consent to defer action on amendment H-3169 to the committee amendment H-3109, filed by Bernau, Mascher, Brand, Koenigs, Connors and Holveck from the floor.

Running of Linn offered amendment H-3183, to the committee amendment H-3109, filed by him and Fallon from the floor as follows:

H-3183

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 1, by inserting before line 27 the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 624.13A JURY INSTRUCTION
- 6 — DEATH PENALTY — RIGHT TO JUDGE LAW.
- 7 1. A defendant's right to trial by jury in a case
- 8 under section 901.11 includes the right to inform the
- 9 jury of the jury's prerogative to judge the law as
- 10 well as all the evidence, and to render a verdict
- 11 dictated by conscientious consideration. This right
- 12 shall not be limited by the rules of civil or criminal
- 13 procedure, juror's oath, court order, or procedure or
- 14 practice of the court, including the use of any method
- 15 of jury selection which could preclude or limit the
- 16 impanelment of jurors willing to exercise this power.
- 17 2. Once the jury has been informed in accordance
- 18 with subsection 1, a party to the action shall not be
- 19 prohibited from presenting arguments to the jury which
- 20 may pertain to issues of law and conscience, including
- 21 the following:
- 22 a. The merit, intent, constitutionality, or
- 23 applicability of the law to the defendant's case.
- 24 b. The motive, moral perspective, or circumstances
- 25 of the defendant.
- 26 c. The degree and direction of guilt or actual
- 27 harm done.
- 28 d. The sanctions which may be applied to the
- 29 losing party.
- 30 3. Failure to allow the defendant to so inform the
- 31 jury shall be grounds for a mistrial and another trial
- 32 by jury."
- 33 2. Page 16, line 9, by inserting after the word
- 34 "applied," the following: "by providing for certain
- 35 instructions to the jury."

Baker of Polk moved that the House adjourn at 9:25 p.m.

A non-record roll call was requested.

The ayes were 30, nays 53.

The motion lost.

Running of Linn moved the adoption of amendment H-3183, to the committee amendment H-3109.

A non-record roll call was requested.

The ayes were 23, nays 57.

Amendment H-3183 lost.

Siegrist of Pottawattamie asked and received unanimous consent that House File 2 be deferred.

(The committee amendment H-3109, as amended, pending.)

MOTION TO RECONSIDER

(Amendment 3148, to amendment 3109, to House File 2)

I move to reconsider the vote by which amendment 3148, to amendment 3109, to House File 2 passed the House on February 22, 1995.

COON of Warren

PRESENTATION OF VISITORS

Brauns of Muscatine presented to the House, Pete Evans Sia Tuazon, a Rotary Exchange Student from the Philippines. He is attending West Liberty High School, West Liberty. He was accompanied by Carolyn and Roger Bengé.

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

Sixty fifth grade students from Hubbell Elementary, Des Moines, accompanied by Christin Melcher and Shirley Brunk. By Grundberg of Polk.

Eighteen students from Ankeny High School, Ankeny, accompanied by Mr. Dennis Adamson. By Lamberti of Polk.

Four Key Club students from Marshalltown High School, Marshalltown, accompanied by members of the Matins Kiwanis Club. By Nelson of Marshall.

Four senior government students from Valley High School, West Des Moines, accompanied by Carol Reinhard. By Jacobs and Grundberg of Polk.

Fifty student representatives from the University of Northern Iowa, Iowa State University and the University of Iowa. By Grundberg of Polk.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\52 Kim Schroeder, St. Joseph The Worker School – For receiving the Edith Sackett Memorial Award in the 6th and 7th grade category for the “Write Women Back Into History” contest.
- 1995\53 Nathan Holmes, Scott County – For receiving the Westinghouse Science Talent Search Award.
- 1995\54 Matthew Moothart, Resurrection School – For receiving second place in the 8th and 9th grade category for his essay in the “Write Women Back Into History” contest

SUBCOMMITTEE ASSIGNMENTS

House File 169

Local Government: Brauns, Chair; Martin and Mertz.

House File 174

Local Government: Carroll, Chair; Disney and Koenigs.

House File 177

Local Government: Huseman, Chair; Cohoon and Martin.

House File 191

Human Resources: Boddicker, Chair; Burnett and Salton.

House File 192

Education: Grubbs, Chair; Gries and Kreiman.

House File 193

Agriculture: Boggess, Chair; Burnett and Greiner.

House File 197

Human Resources: Schulte, Chair; Blodgett and Myers.

House File 198

Agriculture: Greig, Chair; Huseman and Mertz.

House File 200

State Government: Renken, Chair; Houser and Running.

House File 201

Education: Brunkhorst, Chair; Cornelius and Warnstadt.

Senate File 116

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

Senate File 118

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

Senate File 146

Agriculture: Greig, Chair; Salton and Weigel.

Senate File 147

Agriculture: Main, Chair; Drees and Vande Hoef.

Senate File 152

State Government: Tyrrell, Chair; Thomson and Witt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 173**

Education: Nelson of Marshall, Chair; Daggett and Kreiman.

House Study Bill 174

Economic Development: Lord, Chair; Brand and Heaton.

House Study Bill 175

Economic Development: Nelson of Marshall, Chair; Baker and Hammitt.

House Study Bill 176

State Government: Thomson, Chair; Cataldo and Houser.

House Study Bill 177

State Government: Ertl, Chair; Coon, Renken, Running and Witt.

House Study Bill 178

State Government: Churchill, Chair; Cataldo and Martin.

House Study Bill 179

State Government: Martin, Chair; Brammer, Renken, Thomson and Witt.

House Study Bill 180

Education: Brunkhorst, Chair; Cohoon and Rants.

House Study Bill 181

Judiciary: Coon, Chair; Moreland and Nutt.

House Study Bill 182

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 183 Commerce-Regulation**

Relating to delayed deposit services businesses and providing penalties.

H.S.B. 184 Local Government

Relating to the publication of the proceedings of the city or county hospital board of trustees.

H.S.B. 185 Local Government

Relating to the assessment of certain public improvement costs to abutting property at the request of the property owner.

H.S.B. 186 Local Government

Relating to the establishment of home development districts.

H.S.B. 187 State Government

Requiring licensure of hospice programs and providing a penalty.

H.S.B. 188 Appropriations

Relating to the transfer of lottery revenues to the general fund of the state and appropriating lottery revenues for purposes of the state fair and county fairs, and providing an effective date.

H.S.B. 189 Local Government

Relating to landlord remedies for tenant noncompliance with a rental agreement.

H.S.B. 190 Ways and Means

Relating to establishing family health accounts and providing applicability and effective date provisions.

H.S.B. 191 Environmental Protection

Creating an environmental audit privilege and providing penalties.

H.S.B. 192 Local Government

Relating to the disposition of valueless mobile homes, modular homes, and manufactured homes.

H.S.B. 193 Local Government

Relating to the investment of the proceeds of bond issues and the use of earnings from the investment.

H.S.B. 194 Local Government

Relating to city sewer or water utility connections.

H.S.B. 195 State Government

Providing that certain new public and nonpublic school building construction requires installation of automatic sprinkler systems.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 146, a bill for an act relating to Iowa-foaled horses and Iowa-whelped dogs used for breeding and racing.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1995.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 114), relating to the validity of a notarial act by an officer, director, or shareholder of a corporation and providing for retroactive application.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1995.

Committee Bill (Formerly House Study Bill 156), relating to health care benefits coverage by providing for coordination of benefits with state medical assistance, for continuation of benefits pursuant to court-ordered medical child support, and for coverage for an adopted child.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1995.

COMMITTEE ON HUMAN RESOURCES

Senate File 149, a bill for an act relating to child support recovery.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1995.

COMMITTEE ON JUDICIARY

Committee Resolution (Formerly House Study Bill 92), a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

Fiscal Note is required.

Recommended **Do Pass** February 21, 1995.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 65), relating to the delegation of authority to an administrative agency of a city.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1995.

COMMITTEE ON TRANSPORTATION

House File 115, a bill for an act relating to refreshments in rest areas during holiday periods.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3139** February 21, 1995.

Senate Concurrent Resolution 11, a concurrent resolution declaring support for Amtrak.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3140, and Laid over under Rule 25**, February 21, 1995.

Committee Resolution (Formerly House Concurrent Resolution 16), a concurrent resolution urging the Congress of the United States to quickly develop and approve the proposed national highway system.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1995.

RESOLUTIONS FILED

HCR 22, by Shoultz, Ollie, Cohoon, Nelson of Pottawattamie, McCoy, Connors, Baker, Bell, Burnett, Harper, Wise, Myers, Mundie, May, Larkin, Weigel, Cataldo, Murphy, Koenigs, Warnstadt, Drees, Holveck, Brammer, Doderer, Kreiman, Schrader, Bernau, Moreland, Mertz, Mascher, Running, Fallon, Jochum, O'Brien and Brand, a concurrent resolution urging the passage by the United States Congress of an increase in the federal minimum wage.

Referred to committee on **labor and industrial relations**.

HCR 23, by committee on transportation, a concurrent resolution urging the Congress of the United States to quickly develop and approve the proposed national highway system.

Laid over under **Rule 25**.

HCR 24, by Connors, a concurrent resolution relating to the funding of the Older Iowans' Legislature.

Referred to committee on **state government**.

AMENDMENTS FILED

H-3139	H.F.	115	Committee on Transportation
H-3140	S.C.R.	11	Committee on Transportation
H-3163	S.F.	69	Van Fossen of Scott Martin of Scott Harrison of Scott
			Millage of Scott Grubbs of Scott Klemme of Plymouth

H-3168	H.F.	2	Kreiman of Davis Bernau of Story
H-3170	H.F.	2	Grundberg of Polk Fallon of Polk Harper of Black Hawk Witt of Black Hawk Mascher of Johnson Burnett of Story Holveck of Polk
H-3176	H.F.	2	Doderer of Johnson
H-3177	H.F.	2	Grundberg of Polk Fallon of Polk
H-3178	H.F.	2	Kreiman of Davis
H-3179	H.F.	2	Brand of Benton May of Worth Wise of Lee Shoultz of Black Hawk Fallon of Polk Burnett of Story
H-3180	H.F.	2	Murphy of Dubuque Connors of Polk
H-3181	H.F.	2	Holveck of Polk Grubbs of Scott
H-3184	H.F.	2	Hurley of Fayette Drake of Pottawattamie Grubbs of Scott
H-3185	H.F.	2	Kreiman of Davis
H-3186	H.F.	2	Murphy of Dubuque Connors of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 9:33 p.m. until 8:45 a.m., Thursday, February 23, 1995.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 23, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Monsignor Louis Kollasch, St. Malachy's Catholic Church, Madrid.

The Journal of Wednesday, February 22, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, on request of Schrader of Marion; Siegrist of Pottawattamie, Dinkla of Guthrie, and Boddicker of Cedar, all until their arrival, on request of Weidman of Cass.

PETITIONS FILED

By Harper of Black Hawk, from thirty-five constituents of District 26, opposing House File 2, relating to the reinstatement of the death penalty.

By Shoultz of Black Hawk from, thirty-five Waterloo citizens opposing House File 2, relating to the reinstatement of the death penalty.

INTRODUCTION OF BILLS

House Joint Resolution 11, by committee on judiciary, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

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

House Joint Resolution 12, by Boddicker, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to propose laws and amendments to the Constitution by initiative petition and to enact or reject acts of the General Assembly by referendum.

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

House File 205, by committee on commerce-regulation, a bill for an act relating to health care benefits coverage by providing for coordination of benefits with state medical assistance, for continuation of benefits pursuant to court-ordered medical child support, and for coverage for an adopted child.

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

House File 206, by committee on technology, a bill for an act relating to the Iowa communications network and authorizing the state to own the connections for certain part III users.

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

House File 207, by Meyer, a bill for an act relating to the eligibility requirements for free hunting licenses for deer and wild turkey.

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

House File 208, by Martin, a bill for an act requiring use of seat belts in truck beds by minors and making existing penalties applicable.

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

House File 209, by committee on commerce-regulation, a bill for an act relating to the validity of a notarial act by an officer, director, or shareholder of a corporation and providing for retroactive application.

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

House File 210, by Cohoon, a bill for an act authorizing a court to require a criminal offender as part of a restitution order to make financial contributions to a local anticrime organization.

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

House File 211, by Salton and Greig, a bill for an act providing a sales tax exemption relating to aircraft and providing effective date and retroactive applicability provisions.

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

House File 212, by committee on local government, a bill for an act relating to the delegation of authority to an administrative agency of a city.

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

House File 213, by Daggett, a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax, providing for the credit or refund to be paid in three calendar years.

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

House File 214, by Connors, a bill for an act requiring the labeling of Christmas trees and providing penalties.

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

House File 215, by Harrison, Hurley, Boggess, Huseman, Bradley, Coon, Brunkhorst, Hahn, Blodgett, Carroll, Cornelius, Millage, Cormack, Van Fossen, Boddicker, Schulte, Welter, Garman, Grubbs, Houser, Churchill, Gries, Lamberti, Arnold, Martin, Jacobs, Klemme, Salton, Disney, Nutt, Thomson, Greiner, Greig, Larson, Sukup, Witt, Mundie, Metcalf, Grundberg, Hammitt, Drake, Lord, Renken, Rants, Tyrrell, Brauns, Eddie, Branstad, Nelson of Marshall, Ertl, Mertz and Larkin, a bill for an act to require that all inmates of the institutions under the control of the department of corrections perform hard labor, and providing transition provisions.

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

House File 216, by May, a bill for an act authorizing townships to provide emergency medical services.

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

HOUSE FILE 35 REREFERRED

The Speaker announced that House File 35, previously referred to committee on **natural resources**, was rereferred to committee on **local government**.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2**, a bill for an act applying the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's applicability, previously deferred and the committee amendment H-3109, as amended, pending.

Rants of Woodbury in the chair at 8:55 a.m.

Kreiman of Davis offered the following amendment H-3168, to the committee amendment H-3109, filed by him and Bernau and moved its adoption:

H-3168

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 3, by inserting after line 17 the
- 4 following:
- 5 "_. Whether another defendant, who is equally
- 6 culpable in the murder, will not receive or has not

- 7 received a sentence of death for participation in the
 8 offense.”
 9 2. By designating, redesignating, and correcting
 10 internal references as necessary.

Roll call was requested by Kreiman of Davis and Holveck of Polk.

On the question “Shall amendment H-3168, to the committee amendment H-3109, be adopted?” (H.F. 2)

The ayes were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Doderer
Drees	Fallon	Grundberg	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 60:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Renken	Salton
Schulte	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

Absent or not voting, 5:

Boddicker	Brammer	Connors	Dinkla
Siegrist			

Amendment H-3168 lost.

Holveck of Polk offered the following amendment H-3181, to the committee amendment H-3109, filed by him and Grubbs and moved its adoption:

H-3181

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:

3 1. Page 3, line 36, by inserting after the word
4 "charge." the following: "In addition, if at any
5 point in federal post-conviction proceedings an
6 indigent defendant is not afforded court-appointed
7 counsel, the state shall provide counsel to the
8 defendant to present any claims determined meritorious
9 by the federal court if the defendant is not otherwise
10 represented by legal counsel."

Amendment H-3181 was adopted.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-3170, to the committee amendment H-3109, filed by Grundberg, et al., on February 22, 1995.

Grundberg of Polk offered the following amendment H-3177, to the committee amendment H-3109, filed by her and Fallon and moved its adoption:

H-3177

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

3 1. Page 3, line 46, by inserting after the word
4 "retarded" the following: "or mentally ill".

5 2. Page 4, line 3, by inserting after the word
6 "retardation" the following: "or mental illness".

7 3. Page 4, line 11, by inserting after the word
8 "retardation" the following: "or mental illness".

9 4. Page 4, line 13, by inserting after the word
10 "retardation" the following: "or mental illness".

11 5. Page 4, line 15, by inserting after the word
12 "retardation" the following: "or mental illness".

13 6. Page 9, line 17, by inserting after the word
14 "retarded" the following: "or mentally ill".

15 7. Page 10, by inserting after line 20 the
16 following:

17 "For purposes of this section, "mentally ill" means
18 the condition of a person who is suffering from a
19 chronic and persistent serious mental disease or
20 disorder and who, by reason of that condition, lacks
21 sufficient judgment to make responsible decisions
22 regarding treatment and is reasonably likely to injure
23 the person's self or others who may come into contact
24 with the person if the person is allowed to remain at
25 liberty without treatment."

Roll call was requested by Baker of Polk and Doderer of Johnson.

On the question "Shall amendment H-3177, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 63:

Arnold	Baker	Bell	Bernau
Boggess	Brand	Branstad	Burnett
Carroll	Cataldo	Cohoon	Coon
Cormack	Dinkla	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Gipp	Greiner	Gries	Grundberg
Halvorson	Hammitt	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Larkin	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Thomson	Tyrrell	Warnstad	Weigel
Welter	Wise	Witt	

The nays were, 34:

Blodgett	Boddicker	Bradley	Brauns
Brunkhorst	Churchill	Corbett, Spkr.	Cornelius
Daggett	Disney	Garman	Greig
Grubbs	Hahn	Hanson	Hurley
Kremer	Lamberti	Larson	Lord
Main	Millage	Nutt	Renken
Salton	Schulte	Sukup	Teig
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Rants, Presiding		

Absent or not voting, 3:

Brammer	Connors	Siegrist
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Amendment H-3177 was adopted.

PRESENTATION OF IOWA PORK QUEEN

O'Brien of Boone presented to the House, Chandra Herrstrom of Boone County, 1995 Iowa Pork Queen. Chandra, a freshman at Iowa State University majoring in Agricultural Business, addressed the House briefly.

The House rose and expressed its welcome.

The House stood at ease at 10:15 a.m., until the fall of the gavel.

The House reconvened at 11:10 a.m., Rants of Woodbury in the chair.

Doderer of Johnson offered the following amendment H-3176, to the committee amendment H-3109, filed by her and moved its adoption:

H-3176

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 6, by striking lines 5 through 8 and
- 4 inserting the following: "prior adult criminal
- 5 activity."

Amendment H-3176 was adopted.

Hurley of Fayette asked and received unanimous consent to defer action on amendment H-3184, to the committee amendment H-3109.

Kreiman of Davis offered the following amendment H-3178, to the committee amendment H-3109, filed by him and moved its adoption:

H-3178

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 6, line 37, by inserting after the word
- 4 "proceeding," the following: "the state and the
- 5 defendant or the defendant's counsel shall be
- 6 permitted to make closing arguments, including any
- 7 rebuttal arguments, in the same manner as in the
- 8 initial proceeding and".
- 9 2. Page 12, line 35, by inserting after the word
- 10 "evidence," the following: "the state and the
- 11 defendant or the defendant's counsel shall be
- 12 permitted to make closing arguments, including any
- 13 rebuttal arguments, in the same manner as in the
- 14 initial proceeding and".

Amendment H-3178 was adopted.

Kreiman of Davis offered the following amendment H-3185, to the committee amendment H-3109, filed by him and moved its adoption:

H-3185

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 7, by inserting after line 14 the
- 4 following:
- 5 "_. Concurrently with the return of the findings
- 6 on the issues submitted under subsection 5, the jury,
- 7 or the court if there is no jury, shall return special
- 8 verdicts as follows:
- 9 a. Which of the factor, or factors, enumerated in
- 10 section 902.12, has been unanimously found to have
- 11 been established beyond a reasonable doubt.
- 12 b. Which aggravating circumstances were
- 13 established and were considered in reaching the
- 14 verdict returned on the issue specified in subsection

15 5, paragraph "b".

16 c. Which mitigating circumstances were established
17 and were considered in reaching the verdict returned
18 on the issue specified in subsection 5, paragraph
19 "b".

20 2. Page 13, by inserting after line 8 the
21 following:

22 "___ Concurrently with the return of the findings
23 on the issues submitted under subsection 5, the jury,
24 or the court if there is no jury, shall return special
25 verdicts as follows:

26 a. Which of the factor, or factors, enumerated in
27 section 902.12, has been unanimously found to have
28 been established beyond a reasonable doubt.

29 b. Which aggravating circumstances were
30 established and were considered in reaching the
31 verdict returned on the issue specified in subsection
32 3, paragraph "b".

33 c. Which mitigating circumstances were established
34 and were considered in reaching the verdict returned
35 on the issue specified in subsection 3, paragraph
36 "b".

37 3. By renumbering and correcting internal
38 references as necessary.

Amendment H-3185 was adopted.

Brand of Benton offered the following amendment H-3179, to the committee amendment H-3109, filed by Brand, et. al., and moved its adoption:

H-3179

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

3 1. Page 9, by inserting after line 1 the
4 following:

5 "Sec. 101. NEW SECTION. 902.1A CLASS "A" FELONY.

6 Upon a plea of guilty, a verdict of guilty, or a
7 special verdict upon which a judgment of conviction of
8 a class "A" felony may be rendered, the court shall
9 enter a judgment of conviction and shall commit the
10 defendant into the custody of the director of the Iowa
11 department of corrections until the defendant's death.
12 Nothing in the Iowa corrections code pertaining to
13 deferred judgment, deferred sentence, suspended
14 sentence, or reconsideration of sentence applies to a
15 class "A" felony, and a person convicted of a class
16 "A" felony shall not be released on parole unless the
17 governor commutes the sentence to a term of years."

18 2. Page 9, by inserting after line 13 the
19 following:

20 "Sec. 102. NEW SECTION. 902.2A RECORD OF CLASS
21 "A" FELON REVIEWED.

22 The board shall interview a class "A" felon within

23 five years of the felon's confinement and regularly
 24 thereafter. If, in the opinion of the board, the
 25 person should be considered for release on parole, the
 26 board shall recommend to the governor that the
 27 person's sentence be commuted to a term of years. If
 28 the person's sentence is so commuted, the person shall
 29 be eligible for parole as provided in chapter 906."

30 3. Page 16, by inserting after line 3 the
 31 following:

32 "Sec. ____ EFFECTIVE DATE — REPEAL — TRANSITION.

33 1. Sections 101 and 102 of this Act take effect
 34 July 1, 2000.

35 2. Sections 1 through 18 of this Act, and sections
 36 902.1 and 902.2, are repealed effective June 30, 2000.

37 3. Persons who have been convicted and sentenced
 38 to death, but who have not been executed before July
 39 1, 2000, shall not be executed and the sentences
 40 imposed shall be commuted to a term of imprisonment
 41 until death if the general assembly so provides.
 42 Persons who have been charged or indicted with an
 43 offense which may be punishable by a sentence of death
 44 before July 1, 2000, under the provisions of this Act
 45 shall not be sentenced to death upon conviction of the
 46 offense in any proceeding which takes place on or
 47 after July 1, 2000, but shall be sentenced in
 48 accordance with section 101 of this Act."

49 4. By designating, redesignating, and correcting
 50 internal references as necessary.

Roll call was requested by Baker of Polk and Brand of Benton.

On the question "Shall amendment H-3179, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 36:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Hanson
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shultz
Warnstadt	Weigel	Wise	Witt

The nays were, 60:

Arnold	Blodgett	Boddicker	Boggett
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner

Gries	Grubbs	Hahn	Halvorson
Hammitt	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Renken
Salton	Schulte	Sukup	Teig
Thomson	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

Absent or not voting, 4:

Brammer	Grundberg	Siegrist	Tyrrell
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Amendment H-3179 lost.

Murphy of Dubuque asked and received unanimous consent to withdraw amendments H-3180 and H-3186, to the committee amendment H-3109, filed by him on February 22, 1995.

Murphy of Dubuque offered the following amendment H-3187, to the committee amendment H-3109, filed by him from the floor and moved its adoption:

H-3187

- 1 Amend the amendment, H-3109, to House File 2, as
- 2 follows:
- 3 1. Page 10, by inserting after line 10 the
- 4 following:
- 5 "_. The victim was murdered in or within one
- 6 hundred fifty feet of a hospital or medical clinic and
- 7 the victim was either a medical services provider or a
- 8 person seeking or receiving services from the hospital
- 9 or clinic."
- 10 2. By designating, redesignating, and correcting
- 11 internal references as necessary.

Roll call was requested by Baker of Polk and Myers of Johnson.

On the question "Shall amendment H-3187, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 26:

Arnold	Baker	Boddicker	Burnett
Connors	Dinkla	Doderer	Drees
Ertl	Grubbs	Grundberg	Harrison
Jochum	Lamberti	Larkin	Martin
Mascher	Mertz	Metcalf	Millage
Moreland	Murphy	Myers	Nelson, B.
Schulte	Weidman		

The nays were, 70:

Bell	Blodgett	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Cphoon
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Disney	Drake	Eddie
Fallon	Garman	Gipp	Greig
Greiner	Gries	Hahn	Halvorson
Hammitt	Hanson	Harper	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Klemme	Koenigs	Kreiman
Kremer	Larson	Lord	Main
May	McCoy	Meyer	Mundie
Nelson, L.	Nutt	O'Brien	Ollie
Renken	Running	Salton	Schrader
Shoultz	Sukup	Teig	Thomson
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weigel	Welter	Wise
Witt	Rants, Presiding		

Absent or not voting, 4:

Bernau	Brammer	Siegrist	Tyrrell
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Amendment H-3187 lost.

Bernau of Story asked and received unanimous consent to withdraw amendment H-3169, to the committee amendment H-3109, previously deferred, filed by Bernau, et.al., on February 22, 1995.

Bernau of Story offered the following amendment H-3189, to the committee amendment H-3109, filed by Bernau, Mascher, Brand, Koenigs, Connors and Holveck from the floor and moved its adoption:

H-3189

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 1, by inserting after line 26 the
- 4 following:
- 5 "Sec. ____ Section 669.14, Code 1995, is amended
- 6 by adding the following new subsection:
- 7 **NEW SUBSECTION.** 14. A claim to compensate for
- 8 miscarriages of justice for any person innocent of any
- 9 homicidal act who is erroneously sentenced to death.
- 10 For purposes of this section, damages shall include
- 11 actual, nominal, and special damages, and may include,
- 12 but are not limited to, claims for loss of income,
- 13 consortium, medical expenses, emotional distress, loss
- 14 of enjoyment of life, and any related legal fees or
- 15 expenses.

16 Sec. ____ NEW SECTION. 669.25 LIABILITY FOR
17 ERRONEOUS DEATH SENTENCES.

18 Notwithstanding any provision of this chapter to
19 the contrary, claims against the state which request
20 the payment of damages to compensate for miscarriages
21 of justice for any person innocent of any homicidal
22 act who is erroneously sentenced to death shall be
23 permitted and may be filed directly in the district
24 court of the state of Iowa for the district in which
25 the plaintiff is resident or in which the act or
26 omission occurred."

27 2. By renumbering and correcting internal
28 references as necessary.

Roll call was requested by Bernau of Story and Brand of Benton.

On the question "Shall amendment H-3189, to the committee amendment H-3109, be adopted?" (H.F. 2)

The ayes were, 39:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Coon	Dinkla	Doderer	Drees
Fallon	Harper	Harrison	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt	Rants,	
		Presiding	

The nays were, 59:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Menken	Salton
Schulte	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	

Absent or not voting, 2:

Brammer Siegrist

Amendment H-3189 lost.

Weigel of Chickasaw offered the following amendment H-3152, to the committee amendment H-3109, previously deferred, filed by Weigel, et. al., and moved its adoption:

H-3152

1 Amend the amendment, H-3109, to House File 2 as
2 follows:

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

5 "Sec. ____ Section 331.757, subsection 1, Code
6 1995, is amended to read as follows:

7 1. The county attorney may employ, with the
8 approval of a judge of the district court, a temporary
9 assistant to assist in the trial of a person charged
10 with a felony. The temporary assistant shall be paid
11 a reasonable compensation as determined by the board
12 upon certification of the services rendered by the
13 district judge before whom the defendant was tried.
14 If the temporary assistant is employed for purposes of
15 assisting in the trial of a person who has been
16 charged with first degree murder, in which a notice of
17 intent to seek the death penalty has been filed, the
18 determination of the amount of compensation determined
19 to be reasonable by the board shall be forwarded to
20 the treasurer of state and the compensation shall be
21 paid by the state."

22 Sec. ____ Section 356.15, Code 1995, is amended to
23 read as follows:

24 356.15 EXPENSES.

25 All charges and expenses for the safekeeping and
26 maintenance of prisoners shall be allowed by the board
27 of supervisors, except those committed or detained by
28 the authority of the courts of the United States, in
29 which cases the United States must pay such expenses
30 to the county, those detained during a penalty
31 proceeding in a first degree murder case in which a
32 notice of intent to seek the death penalty has been
33 filed, in which cases the state shall pay the
34 expenses to the county, and those committed for
35 violation of a city ordinance, in which case the city
36 shall pay expenses to the county."

37 2. Page 3, by inserting after line 40 the
38 following:

39 "Sec. ____ Section 815.13, Code 1995, is amended
40 to read as follows:

41 815.13 PAYMENT OF PROSECUTION COSTS.

42 1. Except as provided in subsection 2, county
43 or city which has the duty to prosecute a criminal
44 action shall pay the costs of depositions taken on
45 behalf of the prosecution, the costs of transcripts
46 requested by the prosecution, and in criminal actions
47 prosecuted by the county or city under county or city
48 ordinance the fees that are payable to the clerk of
49 the district court for services rendered and the court
50 costs taxed in connection with the trial of the action

Page 2

1 or appeals from the judgment. The county or city
2 shall pay witness fees and mileage in trials of
3 criminal actions prosecuted by the county or city
4 under county or city ordinance. These fees and costs
5 are recoverable by the county or city from the
6 defendant unless the defendant is found not guilty or
7 the action is dismissed, in which case the state shall
8 pay the witness fees and mileage in cases prosecuted
9 under state law.

10 2. In a criminal action for first degree murder
11 under section 707.2, where a notice of intent to seek
12 the death penalty has been filed, the state shall pay
13 the costs of depositions, transcripts, the fees
14 payable to the clerk of district court, court costs
15 taxed in connection with the trial or appeal which are
16 incurred by the county, as well as any witness fees
17 and mileage."

18 3. By designating, redesignating, and correcting
19 internal references as necessary.

Amendment H-3152 lost.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-3165, to the committee amendment H-3109, previously deferred, filed by him on February 22, 1995.

Fallon of Polk offered the following amendment H-3164, to the committee amendment H-3109, previously deferred, filed by him and moved its adoption:

H-3164

1 Amend the amendment, H-3109, to House File 2 as
2 follows:
3 1. Page 4, line 30, by inserting after the word
4 "fact." the following: "However, during the course of
5 jury selection, no prospective juror shall be
6 disqualified for cause from serving during the initial
7 proceeding under this section unless the prospective
8 juror's conscientious opinions would preclude the
9 juror from rendering a fair and impartial verdict
10 during the proceeding. A prospective juror who holds
11 an opinion, either for or against the imposition of
12 the death penalty, which would preclude the juror from
13 properly exercising the discretion conferred by law in
14 the determination of a sentence in the penalty portion
15 of the trial, but whose opinion would not preclude the
16 person from rendering an impartial verdict during the
17 initial proceeding, shall be considered an "initial
18 phase includable" juror and shall not be disqualified
19 for cause during the initial proceeding based solely
20 on the holding of those opinions. Initial phase

21 includable jurors may be excluded during the penalty
22 phase in the event that the defendant is convicted of
23 first degree murder and a penalty proceeding is held
24 to determine whether a sentence of death should be
25 imposed. In a penalty proceeding, initial phase
26 includable jurors may be replaced by alternate jurors
27 qualified to render an impartial sentencing verdict."

Amendment H-3164 lost.

The following amendments, to the committee amendment H-3109, previously deferred and filed on February 22, 1995, were withdrawn by unanimous consent:

H-3166A, by Kreiman of Davis

H-3166B, by Kreiman of Davis

H-3156, by Moreland, et. al.

H-3174, by Kreiman of Davis

Holveck of Polk offered the following amendment H-3129, to the committee amendment H-3109, previously deferred, filed by Holveck, et. al., and moved its adoption:

H-3129

1 Amend the amendment, H-3109, to House File 2, as
2 follows:
3 1. Page 7, by inserting after line 45 the
4 following:
5 "Sec. NEW SECTION. 901.12 NEW EVIDENCE IN
6 DEATH PENALTY CASES.
7 Notwithstanding Iowa rules of criminal procedure
8 23, Iowa court rules, third edition, if a defendant
9 has discovered important and material evidence in the
10 defendant's favor since the verdict in the defendant's
11 case, which the defendant could not with reasonable
12 diligence have discovered and produced at the trial,
13 the defendant may file a motion based upon this
14 ground, without unreasonable delay, at any time. If a
15 motion for a new trial is made under this section, the
16 defendant must produce, at the hearing, the affidavits
17 or testimony of the witnesses by whom the evidence is
18 expected to be given. If time is required by the
19 defendant to procure the affidavits or testimony, the
20 court may postpone the hearing of the motion for a
21 reasonable period of time."
22 2. By numbering, renumbering, and correcting
23 internal references as necessary.

A non-record roll call was requested.

The ayes were 26, nays 51.

Amendment H-3129 lost.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3173, to the committee amendment H-3109, previously deferred, filed by him on February 22, 1995.

MOTION TO RECONSIDER PREVAILED

Coon of Warren called up for consideration the motion to reconsider amendment H-3148, to the committee amendment H-3109, to **House File 2**, a bill for an act applying the death penalty or life imprisonment, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's applicability, filed by him on February 22, 1995 and moved to reconsider the vote by which amendment H-3148, to the committee amendment H-3109 was adopted by the House on February 22, 1995.

A non-record roll call was requested.

The ayes were 52, nays 41.

The motion prevailed and the House reconsidered amendment H-3148, to the committee amendment H-3109, found on page 507 of the House Journal.

Hurley of Fayette moved the adoption of amendment H-3148, to the committee amendment H-3109.

Amendment H-3148 lost.

Hurley of Fayette offered the following amendment H-3184, to the committee amendment H-3109, previously deferred, filed by Hurley, et. al., and moved its adoption:

H-3184

- 1 Amend the amendment, H-3109, to House File 2 as
- 2 follows:
- 3 1. Page 6, by inserting after line 19 the
- 4 following:
- 5 “(). The evidence which establishes that the
- 6 defendant committed murder in the first degree does
- 7 not include direct evidence from at least two
- 8 different sources or is not irrefutable.”
- 9 2. By numbering, renumbering, and correcting
- 10 internal references as necessary.

Amendment H-3184 was adopted.

On motion by Grubbs of Scott, the committee amendment H-3109, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Running of Linn on request of Schrader of Marion.

Speaker Corbett in the chair at 5:43 p.m.

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?" (H.F. 2)

The ayes were, 54:

Arnold	Blodgett	Boddicker	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Garman	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Harrison	Heaton	Houser	Hurley
Huseman	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Meyer	Millage	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

The nays were, 44:

Baker	Bell	Bernau	Bogges
Brand	Burnett	Cohoon	Connors
Coon	Doderer	Drees	Eddie
Ertl	Fallon	Gipp	Grundberg
Hanson	Harper	Holveck	Jacobs
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Metcalf	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Tyrrell
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 2:

Brammer	Running
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2** 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 February 23, 1995, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 20, a House Concurrent Resolution relating to Pioneer Lawmakers.

Also: That the Senate has on February 23, 1995, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 21, a concurrent resolution honoring Ms. Sugar Macaulay upon her retirement as the Capitol Tour Guide Supervisor.

Also: That the Senate has on February 23, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 12, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a buffet dinner sponsored by the Des Moines Rotary Club and featuring the State Capitol restoration and providing an effective date.

Also: That the Senate has on February 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 150, a bill for an act relating to child abuse involving termination of parental rights in certain abuse or neglect cases and access by other states to child abuse information.

Also: That the Senate has on February 23, 1995; concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 6, a concurrent resolution objecting to a plan proposed by the United States Corps of Engineers to dramatically alter the operation of the Missouri River, and to request that the current operation of the river be maintained or that an alternative plan be considered that does not negatively impact upon the effective operation of the river.

JOHN F. DWYER, Secretary

SPONSORS ADDED
(House File 203)

Daggett of Union requested to be added as a sponsor of House File 203.

(House File 203)

Drake of Pottawattamie requested to be added as a sponsor of House File 203.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 23, 1995. Had I been present, I would have voted "nay" on House File 2.

RUNNING of Linn

PRESENTATION OF VISITORS

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

Two students from Scott Community College, Davenport, accompanied by Dr. Rose Shultz. By Van Fossen of Scott.

Eighty eighth grade students from Belmont-Klemme Junior High, Klemme, accompanied by Rex Kozak. By Branstad of Winnebago.

Students from Western Community College, Council Bluffs. By Hammitt of Harrison.

SUBCOMMITTEE ASSIGNMENTS

House File 202

State Government: Renken, Chair; Connors and Houser.

House File 207

Natural Resources: Cornelius, Chair; Mertz and Tyrrell.

Senate File 157

Environmental Protection: Vande Hoef, Chair; Van Fossen and Witt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 187

State Government: Thomson, Chair; Bradley and Witt.

House Study Bill 191

Environmental Protection: Rants, Chair; Bradley and Mascher.

House Study Bill 195

State Government: Bradley, Chair; Cataldo and Disney.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 196 State Government

Relating to state government personnel systems, training programs, grievance procedures, experimental research projects, discrimination investigations, collective bargaining matters, and contracts for services.

H.S.B. 197 Transportation

Providing for class "C" area service system roads and providing a penalty.

H.S.B. 198 Transportation

Relating to motor carrier certification by establishing a motor carrier education course, requiring a compliance review, and imposing fees.

H.S.B. 199 Transportation

Relating to proportional registration by providing for registration identification.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 148), relating to administrative costs associated with implementation by the area education agencies of the medical assistance reimbursement for eligible special education services.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 22, 1995.

COMMITTEE ON JUDICIARY

House File 118, a bill for an act relating to compensation of volunteer fire fighters when subpoenaed as witnesses.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3188** February 21, 1995.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 41), relating to education requirements for nurses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1995.

AMENDMENTS FILED

H-3188	H.F.	118	Committee on Judiciary
H-3190	H.F.	61	Running of Linn
H-3191	H.F.	190	Bernau of Story Halvorson of Clayton
H-3192	S.F.	69	Halvorson of Clayton
H-3193	S.F.	69	Halvorson of Clayton
H-3194	S.F.	69	Halvorson of Clayton
H-3195	S.F.	69	Halvorson of Clayton
H-3196	S.F.	69	Halvorson of Clayton
H-3197	S.F.	69	Houser of Pottawattamie Vande Hoef of Osceola
H-3198	S.F.	69	Myers of Johnson Doderer of Johnson Ollie of Clinton Mascher of Johnson Witt of Black Hawk Moreland of Wapello Kreiman of Davis Baker of Polk Connors of Polk
			Jochum of Dubuque Running of Linn Wise of Lee Burnett of Story Brand of Benton Harper of Black Hawk Bernau of Story Mundie of Webster Schrader of Marion
H-3199	S.F.	69	Halvorson of Clayton
H-3200	S.F.	69	Bernau of Story Holveck of Polk Doderer of Johnson Ollie of Clinton Fallon of Polk Running of Linn Wise of Lee Jochum of Dubuque Witt of Black Hawk Harper of Black Hawk Myers of Johnson Connors of Polk
			Schrader of Marion Murphy of Dubuque Cohoon of Des Moines Baker of Polk Larkin of Lee Bell of Jasper Mascher of Johnson Burnett of Story Brand of Benton Moreland of Wapello Kreiman of Davis

	Shoultz of Black Hawk			May of Worth
	Mundie of Webster			O'Brien of Boone
	Nelson of Pottawattamie			Koenigs of Mitchell
	Mertz of Kossuth			Drees of Carroll
	Weigel of Chickasaw			Warnstadt of Woodbury
	McCoy of Polk			Cataldo of Polk
H-3201	S.F.	69		Cornelius of Jackson
H-3202	S.F.	69		Doderer of Johnson
	Murphy of Dubuque			Ollie of Clinton
	Baker of Polk			Holveck of Polk
	Mascher of Johnson			Jochum of Dubuque
	Burnett of Story			Witt of Black Hawk
	Brand of Benton			Moreland of Wapello
	Mertz of Kossuth			Nelson of Pottawattamie
	Weigel of Chickasaw			Koenigs of Mitchell
	O'Brien of Boone			May of Worth
	Shoultz of Black Hawk			Bernau of Story
	Mundie of Webster			Connors of Polk
	Schrader of Marion			
H-3203	S.F.	69		Weigel of Chickasaw
	Schrader of Marion			Bernau of Story
	Jochum of Dubuque			Baker of Polk
	Brand of Benton			Moreland of Wapello
	Myers of Johnson			Mundie of Webster
H-3204	S.F.	69		Bernau of Story
	Weigel of Chickasaw			Doderer of Johnson
	Holveck of Polk			Wise of Lee
	Mascher of Johnson			Jochum of Dubuque
	Brand of Benton			Moreland of Wapello
	Warnstadt of Woodbury			Mertz of Kossuth
	Nelson of Pottawattamie			O'Brien of Boone
	Shoultz of Black Hawk			Baker of Polk
	Connors of Polk			Schrader of Marion
H-3205	S.F.	69		Warnstadt of Woodbury
	Mascher of Johnson			Wise of Lee
	Jochum of Dubuque			Burnett of Story

Brand of Benton			Moreland of Wapello
Harper of Black Hawk			Kreiman of Davis
Shoultz of Black Hawk			Bernau of Story
Connors of Polk			Schrader of Marion
H-3206	S.F.	69	Running of Linn
Larkin of Lee			Cohoon of Des Moines
Ollie of Clinton			Baker of Polk
Mascher of Johnson			Burnett of Story
Witt of Black Hawk			Jochum of Dubuque
Brand of Benton			Kreiman of Davis
Cataldo of Polk			Warnstadt of Woodbury
Moreland of Wapello			Weigel of Chickasaw
Koenigs of Mitchell			Nelson of Pottawattamie
O'Brien of Boone			Mertz of Kossuth
Mundie of Webster			Myers of Johnson
Bernau of Story			Connors of Polk
Schrader of Marion			
H-3207	S.F.	69	O'Brien of Boone
Running of Linn			Murphy of Dubuque
Holveck of Polk			Doderer of Johnson
Larkin of Lee			Baker of Polk
Ollie of Clinton			Cohoon of Des Moines
Bell of Jasper			Mascher of Johnson
Harper of Black Hawk			Burnett of Story
Connors of Polk			Jochum of Dubuque
Witt of Black Hawk			Kreiman of Davis
Fallon of Polk			Brand of Benton
Cataldo of Polk			McCoy of Polk
Warnstadt of Woodbury			Moreland of Wapello
Weigel of Chickasaw			Koenigs of Mitchell
Nelson of Pottawattamie			Mertz of Kossuth
Myers of Johnson			May of Worth
Mundie of Webster			Bernau of Story
Schrader of Marion			
H-3208	S.F.	69	Shoultz of Black Hawk
Weigel of Chickasaw			Doderer of Johnson

Fallon of Polk			Baker of Polk
Holveck of Polk			Wise of Lee
Mascher of Johnson			Jochum of Dubuque
Brand of Benton			Drees of Carroll
Nelson of Pottawattamie			Koenigs of Mitchell
Mertz of Kossuth			Mundie of Webster
Kreiman of Davis			Bernau of Story
Connors of Polk			Schrader of Marion
H-3209	S.F.	69	Weigel of Chickasaw
Witt of Black Hawk			Jochum of Dubuque
Ollie of Clinton			Doderer of Johnson
Baker of Polk			Burnett of Story
Harper of Black Hawk			Mascher of Johnson
Brand of Benton			Myers of Johnson
Kreiman of Davis			May of Worth
Shoultz of Black Hawk			Mundie of Webster
Bernau of Story			Connors of Polk
Schrader of Marion			
H-3210	S.F.	69	Mertz of Kossuth
Witt of Black Hawk			Wise of Lee
Burnett of Story			Mascher of Johnson
Doderer of Johnson			Ollie of Clinton
Jochum of Dubuque			Brand of Benton
Cataldo of Polk			Moreland of Wapello
Drees of Carroll			Nelson of Pottawattamie
Baker of Polk			Weigel of Chickasaw
Koenigs of Mitchell			O'Brien of Boone
Mundie of Webster			May of Worth
Shoultz of Black Hawk			Bernau of Story
Connors of Polk			Schrader of Marion
H-3211	S.F.	69	Jochum of Dubuque
Witt of Black Hawk			Wise of Lee
Murphy of Dubuque			Doderer of Johnson
Mascher of Johnson			Burnett of Story
Brand of Benton			Kreiman of Davis
Cataldo of Polk			McCoy of Polk

Warnstadt of Woodbury

Drees of Carroll

Mertz of Kossuth

Nelson of Pottawattamie

Mundie of Webster

Bernau of Story

Connors of Polk

H-3212

S.F.

69

Weigel of Chickasaw

Koenigs of Mitchell

O'Brien of Boone

May of Worth

Shoultz of Black Hawk

Baker of Polk

Schrader of Marion

Houser of Pottawattamie

Vande Hoef of Osceola

On motion by Siegrist of Pottawattamie, the House adjourned at 6:08 p.m. until 8:45 a.m., Friday, February 24, 1995.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 24, 1995

The House met pursuant to adjournment at 8:45 a.m., Lamberti of Polk in the chair.

Prayer was offered by the Honorable Jerry Main, state representative from Jefferson County.

The Journal of Thursday, February 23, 1995 was approved.

PETITIONS FILED

By Rants of Woodbury, from nineteen residents of Sioux City opposing House File 2, relating to reinstatement of the death penalty.

By Warnstadt of Woodbury, from forty-six members of the Cathedral of The Epiphany, Sioux City, opposing House File 2, relating to reinstatement of the death penalty.

INTRODUCTION OF BILLS

House File 217, by committee on state government, a bill for an act relating to education requirements for nurses.

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

House File 218, by Jochum and Murphy, a bill for an act relating to supervision of licensed dental hygienists by licensed dentists.

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

House File 219, by Moreland, a bill for an act establishing felonious child endangerment as a nonbailable offense.

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

House File 220, by committee on education, a bill for an act relating to administrative costs associated with implementation by the area education agencies of the medical assistance reimbursement for eligible special education services.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 12, by Jensen, Kramer and Palmer, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a buffet

dinner sponsored by the Des Moines Rotary Club and featuring the State Capitol restoration and providing an effective date.

Read first time and referred to committee on **administration and rules**.

Senate File 150, by committee on human resources, a bill for an act relating to child abuse involving termination of parental rights in certain abuse or neglect cases and access by other states to child abuse information.

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

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995/55 Brent E. Johnson, Northwest Webster FFA – For receiving the American FFA Degree, the highest degree in the Future Farmers of America.
- 1995/56 Jeremy J. Sauter, Northwest Webster FFA – For receiving the American FFA Degree, the highest degree in the Future Farmers of America.
- 1995/57 David S. Moline, Northwest Webster FFA – For receiving the American FFA Degree, the highest degree in the Future Farmers of America.
- 1995/58 Katie Greiman, Hudson High School – For receiving the Edith Sackett Memorial Award in the 8th and 9th grade category for her essay in the "Write Women Back Into History" contest.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 129

Technology: Brunkhorst, Chair; Cormack and Wise.

House Study Bill 190

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

On motion by Gipp of Winneshiek, the House adjourned at 8:50 a.m. until 10:00 a.m., Monday, February 27, 1995.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 27, 1995

The House met pursuant to adjournment at 10:05 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Bruce Rulapaugh, Grace Baptist Church, Sheffield.

The Journal of Friday, February 24, 1995 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Reverend Bruce Rulapaugh, Sheffield.

INTRODUCTION OF BILL

House File 221, by Hurley, a bill for an act relating to handicapped parking and providing a penalty.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-three members present, thirty-seven absent.

The House stood at ease at 10:15 a.m., until the fall of the gavel.

The House resumed session at 12:25 p.m., Larson of Linn in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:26 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:42 p.m., Speaker Corbett in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Greiner of Washington, until her arrival, on request of Van Maanen of Marion.

CONSIDERATION OF BILLS

Special Order Calendar

Senate File 69, a bill for an act relating to county expenditures of property taxes for mental health and developmental disabilities costs

by providing for reduction of property taxes, making appropriations, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Halvorson of Clayton offered amendment H-3030 filed by the committee on ways and means as follows:

H-3030

1 Amend Senate File 69, as passed by the Senate, as
2 follows:

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

5 "DIVISION I

6 INCOME TAX REDUCTION AND SPECIAL FUNDS

7 Section 1. Section 422.4, subsection 1, paragraphs
8 b and c, Code 1995, are amended to read as follows:

9 b. "Cumulative inflation factor" means the product
10 of the annual inflation factor for the ~~1988~~ 1995
11 calendar year and all annual inflation factors for
12 subsequent calendar years as determined pursuant to
13 this subsection. The cumulative inflation factor
14 applies to all tax years beginning on or after January
15 1 of the calendar year for which the latest annual
16 inflation factor has been determined.

17 c. The annual inflation factor for each of the
18 ~~1988 1995, 1996, 1997, 1998, and 1999~~ calendar year
19 ~~years~~ is one hundred percent.

20 Sec. 2. Section 422.5, subsection 1, unnumbered
21 paragraph 1, and paragraphs a through i, Code 1995,
22 are amended by striking the unnumbered paragraph and
23 lettered paragraphs and inserting in lieu thereof the
24 following:

25 A tax is imposed upon every resident and
26 nonresident of the state which tax shall be levied,
27 collected, and paid annually upon and with respect to
28 the entire taxable income as defined in this division
29 at rates and for tax years beginning in the following
30 calendar years as follows:

31 On all taxable 32 income exceeding 33 the beginning 34 amount through 35 the ending 36 amount:		37 CALENDAR YEARS					
		38 1995	39 1996	40 1997	41 1998	42 1999 and 43 subsequent 44 years	
37 a. \$	0- 1,060	.4 %	.4 %	.35%	.35%	.35%	
38 b.	1,060- 2,120	.8	.75	.75	.7	.7	
39 c.	2,120- 4,240	2.65	2.55	2.45	2.35	2.3	
40 d.	4,240- 9,540	4.9	4.75	4.55	4.35	4.25	
41 e.	9,540-15,900	6.65	6.45	6.2	5.95	5.8	
42 f.	15,900-21,200	7.05	6.8	6.6	6.3	6.1	
43 g.	21,200-31,800	7.35	7.15	6.9	6.6	6.4	
44 h.	31,800-47,700	8.6	8.3	8.05	7.65	7.5	
45 i.	47,700+	9.75	9.45	9.15	8.7	8.5	

46 Sec. 3. Section 8.56, subsection 1, Code 1995, is

47 amended to read as follows:

48 1. A cash reserve fund is created in the state
49 treasury. The cash reserve fund shall be separate
50 from the general fund of the state and shall not be

Page 2

1 considered part of the general fund of the state
2 except in determining the cash position of the state
3 as provided in subsection 3. The moneys in the cash
4 reserve fund are not subject to section 8.33 and shall
5 not be transferred, used, obligated, appropriated, or
6 otherwise encumbered except as provided in this
7 section. Notwithstanding section 12C.7, subsection 2,
8 interest or earnings on moneys deposited in the cash
9 reserve fund shall be credited to the rebuild Iowa
10 economic emergency fund infrastructure account created
11 in section 8.57. Moneys in the cash reserve fund may
12 be used for cash flow purposes provided that any
13 moneys so allocated are returned to the cash reserve
14 fund by the end of each fiscal year. However, the
15 fund shall be considered a special account for the
16 purposes of section 8.53.

17 Sec. 4. Section 8.56, subsection 4, paragraph b,
18 Code 1995, is amended to read as follows:

19 b. In addition to the requirements of paragraph
20 "a", an appropriation shall not be made from the cash
21 reserve fund which would cause the fund's balance to
22 be less than three percent of the adjusted revenue
23 estimate for the year for which the appropriation is
24 made unless the bill or joint resolution making the
25 appropriation is approved by vote of at least three-
26 fifths of the members of both chambers of the general
27 assembly and is signed by the governor.

28 Sec. 5. Section 8.57, subsection 1, paragraph a,
29 Code 1995, is amended by striking the paragraph and
30 inserting in lieu thereof the following:

31 a. The cash reserve goal percentage for fiscal
32 years beginning on or after July 1, 1995, is five
33 percent of the adjusted revenue estimate. For each
34 fiscal year beginning on or after July 1, 1995, in
35 which the appropriation of the surplus existing in the
36 general fund of the state at the conclusion of the
37 prior fiscal year pursuant to paragraph "b" was not
38 sufficient for the cash reserve fund to reach the cash
39 reserve goal percentage for the current fiscal year,
40 there is appropriated from the general fund of the
41 state an amount to be determined as follows:

42 (1) If the balance of the cash reserve fund in the
43 current fiscal year is not more than four percent of
44 the adjusted revenue estimate for the current fiscal
45 year, the amount of the appropriation under this
46 lettered paragraph is one percent of the adjusted
47 revenue estimate for the current fiscal year.

48 (2) If the balance of the cash reserve fund in the
49 current fiscal year is more than four percent but less
50 than five percent of the adjusted revenue estimate for

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1 that fiscal year, the amount of the appropriation
2 under this lettered paragraph is the amount necessary
3 for the cash reserve fund to reach five percent of the
4 adjusted revenue estimate for the current fiscal year.
5 (3) The moneys appropriated under this lettered
6 paragraph shall be credited in equal and proportionate
7 amounts in each quarter of the current fiscal year.
8 Sec. 6. Section 8.57, subsection 1, paragraph b,
9 Code 1995, is amended to read as follows:
10 b. ~~Commencing June 30, 1993, the~~ The surplus
11 existing in the general fund of the state at the
12 conclusion of the fiscal year is appropriated for
13 distribution in the succeeding fiscal year as provided
14 ~~in this section subsections 2 and 3. Moneys credited~~
15 to the cash reserve fund from the appropriation made
16 in this paragraph shall not exceed the amount
17 necessary for the cash reserve fund to reach the cash
18 reserve goal percentage for the succeeding fiscal

19 year. As used in this paragraph, "surplus" means the
20 excess of revenues and other financing sources over
21 expenditures and other financing uses for the general
22 fund of the state in a fiscal year.

23 Sec. 7. NEW SECTION. 8.57A PERSONAL INCOME TAX
24 RATE REDUCTION REPLACEMENT FUND.

25 1. The personal income tax rate reduction
26 replacement fund is created in the state treasury
27 under the authority of the department of management.
28 The fund shall be separate from the general fund of
29 the state and shall not be considered part of the
30 general fund of the state except in determining the
31 cash position of the state for payment of state
32 obligations. The moneys in the fund are not subject
33 to the provisions of section 8.33 and shall not be
34 transferred, used, obligated, appropriated, or
35 otherwise encumbered except as provided in this
36 section. Moneys in the fund may be used for cash flow
37 purposes provided that any moneys so allocated are
38 returned to the fund by the end of each fiscal year.
39 However, the fund shall be considered a special
40 account for the purposes of section 8.53, relating to
41 elimination of any GAAP deficit. The fund is created
42 upon the effective date of this section, and shall
43 remain in existence until the close of the fiscal year
44 beginning July 1, 1999.

45 2. The provisions of this subsection apply for the
46 fiscal years beginning July 1 of 1994, 1995, 1996,
47 1997, and 1998. Notwithstanding the provisions of
48 section 8.57, subsection 3, for each of the designated

49 fiscal years, moneys remaining following the
50 appropriations made pursuant to section 8.57,

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1 subsection 1, shall not be appropriated to the Iowa
2 economic emergency fund but are instead appropriated
3 to the personal income tax rate reduction replacement
4 fund.

5 3. Effective for the fiscal year beginning July 1,
6 1995, and the subsequent three fiscal years, on or
7 before December 31 of each of the fiscal years, the
8 state revenue estimating conference created in section
9 8.22A shall certify an estimate of the net change in
10 revenues deposited into the general fund of the state
11 for that fiscal year due to the personal income tax
12 rate reduction implemented pursuant to section 422.5.
13 The director of the department of management shall
14 transfer not more than the certified amount from the
15 personal income tax rate reduction replacement fund to
16 the general fund of the state. Prior to the transfer,
17 the director shall determine whether the balance of
18 the general fund of the state is sufficient to absorb
19 the revenue change, and if the certified balance is
20 sufficient the director may defer the transfer to a
21 succeeding fiscal year. Moneys transferred to the
22 general fund of the state pursuant to this section
23 shall be added to the general fund expenditure
24 limitation, to the extent not already included, for
25 the fiscal year in which the transfer takes place and
26 ninety-nine percent of the transferred amount is
27 available for expenditure as directed by the general
28 assembly.

29 4. Notwithstanding section 12C.7, subsection 2,
30 interest or earnings on moneys deposited in the
31 personal income tax rate reduction replacement fund
32 shall be credited to the rebuild Iowa infrastructure
33 account created in section 8.57.

34 5. This section is repealed September 1, 2000.

35 Sec. 8. TRANSFER TO INFRASTRUCTURE ACCOUNT.

36 Moneys in the Iowa economic emergency fund, created in
37 section 8.55, at the conclusion of the fiscal year
38 beginning July 1, 1994, shall be transferred to the
39 rebuild Iowa infrastructure account.

40 Sec. 9. EFFECTIVE DATES.

41 1. Sections 1 and 2 of this Act, being deemed of
42 immediate importance, take effect upon enactment and
43 apply retroactively to January 1, 1995, for tax years
44 beginning on or after that date.

45 2. Sections 3 through 9 of this Act, being deemed
46 of immediate importance, take effect upon enactment.

DIVISION II

SUBCHAPTER S CORPORATIONS

47
48
49 Sec. 10. Section 422.5, subsection 1, paragraph j,
50 Code 1995, is amended by adding the following new

Page 5

1 unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the
3 taxable income of a resident shareholder in a
4 corporation which has in effect for the tax year an
5 election under subchapter S of the Internal Revenue
6 Code and carries on business within and without the
7 state shall be computed by reducing the amount
8 determined pursuant to paragraphs "a" through "i" by
9 the amounts of nonrefundable credits under this
10 division and by multiplying this resulting amount by a
11 fraction of which the resident's net income allocated
12 to Iowa, as determined in section 422.8, subsection 2,
13 paragraph "b", is the numerator and the resident's
14 total net income computed under section 422.7 is the
15 denominator. This paragraph also applies to
16 individuals who are residents of Iowa for less than
17 the entire tax year.

18 Sec. 11. Section 422.5, subsection 1, paragraph k,
19 unnumbered paragraph 4, Code 1995, is amended to read
20 as follows:

21 In the case of a resident, including a resident
22 estate or trust, the state's apportioned share of the
23 state alternative minimum tax is one hundred percent
24 of the state alternative minimum tax computed in this
25 subsection. In the case of a resident or part year
26 resident shareholder in a corporation which has in
27 effect for the tax year an election under subchapter S
28 of the Internal Revenue Code and carries on business
29 within and without the state, a nonresident, including
30 a nonresident estate or trust, or an individual,
31 estate, or trust that is domiciled in the state for
32 less than the entire tax year, the state's apportioned
33 share of the state alternative minimum tax is the
34 amount of tax computed under this subsection, reduced
35 by the applicable credits in sections 422.10 through
36 422.12 and this result multiplied by a fraction with a
37 numerator of the sum of state net income allocated to
38 Iowa as determined in section 422.8, subsection 2,
39 paragraph "a" or "b" as applicable, plus tax
40 preference items, adjustments, and losses under
41 subparagraph (1) attributable to Iowa and with a
42 denominator of the sum of total net income computed
43 under section 422.7 plus all tax preference items,
44 adjustments, and losses under subparagraph (1). In
45 computing this fraction, those items excludable under
46 subparagraph (1) shall not be used in computing the
47 tax preference items. Married taxpayers electing to
48 file separate returns or separately on a combined
49 return must allocate the minimum tax computed in this
50 subsection in the proportion that each spouse's

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1 respective preference items, adjustments, and losses
2 under subparagraph (1) bear to the combined preference

3 items, adjustments, and losses under subparagraph (1)
4 of both spouses.

5 Sec. 12. Section 422.7, Code 1995, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 32. Resident shareholders of a
8 corporation which has in effect an election under
9 subchapter S of the Internal Revenue Code shall add
10 their proportionate share of a deemed distribution of
11 current year income, upon which Iowa income tax has
12 not been paid as determined under rules of the
13 director, to the extent that the salaries, wages, or
14 other compensation for services performed by all
15 shareholders does not equal ten percent of net income
16 of the corporation computed in accordance with section
17 422.35 and considering items of income and expense
18 which pass directly to the shareholders under
19 provisions of the Internal Revenue Code before
20 deduction of shareholders' salaries, wages, or other
21 compensation for services performed. In addition
22 there shall be added any cash or the value of any
23 property distributions made to the extent they are
24 made from income upon which Iowa income tax has not
25 been paid as determined under rules of the director.

26 Sec. 13. Section 422.8, subsection 2, Code 1995,
27 is amended to read as follows:

28 2. a. Nonresident's net income allocated to Iowa
29 is the net income, or portion thereof, which is
30 derived from a business, trade, profession, or
31 occupation carried on within this state or income from
32 any property, trust, estate, or other source within
33 Iowa. However, income derived from a business, trade,
34 profession, or occupation carried on within this state
35 and income from any property, trust, estate, or other
36 source within Iowa shall not include distributions
37 from pensions, including defined benefit or defined
38 contribution plans, annuities, individual retirement
39 accounts, and deferred compensation plans or any
40 earnings attributable thereto so long as the
41 distribution is directly related to an individual's
42 documented retirement and received while the
43 individual is a nonresident of this state. If a
44 business, trade, profession, or occupation is carried
45 on partly within and partly without the state, only
46 the portion of the net income which is fairly and
47 equitably attributable to that part of the business,
48 trade, profession, or occupation carried on within the
49 state is allocated to Iowa for purposes of section
50 422.5, subsection 1, paragraph "j", and section 422.13

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1 and income from any property, trust, estate, or other
2 source partly within and partly without the state is
3 allocated to Iowa in the same manner, except that

4 annuities, interest on bank deposits and interest-
5 bearing obligations, and dividends are allocated to
6 Iowa only to the extent to which they are derived from
7 a business, trade, profession, or occupation carried
8 on within the state.

9 b. A resident's income allocable to Iowa is the
10 income determined under section 422.7 reduced by the
11 net income or loss of a corporation which is fairly
12 and equitably attributable without the state under
13 section 422.33, subsections 2 and 3. For the purposes
14 of this paragraph, "corporation" means a corporation
15 which has in effect for the tax year an election under
16 subchapter S of the Internal Revenue Code and carries
17 on business partly within and partly without the
18 state. This paragraph also applies to individuals who
19 are residents of Iowa for less than the entire tax
20 year.

21 Sec. 14. Section 422.8, Code 1995, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 6. If the resident or part year
24 resident is a shareholder of a corporation which has
25 in effect an election under subchapter S of the
26 Internal Revenue Code, subsections 1 and 3 do not
27 apply to any income taxes paid to another state or
28 foreign country on the income from the corporation
29 which has in effect an election under subchapter S of
30 the Internal Revenue Code.

31 Sec. 15. This division of this Act, being deemed
32 of immediate importance, takes effect upon enactment
33 and applies retroactively to January 1, 1995, for tax
34 years beginning on or after that date.

35 DIVISION III

36 MACHINERY AND EQUIPMENT

37 EXEMPTION AND REPLACEMENT FUNDS

38 Sec. 16. Section 427B.17, Code 1995, is amended by
39 striking the section and inserting in lieu thereof the
40 following:

41 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

42 1. Property defined in section 427A.1, subsection
43 1, paragraphs "e" and "j", shall be valued by the
44 local assessor as follows:

45 a. For the assessment year beginning January 1,
46 1995, at twenty-six percent of the net acquisition
47 cost.

48 b. For the assessment year beginning January 1,
49 1996, at twenty-two percent of the net acquisition
50 cost.

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1 c. For the assessment year beginning January 1,
2 1997, at eighteen percent of the net acquisition cost.
3 d. For the assessment year beginning January 1,
4 1998, at fourteen percent of the net acquisition cost.

- 5 e. For the assessment year beginning January 1,
6 1999, at ten percent of the net acquisition cost.
- 7 f. For the assessment year beginning January 1,
8 2000, at six percent of the net acquisition cost.
- 9 g. For the assessment year beginning January 1,
10 2001, and all subsequent assessment years, at zero
11 percent of the net acquisition cost.
- 12 2. For purposes of this section:
- 13 a. Property assessed by the department of revenue
14 and finance pursuant to sections 428.24 to 428.29, or
15 chapters 433, 434, and 436 to 438 shall not receive
16 the benefits of this section.
- 17 b. The net acquisition cost of property acquired
18 before January 1, 1995, which was owned or used by a
19 related person shall be the net acquisition cost of
20 the transferor of the property.
- 21 c. "Related person" means a person who owns or
22 controls the taxpayer's business and another business
23 entity from which property is acquired or leased or to
24 which property is sold or leased. Business entities
25 are owned or controlled by the same person if the same
26 person directly or indirectly owns or controls fifty
27 percent or more of the assets or any class of stock or
28 who directly or indirectly has an interest of fifty
29 percent or more in the ownership or profits.
- 30 d. "Net acquisition cost" means the acquired cost
31 of the property, including all foundations and
32 installation cost less any excess cost adjustment.
- 33 3. Property assessed pursuant to this section
34 shall not be eligible to receive a partial exemption
35 under sections 427B.1 to 427B.6.
- 36 4. The taxpayer's valuation of property defined in
37 section 427A.1, subsection 1, paragraphs "e" and "j",
38 and located in an urban renewal area for which an
39 urban renewal plan provides for the division of taxes
40 as provided in section 403.19 to pay the principal and
41 interest on loans, advances, bonds issued under the
42 authority of section 403.9, subsection 1, or
43 indebtedness incurred by a city or county to finance
44 an urban renewal project within the urban renewal
45 area, if such loans, advances, or bonds were issued or
46 indebtedness incurred, on or after January 1, 1982,
47 and on or before June 30, 1995, shall be limited to
48 thirty percent of the net acquisition cost of the
49 property. Such property located in an urban renewal
50 area shall not be valued pursuant to subsection 1

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- 1 until the assessment year following the calendar year
2 in which the obligations created by any loans,
3 advances, bonds, or indebtedness payable from the
4 division of taxes as provided in section 403.19 have
5 been retired. The taxpayer's valuation for such

6 property shall then be the valuation specified in
7 subsection 1 for the applicable assessment year. If
8 the loans, advances, or bonds issued, or indebtedness
9 incurred between January 1, 1982, and June 30, 1995,
10 are refinanced or refunded after June 30, 1995, the
11 valuation of such property shall then be the valuation
12 specified in subsection 1 for the applicable
13 assessment year beginning with the assessment year
14 after the calendar year in which any of those loans,
15 advances, bonds, or other indebtedness are refinanced
16 or refunded after June 30, 1995.

17 5. For the purpose of dividing taxes under section
18 260E.4 or 260F.4, the employer's or business's
19 valuation of property defined in section 427A.1,
20 subsection 1, paragraphs "e" and "j", and used to fund
21 a new jobs training project which project's first
22 written agreement providing for a division of taxes as
23 provided in section 403.19, is approved on or before
24 June 30, 1995, shall be limited to thirty percent of
25 the net acquisition cost of the property. An
26 employer's or business's taxable property used to fund
27 a new jobs training project shall not be valued
28 pursuant to subsection 1 until the assessment year
29 following the calendar year in which the certificates
30 or other funding obligations have been retired or
31 escrowed. The taxpayer's valuation for such property
32 shall then be the valuation specified in subsection 1
33 for the applicable assessment year. This subsection
34 shall not apply to the refunding of certificates or
35 refinancing of other obligations issued between
36 January 1, 1982, and June 30, 1995.

37 **Sec. 17. NEW SECTION. 427B.18 ASSESSOR AND**
38 **COUNTY AUDITOR DUTIES.**

39 1. On or before July 1 of each year, the assessor
40 shall determine the taxpayer's valuation of the
41 property specified in section 427B.17 for that year
42 and the valuation of the property if the property were
43 valued, for assessment purposes, at thirty percent of
44 net acquisition cost and shall report the valuations
45 to the county auditor.

46 2. On or before July 1, 1996, and on or before
47 July 1 of each subsequent year, the county auditor
48 shall prepare a statement listing for each taxing
49 district in the county:

50 a. Beginning with the assessment year beginning

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1 January 1, 1995, the difference between the assessed
2 valuation of property defined in section 427A.1,
3 subsection 1, paragraphs "e" and "j", and assessed
4 pursuant to section 427B.17 and the valuation of the
5 property if the property were valued, for assessment
6 purposes, at thirty percent of net acquisition cost.

7 b. The tax levy rate for each taxing district
8 levied against assessments made as of January 1 of the
9 previous year.

10 c. The industrial machinery, equipment and
11 computers tax replacement claim for each taxing
12 district, which is equal to the amount determined
13 pursuant to paragraph "a", multiplied by the tax rate
14 specified in paragraph "b".

15 3. The county auditor shall certify and forward
16 one copy of the statement to the department of revenue
17 and finance not later than July 1 of each year.

18 Sec. 18. NEW SECTION. 427B.19 REPLACEMENT.

19 Each county treasurer shall be paid an amount equal
20 to the following percentages of the industrial
21 machinery, equipment and computers tax replacement
22 claim for that county determined pursuant to section
23 427B.18, subsection 2:

24 1. For the fiscal year beginning July 1, 1996,
25 ninety percent.

26 2. For the fiscal year beginning July 1, 1997,
27 seventy-five percent.

28 3. For the fiscal year beginning July 1, 1998,
29 sixty percent.

30 4. For the fiscal year beginning July 1, 1999,
31 forty-five percent.

32 5. For the fiscal year beginning July 1, 2000,
33 thirty percent.

34 6. For the fiscal year beginning July 1, 2001,
35 twenty percent.

36 7. For the fiscal year beginning July 1, 2002,
37 twenty percent.

38 8. For the fiscal year beginning July 1, 2003,*
39 twenty percent.

40 9. For the fiscal year beginning July 1, 2004,
41 fifteen percent.

42 10. For the fiscal year beginning July 1, 2005,
43 ten percent.

44 Sec. 19. NEW SECTION. 427B.19A FUND CREATED.

45 1. The industrial machinery, equipment and
46 computers property tax replacement fund is created.

47 There is appropriated annually from the general fund
48 of the state to the department of revenue and finance

49 to be credited to the industrial machinery, equipment
50 and computers property tax replacement fund, the

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1 amounts specified in section 427B.19B.

2 2. Each county treasurer shall be paid from the
3 fund created in this section the amount calculated
4 pursuant to section 427B.19. The payment shall be
5 made in two equal installments on or before September
6 30 and March 30 of each year. The county treasurer
7 shall apportion the payment in the manner provided in

8 section 445.57.

9 3. If an amount appropriated in section 427B.19B
10 for a fiscal year is insufficient to pay all claims
11 according to the replacement schedule in section
12 427B.19, the director shall prorate the disbursements
13 from the fund to the county treasurers and shall
14 notify the county auditors of the pro rata percentage
15 on or before August 1. If an amount appropriated in
16 section 427B.19B for a fiscal year is in excess of the
17 amount necessary to pay all claims according to the
18 replacement schedule in section 427B.19, the director
19 shall prorate the disbursements from the fund to the
20 county treasurers, notwithstanding the amount
21 calculated pursuant to section 427B.19, and shall
22 notify the county auditors of the pro rata percentage
23 on or before August 1.

24 4. The replacement amount paid to each school
25 district shall be regarded as property tax for the
26 purposes of the school foundation property tax levy in
27 section 257.3 and the additional property tax levy in
28 section 257.4. The department of management shall
29 annually make the adjustments necessary to implement
30 this subsection.

31 Sec. 20. NEW SECTION. 427B.19B APPROPRIATION.

32 There is appropriated in each of the following
33 fiscal years from the general fund of the state to the
34 industrial machinery, equipment and computers property
35 tax replacement fund the following amounts:

- 36 1. For the fiscal year beginning July 1, 1996, ten
37 million dollars.
38 2. For the fiscal year beginning July 1, 1997,
39 seventeen million dollars.
40 3. For the fiscal year beginning July 1, 1998,
41 twenty-three million dollars.
42 4. For the fiscal year beginning July 1, 1999,
43 twenty-three million, four hundred thousand dollars.
44 5. For the fiscal year beginning July 1, 2000,
45 twenty-one million, one hundred thousand dollars.
46 6. For the fiscal year beginning July 1, 2001,
47 eighteen million, one hundred thousand dollars.
48 7. For the fiscal year beginning July 1, 2002,
49 twenty-four million dollars.
50 8. For the fiscal year beginning July 1, 2003,

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- 1 twenty-five million, six hundred thousand dollars.
2 9. For the fiscal year beginning July 1, 2004,
3 twenty million, four hundred thousand dollars.
4 10. For the fiscal year beginning July 1, 2005,
5 fourteen million, five hundred thousand dollars.

6 Sec. 21. NEW SECTION. 427B.19C PHASEOUT OF TAX.

- 7 Effective on July 1, 2002, all property taxes on
8 property defined in section 427A.1, subsection 1,

9 paragraphs "e" and "j", are repealed. For assessment
10 years beginning on or after January 1, 2005, such
11 property shall not be listed or assessed. This
12 section shall prevail over all inconsistent statutes.
13 Sec. 22. NEW SECTION. 427B.19D GUARANTEE OF
14 STATE REPLACEMENT FUNDS.
15 If for any reason an appropriation specified in
16 section 427B.19 is not made or the appropriation made
17 is less than that specified in section 427B.19 for the
18 applicable fiscal year, the director of the department
19 of management shall compute the difference between the
20 amount specified in section 427B.19B and the amount
21 actually appropriated or zero if no appropriation is
22 made. The department shall divide that difference by
23 the consolidated tax levy rate to determine the amount
24 of taxable value necessary to raise the difference at
25 that tax rate. The department shall compute an
26 adjustment factor as a percentage of net acquisition
27 cost which will yield such taxable value. The
28 director of revenue and finance shall review and
29 certify such adjustment factor to the county auditor.
30 The auditor shall apply such adjustment factor to all
31 taxable property described in section 427B.17 for the
32 assessment year beginning January 1 preceding the
33 fiscal year for which the specified appropriation was
34 not made. Property taxes generated by the adjustment
35 factor in this section shall not be considered
36 property tax dollars certified for purposes of the
37 property tax limitation in chapter 444.

DIVISION IV

PROPERTY TAX CREDITS

38
39 Sec. 23. Section 8.59, Code 1995, is amended to
40 read as follows:
41 8.59 APPROPRIATIONS FREEZE.
42 Notwithstanding contrary provisions of the Code,
43 the amounts appropriated under the applicable sections
44 of the Code for fiscal years commencing on or after
45 July 1, 1993, are limited to those amounts expended
46 under those sections for the fiscal year commencing
47 July 1, 1992. If an applicable section appropriates
48 moneys to be distributed to different recipients and
49 the operation of this section reduces the total amount
50

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1 to be distributed under the applicable section, the
2 moneys shall be prorated among the recipients. As
3 used in this section, "applicable sections" means the
4 following sections: 53.50, 229.35, 230.8, 230.11,
5 405A.8, 411.20, 425.1, 425.39, 426A.1, 663.44, and
6 822.5.
7 Sec. 24. Section 405A.8, subsection 1, Code 1995,
8 is amended to read as follows:
9 1. There are appropriated from the general fund of

10 the state to the department of revenue and finance the
 11 following sums to carry out the provisions of this
 12 chapter: For the fiscal year beginning July 1, 1988,
 13 and each subsequent fiscal year ending before July 1,
 14 1995, sixty-seven million seven hundred thirty-seven
 15 thousand dollars. For the fiscal year beginning July
 16 1, 1995, and each subsequent fiscal year, sixty-five
 17 million one hundred thousand dollars.
 18 Sec. 25. Section 422.65, Code 1995, is amended by
 19 striking the section and inserting in lieu thereof the
 20 following:

21 422.65 DEPOSIT OF REVENUE.

22 All moneys received from the franchise tax on or
 23 after July 1, 1995, shall be deposited into the
 24 general fund of the state.

25 Sec. 26. Section 425.1, subsection 1, Code 1995,
 26 is amended to read as follows:

27 1. A homestead credit fund is created. There is
 28 appropriated annually from the general fund of the
 29 state to the department of revenue and finance to be
 30 credited to the homestead credit fund, ~~an amount~~
 31 ~~sufficient to implement this chapter~~ the sum of
 32 ninety-three million eight hundred thousand dollars.

33 The director of revenue and finance shall issue
 34 warrants on the homestead credit fund payable to the
 35 county treasurers of the several counties of the state
 36 under this chapter.

37 If the amount in the fund is insufficient to pay
 38 all claims in full, the director shall prorate the
 39 amounts paid to the county treasurers based upon the
 40 amount of certified claims submitted by each.

41 Sec. 27. Section 425.17, subsections 2 and 8, Code
 42 1995, are amended to read as follows:

43 2. "Claimant" means ~~either of the following:~~

44 a—A ~~a~~ person filing a claim for credit or
 45 reimbursement under this division who has attained the
 46 age of sixty-five years on or before December 31 of
 47 the base year, who is a surviving spouse having
 48 attained the age of fifty-five years on or before
 49 December 31, 1988, or who is totally disabled and was
 50 totally disabled on or before December 31 of the base

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1 year, and was domiciled in this state during the
 2 entire base year, and is domiciled in this state at
 3 the time the claim is filed or at the time of the
 4 person's death in the case of a claim filed by the
 5 executor or administrator of the claimant's estate.

6 b—~~A person filing a claim for credit or~~
 7 ~~reimbursement under this division who has attained the~~
 8 ~~age of twenty-three years on or before December 31 of~~
 9 ~~the base year or was a head of household on December~~
 10 ~~31 of the base year, as defined in the Internal~~

11 Revenue Code, but has not attained the age or
12 disability status described in paragraph "a", and was
13 domiciled in this state during the entire base year,
14 and is domiciled in this state at the time the claim
15 is filed or at the time of the person's death in the
16 case of a claim filed by the executor or administrator
17 of the claimant's estate, and was not claimed as a
18 dependent on any other person's tax return for the
19 base year.

20 "Claimant" under paragraph "a" or "b" includes a
21 vendee in possession under a contract for deed and may
22 include one or more joint tenants or tenants in
23 common. In the case of a claim for rent constituting
24 property taxes paid, the claimant shall have rented
25 the property during any part of the base year. If a
26 homestead is occupied by two or more persons, and more
27 than one person is able to qualify as a claimant, the
28 persons may determine among them who will be the
29 claimant. If they are unable to agree, the matter
30 shall be referred to the director of revenue and
31 finance not later than June 1 of each year and the
32 director's decision is final.

33 8. "Property taxes due" means property taxes
34 including any special assessments, but exclusive of
35 delinquent interest and charges for services, due on a
36 claimant's homestead in this state, but includes only
37 property taxes for which the claimant is liable and
38 which will actually be paid by the claimant. However,
39 if the claimant is a person whose property taxes have
40 been suspended under sections 427.8 and 427.9,
41 "property taxes due" means property taxes including
42 any special assessments, but exclusive of delinquent
43 interest and charges for services, due on a claimant's
44 homestead in this state, but includes only property
45 taxes for which the claimant is liable and which would
46 have to be paid by the claimant if the payment of the
47 taxes has not been suspended pursuant to sections
48 427.8 and 427.9. "Property taxes due" shall be
49 computed with no deduction for any credit under this
50 division or for any homestead credit allowed under

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1 section 425.1. Each claim shall be based upon the
2 taxes due during the fiscal year next following the
3 base year. If a homestead is owned by two or more
4 persons as joint tenants or tenants in common, and one
5 or more persons are not members of claimant's
6 household, "property taxes due" is that part of
7 property taxes due on the homestead which equals the
8 ownership percentage of the claimant and the
9 claimant's household. ~~The county treasurer shall~~
10 ~~include with the tax receipt a statement that if the~~
11 ~~owner of the property is eighteen years of age or~~

13 the actual amount due upon the unpaid special
 14 assessment, plus interest, payable during the fiscal
 15 year for which the claim is filed against the
 16 homestead of the claimant. ~~However, where the~~
 17 ~~claimant is an individual described in section 425.17,~~
 18 ~~subsection 2, paragraph "b", and the tentative credit~~
 19 ~~is determined according to the schedule in section~~
 20 ~~425.23, subsection 1, paragraph "b", subparagraph (2),~~
 21 ~~the claim filed constitutes a claim for credit of an~~
 22 ~~amount equal to one half of the actual amount due and~~
 23 ~~payable during the fiscal year.~~ The department of
 24 revenue and finance shall, upon the filing of the
 25 claim with the department by the treasurer, pay that
 26 amount of the unpaid special assessment during the
 27 current fiscal year to the treasurer. The treasurer
 28 shall submit the claims to the director of revenue and
 29 finance not later than October 15 of each year. The
 30 director of revenue and finance shall certify the
 31 amount of reimbursement due each county for unpaid
 32 special assessment credits allowed under this
 33 subsection. The amount of reimbursement due each
 34 county shall be paid by the director of revenue and
 35 finance on October 20 of each year, drawn upon
 36 warrants payable to the respective treasurer. There
 37 is appropriated annually from the general fund of the
 38 state to the department of revenue and finance an
 39 amount sufficient to carry out the provisions of this
 40 subsection. The treasurer shall credit any moneys
 41 received from the department against the amount of the
 42 unpaid special assessment due and payable on the
 43 homestead of the claimant.

44 Sec. 31. Section 425.39, subsection 2, Code 1995,
 45 is amended by striking the subsection.

46 Sec. 32. Section 426.1, Code 1995, is amended to
 47 read as follows:

48 426.1 AGRICULTURAL LAND FARM TAX CREDIT FUND.

49 There is created as a permanent fund in the office
 50 of the treasurer of state a fund to be known as the

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1 agricultural land farm tax credit fund, and for the
 2 purpose of establishing and maintaining this fund for
 3 each fiscal year there is appropriated thereto from
 4 funds in the general fund of the state not otherwise
 5 appropriated the sum of thirty-nine ~~forty-nine~~ million
 6 ~~one~~ three hundred thousand dollars of which the first
 7 ~~ten~~ million dollars shall be transferred to and
 8 deposited into the family farm tax credit fund created
 9 in section 425A.1. Any balance in said the fund on
 10 June 30 shall revert to the general fund of the state.

11 Sec. 33. Section 426.3, Code 1995, is amended to
 12 read as follows:

13 426.3 WHERE AMOUNT OF CREDIT GIVEN.

14 The agricultural land farm tax credit fund shall be
 15 apportioned each year in the manner hereinafter
 16 provided so as to give a credit against the tax on
 17 each tract of agricultural lands within the several
 18 school districts of the state in which the levy for
 19 the general school fund exceeds five dollars and forty
 20 cents per thousand dollars of assessed value; the
 21 amount of such credit on each tract of such lands
 22 shall be the amount the tax levied for the general
 23 school fund exceeds the amount of tax which would be
 24 levied on said tract of such lands were the levy for
 25 the general school fund five dollars and forty cents
 26 per thousand dollars of assessed value for the
 27 previous year, each county equal to one dollar and
 28 fifty cents per acre of agricultural land, except in
 29 the case of a deficiency in the agricultural land
 30 credits farm tax credit fund to pay said the credits
 31 in full, in which case the credit on each eligible
 32 tract of such lands in the state shall be
 33 proportionate and shall be applied as hereinafter
 34 provided.

35 Sec. 34. Section 426.6, Code 1995, is amended to
 36 read as follows:

37 426.6 COMPUTATION BY AUDITOR — APPEAL.

38 The agricultural land farm tax credit allowed each
 39 year shall be computed as follows: On or before the
 40 first of June March 15 the county auditor shall list
 41 by school districts all tracts of agricultural lands
 42 which they are entitled to credit, together with the
 43 taxable value for the previous year, together with the
 44 budget from each school district for the previous
 45 year, and the tax rate determined for the general fund
 46 of the district in the manner prescribed in section
 47 444.3 for the previous year, and if such tax rate is
 48 in excess of five dollars and forty cents per thousand
 49 dollars of assessed value, the auditor shall multiply
 50 the tax levy which is in excess of five dollars and

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1 forty cents per thousand dollars of assessed value by
 2 the total taxable value of the agricultural lands
 3 entitled to credit in the district, and on or before
 4 the first of June and shall certify the amount of
 5 credit to the department of revenue and finance.
 6 In the event the county auditor denies a credit
 7 upon any such lands, the auditor shall immediately
 8 mail to the owner at the owner's last known address
 9 notice of the decision thereon. The owner may, within
 10 thirty days thereafter, appeal to the board of
 11 supervisors of the county wherein the land involved is
 12 situated by serving notice of said appeal upon the
 13 chairperson of said the board. The board shall hear
 14 such the appeal promptly and shall determine anew all

15 questions involved in said the appeal and shall within
16 ten days after such the hearing, mail to the owner at
17 the owner's last known address, notice of its
18 decision. In the event of disallowance the owner may,
19 within ten days from the date such the notice is
20 mailed, appeal such the disallowance by the board of
21 supervisors to the district court of that county by
22 serving written notice of appeal on the county
23 auditor. The appeal shall be tried de novo and may be
24 heard in term time or vacation. The decision of the
25 district court thereon shall be final.

26 Sec. 35. Section 426.7, Code 1995, is amended to
27 read as follows:

28 426.7 WARRANTS DRAWN BY DIRECTOR.

29 After receiving from the county auditors the
30 certifications provided for in section 426.6, and
31 during the following fiscal year, the director of
32 revenue and finance shall draw warrants on the
33 agricultural land ~~credits~~ credit fund created in
34 section 426.1, payable to the county treasurers in the
35 amount certified by the county auditors of the
36 respective counties and mail the warrants to the
37 county auditors on August 15 of each year taking into
38 consideration the relative budget and cash position of
39 the state resources. However, if the agricultural
40 land ~~credits~~ credit fund is insufficient to pay in
41 full the total of the amounts certified to the
42 director of revenue and finance, the director shall
43 prorate the fund to the county treasurers and notify
44 the county auditors of the pro rata percentage on or
45 before August ~~June~~ 1.

46 Sec. 36. Section 441.21, subsection 1, Code 1995,
47 is amended by adding the following new paragraph:
48 **NEW PARAGRAPH.** h. Notwithstanding any other
49 provision of this section, beginning with valuations
50 established as of January 1, 1996, in computing actual

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1 value of agricultural structures, other than
2 agricultural dwellings, the assessor shall exclude the
3 first two hundred thousand dollars in total actual
4 value of all such structures on each parcel of land.
5 The excluded valuation of such structures shall not be
6 removed from the productivity formula in establishing
7 agricultural values.

8 Sec. 37. Section 425.40, Code 1995, is repealed.

9 Sec. 38. Chapter 425A, Code 1995, is repealed.

10 Sec. 39. EFFECTIVE DATES.

11 1. Sections 23, 24, 25, 26, 27, 28, 29, 30, 31,
12 and 37 of this Act, being deemed of immediate
13 importance, take effect upon enactment for purposes of
14 property tax credits payable on or after July 1, 1995.

15 2. Sections 32, 33, 34, 35, and 38 of this Act

16 take effect January 1, 1996, for property taxes
17 payable on or after July 1, 1996.
18 3. Section 36 of this Act takes effect January 1,
19 1996, for computing valuations for taxes payable on or
20 after July 1, 1997.

21 DIVISION V

22 MENTAL HEALTH PROPERTY TAX RELIEF — LIMITATION

23 Sec. 40. Section 123.38, unnumbered paragraph 2,
24 Code 1995, is amended to read as follows:
25 Any licensee or permittee, or the licensee's or
26 permittee's executor or administrator, or any person
27 duly appointed by the court to take charge of and
28 administer the property or assets of the licensee or
29 permittee for the benefit of the licensee's or
30 permittee's creditors, may voluntarily surrender a
31 license or permit to the division. When a license or
32 permit is surrendered the division shall notify the
33 local authority, and the division or the local
34 authority shall refund to the person surrendering the
35 license or permit, a proportionate amount of the fee
36 received by the division or the local authority for
37 the license or permit as follows: If a license or
38 permit is surrendered during the first three months of
39 the period for which it was issued, the refund shall
40 be three-fourths of the amount of the fee; if
41 surrendered more than three months but not more than
42 six months after issuance, the refund shall be one-
43 half of the amount of the fee; if surrendered more
44 than six months but not more than nine months after
45 issuance, the refund shall be one-fourth of the amount
46 of the fee. No refund shall be made, however, for any
47 special liquor permit, nor for a liquor control
48 license, wine permit, or beer permit surrendered more
49 than nine months after issuance. For purposes of this
50 paragraph, any portion of license or permit fees used

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1 for the purposes authorized in section 331.424,
2 subsection 1, paragraphs "a", and "b", "c", "d", "e",
3 "f", "g", and "h", and in section 331.438A, shall not
4 be deemed received either by the division or by a
5 local authority. No refund shall be made to any
6 licensee or permittee, upon the surrender of the
7 license or permit, if there is at the time of
8 surrender, a complaint filed with the division or
9 local authority, charging the licensee or permittee
10 with a violation of this chapter. If upon a hearing
11 on a complaint the license or permit is not revoked or
12 suspended, then the licensee or permittee is eligible,
13 upon surrender of the license or permit, to receive a
14 refund as provided in this section; but if the license
15 or permit is revoked or suspended upon hearing the
16 licensee or permittee is not eligible for the refund

17 of any portion of the license or permit fee.
18 Sec. 41. Section 218.99, Code 1995, is amended to
19 read as follows:
20 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'
21 PERSONAL ACCOUNTS.
22 The administrator of a division of the department
23 of human services in control of a state institution
24 shall direct the business manager of each institution
25 under the administrator's jurisdiction which is
26 mentioned in section 331.424, subsection 1, paragraphs
27 "a" through "g" and "b" and for which services are
28 paid under section 331.438A to quarterly inform the
29 auditor of the county of legal settlement of any
30 patient or resident who has an amount in excess of two
31 hundred dollars on account in the patients' personal
32 deposit fund and the amount on deposit. The
33 administrators shall direct the business manager to
34 further notify the auditor of the county at least
35 fifteen days before the release of funds in excess of
36 two hundred dollars or upon the death of the patient
37 or resident. If the patient or resident has no county
38 of legal settlement, notice shall be made to the
39 director of the department of human services and the
40 administrator of the division of the department in
41 control of the institution involved.
42 Sec. 42. Section 225C.4, subsection 2, paragraph
43 b, Code 1995, is amended to read as follows:
44 b. Establish mental health and mental retardation
45 services for all institutions under the control of the
46 director of human services and establish an autism
47 unit, following mutual planning with and consultation
48 from the medical director of the state psychiatric
49 hospital, at an institution or a facility administered
50 by the administrator to provide psychiatric and

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1 related services and other specific programs to meet
2 the needs of autistic persons ~~as defined in section~~
3 ~~331.424, subsection 1~~, and to furnish appropriate
4 diagnostic evaluation services.
5 Sec. 43. Section 331.301, subsection 12, Code
6 1995, is amended to read as follows:
7 12. The board of supervisors may credit funds to a
8 reserve for the purposes authorized by subsection 11
9 of this section; section 331.424, subsection 1,
10 paragraph "P" "F"; and section 331.441, subsection 2,
11 paragraph "b". Moneys credited to the reserve, and
12 interest earned on such moneys, shall remain in the
13 reserve until expended for purposes authorized by
14 subsection 11 of this section; section 331.424,
15 subsection 1, paragraph "P" "F"; or section 331.441,
16 subsection 2, paragraph "b".
17 Sec. 44. Section 331.424, subsection 1, Code 1995,

18 is amended to read as follows:

19 1. For general county services, an amount

20 sufficient to pay the charges for the following:

21 a. To the extent that the county is obligated by

22 statute to pay the charges for:

23 ~~(1) Care and treatment of patients by a state~~
24 ~~mental health institute.~~

25 ~~(2) Care and treatment of patients by either of~~
26 ~~the state hospital schools or by any other facility~~
27 ~~established under chapter 222 and diagnostic~~
28 ~~evaluation under section 222.31.~~

29 ~~(3) Care and treatment of patients under chapter~~
30 ~~225.~~

31 (4) (1) Care and treatment of persons at the
32 alcoholic treatment center at Oakdale. However, the
33 county may require that an admission to the center
34 shall be reported to the board by the center within
35 five days as a condition of the payment of county
36 funds for that admission.

37 (5) (2) Care of children admitted or committed to
38 the Iowa juvenile home at Toledo.

39 (6) (3) Clothing, transportation, medical, or
40 other services provided persons attending the Iowa
41 braille and sight saving school, the Iowa school for
42 the deaf, or the state hospital-school for severely
43 handicapped children at Iowa City, for which the
44 county becomes obligated to pay pursuant to sections
45 263.12, 269.2, and 270.4 through 270.7.

46 b. To the extent that the board deems it advisable
47 to pay, the charges for professional evaluation,
48 treatment, training, habilitation, and care of persons
49 who are mentally retarded, autistic persons, or
50 persons who are afflicted by any other developmental

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1 disability, at a suitable public or private facility
2 providing inpatient or outpatient care in the county.

3 As used in this paragraph:

4 (1) "Developmental disability" has the meaning
5 assigned that term by 42 U.S.C. sec. 6001(7) (1976),
6 Supp. II, 1978, and Supp. III, 1979.

7 (2) "Autistic persons" means persons, regardless
8 of age, with severe communication and behavior
9 disorders that became manifest during the early stages
10 of childhood development and that are characterized by
11 a severely disabling inability to understand,
12 communicate, learn, and participate in social
13 relationships. "Autistic persons" includes but is not
14 limited to those persons afflicted by infantile
15 autism, profound aphasia, and childhood psychosis.

16 c. Care and treatment of persons placed in the
17 county hospital, county care facility, a health care
18 facility as defined in section 135C.1, subsection 6,

- 19 ~~or any other public or private facility, which~~
20 ~~placement is in lieu of admission or commitment to or~~
21 ~~is upon discharge, removal, or transfer from a state~~
22 ~~mental health institute, hospital, school, or other~~
23 ~~facility established pursuant to chapter 222.~~
24 ~~d. Amounts budgeted by the board for the cost of~~
25 ~~establishment and initial operation of a community~~
26 ~~mental health center in the manner and subject to the~~
27 ~~limitations provided by state law.~~
28 ~~e. b. Foster care and related services provided~~
29 ~~under court order to a child who is under the~~
30 ~~jurisdiction of the juvenile court, including court-~~
31 ~~ordered costs for a guardian ad litem under section~~
32 ~~232.71.~~
33 ~~f. The care, admission, commitment, and~~
34 ~~transportation of mentally ill patients in state~~
35 ~~hospitals, to the extent that expenses for these~~
36 ~~services are required to be paid by the county,~~
37 ~~including compensation for the advocate appointed~~
38 ~~under section 229.19.~~
39 ~~g. Amounts budgeted by the board for mental health~~
40 ~~services or mental retardation services furnished to~~
41 ~~persons on either an outpatient or inpatient basis, to~~
42 ~~a school or other public agency, or to the community~~
43 ~~at large, by a community mental health center or other~~
44 ~~suitable facility located in or reasonably near the~~
45 ~~county, provided that services meet the standards of~~
46 ~~the mental health and developmental disabilities~~
47 ~~commission created in section 225C.5 and are~~
48 ~~consistent with the annual plan for services approved~~
49 ~~by the board.~~
50 ~~h. Reimbursement on behalf of mentally retarded~~

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- 1 ~~persons under section 240A.12.~~
2 ~~i. c. Elections, and voter registration pursuant~~
3 ~~to chapter 48A.~~
4 ~~j. d. Employee benefits under chapters 96, 97B,~~
5 ~~and 97C, which are associated with salaries for~~
6 ~~general county services.~~
7 ~~k. e. Joint county and city building authorities~~
8 ~~established under section 346.27, as provided in~~
9 ~~subsection 22 of that section.~~
10 ~~l. f. Tort liability insurance, property~~
11 ~~insurance, and any other insurance that may be~~
12 ~~necessary in the operation of the county, costs of a~~
13 ~~self-insurance program, costs of a local government~~
14 ~~risk pool, and amounts payable under any insurance~~
15 ~~agreements to provide or procure such insurance, self-~~
16 ~~insurance program, or local government risk pool.~~
17 ~~m. g. The maintenance and operation of the courts,~~
18 ~~including but not limited to the salary and expenses~~
19 ~~of the clerk of the district court and other employees~~

20 of the clerk's office, and bailiffs, court costs if
 21 the prosecution fails or if the costs cannot be
 22 collected from the person liable, costs and expenses
 23 of prosecution under section 189A.17, salaries and
 24 expenses of juvenile court officers under chapter 602,
 25 court-ordered costs in domestic abuse cases under
 26 section 236.5, the county's expense for confinement of
 27 prisoners under chapter 356A, temporary assistance to
 28 the county attorney, county contributions to a
 29 retirement system for bailiffs, reimbursement for
 30 judicial magistrates under section 602.6501, claims
 31 filed under section 622.93, interpreters' fees under
 32 section 622B.7, uniform citation and complaint
 33 supplies under section 805.6, and costs of prosecution
 34 under section 815.13.
 35 ~~a- h.~~ Court-ordered costs of conciliation
 36 procedures under section 598.16.
 37 ~~e- i.~~ Establishment and maintenance of a joint
 38 county indigent defense fund pursuant to an agreement
 39 under section 28E.19.
 40 ~~p- j.~~ The maintenance and operation of a local
 41 emergency management agency established pursuant to
 42 chapter 29C.
 43 The board may require a public or private facility,
 44 as a condition of receiving payment from county funds
 45 for services it has provided, to furnish the board
 46 with a statement of the income, assets, and legal
 47 residence including township and county of each person
 48 who has received services from that facility for which
 49 payment has been made from county funds under
 50 paragraphs "a" through "h" and "b". However, the

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1 facility shall not disclose to anyone the name or
 2 street or route address of a person receiving services
 3 for which commitment is not required, without first
 4 obtaining that person's written permission.
 5 Parents or other persons may voluntarily reimburse
 6 the county or state for the reasonable cost of caring
 7 for a patient or an inmate in a county or state
 8 facility.
 9 Sec. 45. Section 331.424, Code 1995, is amended by
 10 adding the following new subsection:
 11 NEW SUBSECTION. 1A. The maximum amount of
 12 property tax dollars which may be certified by a
 13 county for taxes levied under subsection 1 and payable
 14 in the fiscal year beginning July 1, 1995, and
 15 succeeding fiscal years shall not exceed the amount of
 16 property tax dollars certified by the county for taxes
 17 payable in the fiscal year beginning July 1, 1994,
 18 minus an adjustment for the amounts levied by the
 19 county under subsection 1 for mental health, mental
 20 retardation, and developmental disabilities in the

21 fiscal year beginning July 1, 1995. The adjustment
22 and maximum amount which may be levied by the county
23 shall be determined for the county by the department
24 of management.

25 Sec. 46. Section 331.426, subsection 1, Code 1995,
26 is amended by adding the following new paragraph:
27 NEW PARAGRAPH. h. An unusual need for a service
28 or cost paid from levies under section 331.424,
29 subsection 1, which would cause the total expenditures
30 of services and costs paid from those levies to exceed
31 the maximum levies authorized under section 331.424,
32 subsection 1A.

33 Sec. 47. Section 331.438, subsection 1, paragraph
34 b, Code 1995, is amended to read as follows:

35 b. "State payment" means the payment made by the
36 state under section 331.438A to a county determined to
37 be eligible for the payment in accordance with section
38 331.439. ~~Except as modified based upon the actual~~
39 ~~amount of the appropriation for purposes of state~~
40 ~~payment under section 331.439, the amount of the state~~
41 ~~payment for a fiscal year shall be calculated as fifty~~
42 ~~percent of the amount by which the county's qualified~~
43 ~~expenditures during the immediately preceding fiscal~~
44 ~~year were in excess of the amount of the county's base~~
45 ~~year expenditures.~~

46 Sec. 48. Section 331.438, Code 1995, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 1A. The state of Iowa shall
49 provide funding for the county expenditures for mental
50 health and mental retardation assistance so that over

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1 the five-year period beginning July 1, 1995, and
2 ending June 30, 2000, the relative shares of the state
3 and counties for these expenditures shall become
4 either equal or greater for the state.

5 Sec. 49. NEW SECTION. 331.438A STATE AND COUNTY
6 EXPENDITURES FOR MENTAL HEALTH, MENTAL RETARDATION,
7 AND DEVELOPMENTAL DISABILITIES ASSISTANCE — FUND
8 CREATED.

9 1. The mental health, mental retardation, and
10 developmental disabilities property tax relief fund is
11 created in the office of the treasurer of state under
12 the authority of the department of revenue and
13 finance. The relief fund shall consist of moneys
14 appropriated to the fund.

15 2. The department of management shall determine
16 each county's proportion of all counties' base year
17 expenditures, as defined in section 331.438. In each
18 fiscal year, a county shall receive for property tax
19 relief the proportion of the moneys appropriated to
20 the relief fund for that fiscal year equivalent to the
21 county's proportion of all counties' base year

22 expenditures. However, moneys provided to a county
23 for property tax relief in a fiscal year in accordance
24 with this section shall not be less than the amount
25 provided to the county for property tax relief in the
26 previous fiscal year.

27 3. The department of management shall notify the
28 department of revenue and finance of the amount due
29 each county and the director of revenue and finance
30 shall draw warrants on the relief fund, payable to the
31 county treasurer in the amount due a county in
32 accordance with subsection 2, and mail the warrants to
33 county auditors by September 1 and March 1.

34 4. Before June 1, 1995, the director of human
35 services shall notify the county auditor of each
36 county of the amount of moneys the county will receive
37 from the relief fund pursuant to subsection 2 in the
38 succeeding fiscal year. For the fiscal year beginning
39 July 1, 1995, the department of management shall
40 reduce the certified budget amount received from the
41 board of supervisors for that fiscal year by an amount
42 equal to the amount the county will receive and the
43 department of management shall determine the rate of
44 taxation necessary to raise the reduced amount. For
45 subsequent fiscal years, the county auditor shall
46 reduce the county's property tax requests in the
47 manner specified in section 444.25A.

48 5. In addition to moneys received by a county
49 pursuant to subsection 2, the county shall be allowed
50 an inflation factor adjustment for assistance paid

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1 from the county's services fund under section 331.424A
2 which is in accordance with the county's management
3 plan implemented pursuant to section 331.439. The
4 inflation factor adjustment shall address costs
5 associated with new consumers of assistance, service
6 cost inflation, and investments for economy and
7 efficiency. The amount of the inflation factor
8 adjustment shall not exceed the inflation factor
9 amount specified in the appropriation for the
10 adjustment. Payment of the inflation factor
11 adjustment shall be made as provided in the
12 appropriation.

13 6. The director of revenue and finance shall
14 prescribe forms and adopt rules pursuant to chapter
15 17A to administer this section.

16 Sec. 50. Section 331.439, Code 1995, is amended by
17 striking the section and inserting in lieu thereof the
18 following:

19 331.439 ELIGIBILITY FOR STATE PAYMENT.

20 1. The state payment to eligible counties under
21 this section shall be made as provided in section
22 331.438A. A county is eligible for the state payment,

23 as defined in section 331.438, for the fiscal year
24 beginning July 1, 1995, and for subsequent fiscal
25 years if the director of human services determines for
26 a specific fiscal year that all of the following
27 conditions are met:

- 28 a. The county accurately reported by October 15
29 the county's expenditures for mental health, mental
30 retardation, and developmental disabilities services
31 for the previous fiscal year on forms prescribed by
32 the department of human services.
- 33 b. The county developed and implemented a county
34 management plan for the county's mental health and
35 mental retardation services in accordance with the
36 provisions of this paragraph. The plan shall comply
37 with the administrative rules adopted for this purpose
38 by the council on human services and is subject to the
39 approval of the director of human services in
40 consultation with the state-county management
41 committee created in section 331.438. The plan shall
42 include a description of the county's service
43 management provision for mental health, mental
44 retardation, and developmental disabilities services.
45 The plan shall have the following two parts:
- 46 (1) For mental health service management, the
47 county must contract with a state-approved managed
48 mental health care contractor or provide a comparable
49 system of managed care. For the fiscal year beginning
50 July 1, 1995, this part of the plan shall be

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- 1 implemented on or before October 15, 1995, after
2 approval by the department of human services. For
3 subsequent fiscal years, this part of the plan shall
4 be submitted to the department by April 1 for the
5 succeeding fiscal year.
- 6 (2) For mental retardation service management, the
7 county shall implement a system of managed care within
8 six months of the date by which the department of
9 human services approves a managed care contractor.
10 The county must either contract with a state-approved
11 mental retardation managed contractor or provide a
12 comparable system of managed care. In fiscal years
13 succeeding the fiscal year of initial implementation,
14 this part of the plan shall be submitted to the
15 department of human services by April 1 for the
16 succeeding fiscal year.
- 17 c. Changes to the approved plan are submitted
18 sixty days prior to the proposed change and are not to
19 be implemented prior to the director of human
20 services' approval.
- 21 2. A county may provide assistance to service
22 populations with disabilities to which the county has
23 historically provided assistance but who are not

24 included in the service management provisions required
 25 under subsection 1, subject to the availability of
 26 funding.

27 3. For the fiscal year beginning July 1, 1995, and
 28 succeeding fiscal years, implementation of the county
 29 management plan is subject to a fixed budget
 30 consisting of the moneys deposited by the state and
 31 county in the county mental health, mental
 32 retardation, and developmental disabilities services
 33 fund created in section 331.424A.

34 4. A county's implementation of the service
 35 management provisions required under subsection 1 for
 36 mental health and mental retardation shall incorporate
 37 the single entry point process described in section
 38 331.440.

39 5. The basis for determining whether a managed
 40 care system proposed by a county is comparable to a
 41 managed care contractor approved by the department of
 42 human services shall include but is not limited to all
 43 of the following elements:

- 44 a. The enrollment and eligibility process.
- 45 b. The scope of services included.
- 46 c. The method of plan administration.
- 47 d. The process for managing utilization and access
 48 to services and other assistance.
- 49 e. The quality assurance process.
- 50 f. The risk management provisions and fiscal

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1 viability of the provisions.

2 6. The director's approval of a county's mental
 3 health, mental retardation, and developmental
 4 disabilities services management plan shall not be
 5 construed to constitute certification of the county's
 6 budget.

7 **Sec. 51. NEW SECTION. 331.424A MENTAL HEALTH,**
 8 **MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES**
 9 **SERVICES FUND.**

10 1. For the purposes of this chapter, unless the
 11 context otherwise requires, "services fund" means the
 12 county mental health, mental retardation, and
 13 developmental disabilities services fund created in
 14 subsection 2.

15 2. For the fiscal year beginning July 1, 1995, and
 16 succeeding fiscal years, county revenues from taxes
 17 and other sources designated for mental health, mental
 18 retardation, and developmental disabilities services
 19 shall be credited to the mental health, mental
 20 retardation, and developmental disabilities services
 21 fund of the county. The board shall make
 22 appropriations from the fund for payment of services
 23 provided under the county management plan approved
 24 pursuant to section 331.439.

25 3. For the fiscal year beginning July 1, 1995, and
26 succeeding fiscal years, receipts from the state or
27 federal government for such services shall be credited
28 to the services fund, including moneys allotted to the
29 county from the state payment made pursuant to section
30 331.439 and moneys allotted to the county for property
31 tax relief pursuant to section 331.438A.

32 4. For the fiscal year beginning July 1, 1995, and
33 for each subsequent fiscal year, the county may
34 certify a levy for payment of services. Unless
35 otherwise provided by state law, for each fiscal year,
36 county revenues from taxes imposed by the county
37 credited to the services fund shall not exceed an
38 amount equal to the amount of base year expenditures
39 from property taxes imposed by the county and paid for
40 services in the fiscal year beginning July 1, 1993,
41 and ending June 30, 1994, as defined in section
42 331.438, less the amount of property tax relief to be
43 received pursuant to section 331.438A in the fiscal
44 year for which the budget is certified.

45 5. Appropriations specifically authorized to be
46 made from the mental health, mental retardation, and
47 disabilities services fund shall not be made from the
48 general fund of the county.

49 Sec. 52. Section 444.25A, subsection 1, Code 1995,
50 is amended to read as follows:

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1 1. COUNTY LIMITATION. The maximum amount of
2 property tax dollars which may be certified by a
3 county for taxes payable in the fiscal year beginning
4 July 1, 1995, shall not exceed the amount of property
5 tax dollars certified by the county for taxes payable
6 in the fiscal year beginning July 1, 1994, minus the
7 amount of the property tax relief payment to be
8 received by the county for the fiscal year beginning
9 July 1, 1995, pursuant to section 331.438A, subsection
10 2, and the maximum amount of property tax dollars
11 which may be certified by a county for taxes payable
12 in the fiscal year beginning July 1, 1996, shall not
13 exceed the amount of property tax dollars certified by
14 the county for taxes payable in the fiscal year
15 beginning July 1, 1995, minus the difference between
16 the amount of the property tax relief payment received
17 by the county in the fiscal year beginning July 1,
18 1995, and the amount of the property tax relief
19 payment to be received by the county in the fiscal
20 year beginning July 1, 1996, pursuant to section
21 331.438A, subsection 2, for each of the levies for the
22 following, except for the levies on the increase in
23 taxable valuation due to new construction, additions
24 or improvements to existing structures, remodeling of
25 existing structures for which a building permit is

26 required, annexation, and phasing out of tax
27 exemptions, and on the increase in valuation of
28 taxable property as a result of a comprehensive
29 revaluation by a private appraiser under a contract
30 entered into prior to January 1, 1992, or as a result
31 of a comprehensive revaluation directed or authorized
32 by the conference board prior to January 1, 1992, with
33 documentation of the contract, authorization, or
34 directive on the revaluation provided to the director
35 of revenue and finance, if the levies are equal to or
36 less than the levies for the previous year, levies on
37 that portion of the taxable property located in an
38 urban renewal project the tax revenues from which are
39 no longer divided as provided in section 403.19,
40 subsection 2, or as otherwise provided in this
41 section:

42 a. General county services under section 331.422,
43 subsection 1.

44 b. Rural county services under section 331.422,
45 subsection 2.

46 c. Other taxes under section 331.422, subsection
47 4.

48 Sec. 53. Section 444.25A, subsection 3, paragraph
49 b, subparagraph (3), Code 1995, is amended to read as
50 follows:

Page 30

1 (3) Need for additional moneys for health care,
2 treatment, and facilities, including ~~mental health and~~
3 ~~mental retardation care and treatment~~ pursuant to
4 section 331.424, subsection 1, paragraphs "a" through
5 "h" and "b".

6 Sec. 54. **NEW SECTION.** 444.25B PROPERTY TAX
7 LIMITATIONS FOR 1998 AND 1999 FISCAL YEARS.

8 1. COUNTY LIMITATION. The maximum amount of
9 property tax dollars which may be certified by a
10 county for taxes payable in the fiscal year beginning
11 July 1, 1996, shall not exceed the amount of property
12 tax dollars certified by the county for taxes payable
13 in the fiscal year beginning July 1, 1996, minus the
14 difference between the amount of the property tax
15 relief payment received by the county in the fiscal
16 year beginning July 1, 1996, and the amount of the
17 property tax relief payment to be received by the
18 county in the fiscal year beginning July 1, 1997,
19 pursuant to section 331.438A, subsection 2, and the
20 maximum amount of property tax dollars which may be
21 certified by a county for taxes payable in the fiscal
22 year beginning July 1, 1998, shall not exceed the
23 amount of property tax dollars certified by the county
24 for taxes payable in the fiscal year beginning July 1,
25 1997, minus the difference between the amount of the
26 property tax relief payment received by the county in

27 the fiscal year beginning July 1, 1997, and the amount
28 of the property tax relief payment to be received by
29 the county in the fiscal year beginning July 1, 1998,
30 pursuant to section 331.438A, subsection 2, for each
31 of the levies for the following, except for the levies
32 on the increase in taxable valuation due to new
33 construction, additions or improvements to existing
34 structures, remodeling of existing structures for
35 which a building permit is required, annexation, and
36 phasing out of tax exemptions, and on the increase in
37 valuation of taxable property as a result of a
38 comprehensive revaluation by a private appraiser under
39 a contract entered into prior to January 1, 1992, or
40 as a result of a comprehensive revaluation directed or
41 authorized by the conference board prior to January 1,
42 1992, with documentation of the contract,
43 authorization, or directive on the revaluation
44 provided to the director of revenue and finance, if
45 the levies are equal to or less than the levies for
46 the previous year, levies on that portion of the
47 taxable property located in an urban renewal project
48 the tax revenues from which are no longer divided as
49 provided in section 403.19, subsection 2, or as
50 otherwise provided in this section:

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- 1 a. General county services under section 331.422,
2 subsection 1.
- 3 b. Rural county services under section 331.422,
4 subsection 2.
- 5 c. Other taxes under section 331.422, subsection
6 4.
- 7 2. EXCEPTIONS. The limitations provided in
8 subsection 1 do not apply to the levies made for the
9 following:
 - 10 a. Debt service to be deposited into the debt
11 service fund pursuant to section 331.430.
 - 12 b. Taxes approved by a vote of the people which
13 are payable during the fiscal year beginning July 1,
14 1997, or July 1, 1998.
 - 15 c. Hospitals pursuant to chapters 37, 347, and
16 347A.
 - 17 d. Emergency management to be deposited into the
18 local emergency management fund and expended for
19 development of hazardous substance teams pursuant to
20 chapter 29C.
 - 21 e. Unusual need for additional moneys to finance
22 existing programs which would provide substantial
23 benefit to county residents or compelling need to
24 finance new programs which would provide substantial
25 benefit to county residents. The increase in taxes
26 levied under this exception for the fiscal year
27 beginning July 1, 1997, is limited to no more than the

28 product of the total tax dollars levied in the fiscal
29 year beginning July 1, 1996, and the percent change,
30 computed to two decimal places, in the price index for
31 government purchases by type for state and local
32 governments computed for the third quarter of calendar
33 year 1996 from that computed for the third quarter of
34 calendar year 1995. The increase in taxes levied
35 under this exception for the fiscal year beginning
36 July 1, 1998, is limited to no more than the product
37 of the total tax dollars levied in the fiscal year
38 beginning July 1, 1997, and the percent change,
39 computed to two decimal places, in the price index for
40 government purchases by type for state and local
41 governments computed for the third quarter of calendar
42 year 1997 from that computed for the third quarter of
43 calendar year 1996.

44 For purposes of this paragraph, the price index for
45 government purchases by type for state and local
46 governments is defined by the bureau of economic
47 analysis of the United States department of commerce
48 and published in table 7.11 of the national income and
49 products accounts. For the fiscal years beginning
50 July 1, 1997, and July 1, 1998, the price index used

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1 shall be the revision published in the November 1996
2 and November 1997 issues, respectively, of the United
3 States department of commerce publication, "survey of
4 current business". For purposes of this paragraph,
5 tax dollars levied in the fiscal years beginning July
6 1, 1996, and July 1, 1997, shall not include funds
7 levied for paragraphs "a", "b", and "c" of this
8 subsection.

9 Application of this exception shall require an
10 original publication of the budget and a public
11 hearing and a second publication and a second hearing
12 both in the manner and form prescribed by the director
13 of the department of management, notwithstanding the
14 provisions of section 331.434. The publications and
15 hearings prescribed in this paragraph shall be held
16 and the budget certified no later than March 15. The
17 taxes levied for counties whose budgets are certified
18 after March 15, 1997, shall be frozen at the fiscal
19 year beginning July 1, 1996, level, and the taxes
20 levied for counties whose budgets are certified after
21 March 15, 1998, shall be frozen at the fiscal year
22 beginning July 1, 1997, level.

23 3. APPEAL PROCEDURES. In lieu of the procedures
24 in sections 24.48 and 331.426, which procedures do not
25 apply for taxes payable in the fiscal years beginning
26 July 1, 1997, and July 1, 1998, if a county needs to
27 raise property tax dollars from a tax levy in excess
28 of the limitations imposed by subsection 1, the

29 following procedures apply:

30 a. Not later than March 1, and after the
31 publication and public hearing on the budget in the
32 manner and form prescribed by the director of the
33 department of management, notwithstanding section
34 331.434, the county shall petition the state appeal
35 board for approval of a property tax increase in
36 excess of the increase provided for in subsection 2,
37 paragraph "e", on forms furnished by the director of
38 the department of management. Applications received
39 after March 1 shall be automatically ineligible for
40 consideration by the board.

41 b. Additional costs incurred by the county due to
42 any of the following circumstances shall be the basis
43 for justifying the excess in property tax dollars:

44 (1) Natural disaster or other life-threatening
45 emergencies.

46 (2) Unusual need for additional moneys to finance
47 existing programs which would provide substantial
48 benefit to county residents or compelling need to
49 finance new programs which would provide substantial
50 benefit to county residents.

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1 (3) Need for additional moneys for health care,
2 treatment, and facilities, including mental health and
3 mental retardation care and treatment pursuant to
4 section 331.424, subsection 1, paragraphs "a" and "b".

5 (4) Judgments, settlements, and related costs
6 arising out of civil claims against the county and its
7 officers, employees, and agents, as defined in chapter
8 670.

9 c. The state appeal board shall approve,
10 disapprove, or reduce the amount of excess property
11 tax dollars requested. The board shall take into
12 account the intent of this section to provide property
13 tax relief. The decision of the board shall be
14 rendered at a regular or special meeting of the board
15 within twenty days of the board's receipt of an
16 appeal.

17 d. Within seven days of receipt of the decision of
18 the state appeal board, the county shall adopt and
19 certify its budget under section 331.434, which budget
20 may be protested as provided in section 331.436. The
21 budget shall not contain an amount of property tax
22 dollars in excess of the amount approved by the state
23 appeal board.

24 4. Rate adjustment by county auditor. In addition
25 to the requirement of the county auditor in section
26 444.3 to establish a rate of tax which does not exceed
27 the rate authorized by law, the county auditor shall
28 also adjust the rate if the amount of property tax
29 dollars to be raised is in excess of the amount

30 specified in subsection 1, as may be adjusted pursuant
31 to subsection 3.
32 Sec. 55. NEW SECTION. 444.25C PROPERTY TAX
33 LIMITATIONS FOR 2000 AND 2001 FISCAL YEARS.
34 1. COUNTY LIMITATION. The maximum amount of
35 property tax dollars which may be certified by a
36 county for taxes payable in the fiscal year beginning
37 July 1, 1999, shall not exceed the amount of property
38 tax dollars certified by the county for taxes payable
39 in the fiscal year beginning July 1, 1998, minus the
40 difference between the amount of the property tax
41 relief payment received by the county in the fiscal
42 year beginning July 1, 1998, and the amount of the
43 property tax relief payment to be received by the
44 county in the fiscal year beginning July 1, 1999,
45 pursuant to section 331.438A, subsection 2, and the
46 maximum amount of property tax dollars which may be
47 certified by a county for taxes payable in the fiscal
48 year beginning July 1, 2000, shall not exceed the
49 amount of property tax dollars certified by the county
50 for taxes payable in the fiscal year beginning July 1,

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1 1999, minus the difference between the amount of the
2 property tax relief payment received by the county in
3 the fiscal year beginning July 1, 1999, and the amount
4 of the property tax relief payment to be received by
5 the county in the fiscal year beginning July 1, 2000,
6 pursuant to section 331.438A, subsection 2, for each
7 of the levies for the following, except for the levies
8 on the increase in taxable valuation due to new
9 construction, additions or improvements to existing
10 structures, remodeling of existing structures for
11 which a building permit is required, annexation, and
12 phasing out of tax exemptions, and on the increase in
13 valuation of taxable property as a result of a
14 comprehensive revaluation by a private appraiser under
15 a contract entered into prior to January 1, 1992, or
16 as a result of a comprehensive revaluation directed or
17 authorized by the conference board prior to January 1,
18 1992, with documentation of the contract,
19 authorization, or directive on the revaluation
20 provided to the director of revenue and finance, if
21 the levies are equal to or less than the levies for
22 the previous year, levies on that portion of the
23 taxable property located in an urban renewal project
24 the tax revenues from which are no longer divided as
25 provided in section 403.19, subsection 2, or as
26 otherwise provided in this section:
27 a. General county services under section 331.422,
28 subsection 1.
29 b. Rural county services under section 331.422,
30 subsection 2.

31 c. Other taxes under section 331.422, subsection
32 4.

33 2. EXCEPTIONS. The limitations provided in
34 subsection 1 do not apply to the levies made for the
35 following:

36 a. Debt service to be deposited into the debt
37 service fund pursuant to section 331.430.

38 b. Taxes approved by a vote of the people which
39 are payable during the fiscal year beginning July 1,
40 1999, or July 1, 2000.

41 c. Hospitals pursuant to chapters 37, 347, and
42 347A.

43 d. Emergency management to be deposited into the
44 local emergency management fund and expended for
45 development of hazardous substance teams pursuant to
46 chapter 29C.

47 e. Unusual need for additional moneys to finance
48 existing programs which would provide substantial
49 benefit to county residents or compelling need to
50 finance new programs which would provide substantial

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1 benefit to county residents. The increase in taxes
2 levied under this exception for the fiscal year
3 beginning July 1, 1999, is limited to no more than the
4 product of the total tax dollars levied in the fiscal
5 year beginning July 1, 1998, and the percent change,
6 computed to two decimal places, in the price index for
7 government purchases by type for state and local
8 governments computed for the third quarter of calendar
9 year 1998 from that computed for the third quarter of
10 calendar year 1997. The increase in taxes levied
11 under this exception for the fiscal year beginning
12 July 1, 2000, is limited to no more than the product
13 of the total tax dollars levied in the fiscal year
14 beginning July 1, 1999, and the percent change,
15 computed to two decimal places, in the price index for
16 government purchases by type for state and local
17 governments computed for the third quarter of calendar
18 year 1999 from that computed for the third quarter of
19 calendar year 1998.

20 For purposes of this paragraph, the price index for
21 government purchases by type for state and local
22 governments is defined by the bureau of economic
23 analysis of the United States department of commerce
24 and published in table 7.11 of the national income and
25 products accounts. For the fiscal years beginning
26 July 1, 1999, and July 1, 2000, the price index used
27 shall be the revision published in the November 1998
28 and November 1999 issues, respectively, of the United
29 States department of commerce publication, "survey of
30 current business". For purposes of this paragraph,
31 tax dollars levied in the fiscal years beginning July

32 1, 1998, and July 1, 1999, shall not include funds
33 levied for paragraphs "a", "b", and "c" of this
34 subsection.

35 Application of this exception shall require an
36 original publication of the budget and a public
37 hearing and a second publication and a second hearing
38 both in the manner and form prescribed by the director
39 of the department of management, notwithstanding the
40 provisions of section 331.434. The publications and
41 hearings prescribed in this paragraph shall be held
42 and the budget certified no later than March 15. The
43 taxes levied for counties whose budgets are certified
44 after March 15, 1999, shall be frozen at the fiscal
45 year beginning July 1, 1998, level, and the taxes
46 levied for counties whose budgets are certified after
47 March 15, 2000, shall be frozen at the fiscal year
48 beginning July 1, 1999, level.

49 3. APPEAL PROCEDURES. In lieu of the procedures
50 in sections 24.48 and 331.426, which procedures do not

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1 apply for taxes payable in the fiscal years beginning
2 July 1, 1999, and July 1, 2000, if a county needs to
3 raise property tax dollars from a tax levy in excess
4 of the limitations imposed by subsection 1, the
5 following procedures apply:

6 a. Not later than March 1, and after the
7 publication and public hearing on the budget in the
8 manner and form prescribed by the director of the
9 department of management, notwithstanding section
10 331.434, the county shall petition the state appeal
11 board for approval of a property tax increase in
12 excess of the increase provided for in subsection 2,
13 paragraph "e", on forms furnished by the director of
14 the department of management. Applications received
15 after March 1 shall be automatically ineligible for
16 consideration by the board.

17 b. Additional costs incurred by the county due to
18 any of the following circumstances shall be the basis
19 for justifying the excess in property tax dollars:

20 (1) Natural disaster or other life-threatening
21 emergencies.

22 (2) Unusual need for additional moneys to finance
23 existing programs which would provide substantial
24 benefit to county residents or compelling need to
25 finance new programs which would provide substantial
26 benefit to county residents.

27 (3) Need for additional moneys for health care,
28 treatment, and facilities, including mental health and
29 mental retardation care and treatment pursuant to
30 section 331.424, subsection 1, paragraphs "a" and "b".

31 (4) Judgments, settlements, and related costs
32 arising out of civil claims against the county and its

33 officers, employees, and agents, as defined in chapter
34 670.

35 c. The state appeal board shall approve,
36 disapprove, or reduce the amount of excess property
37 tax dollars requested. The board shall take into
38 account the intent of this section to provide property
39 tax relief. The decision of the board shall be
40 rendered at a regular or special meeting of the board
41 within twenty days of the board's receipt of an
42 appeal.

43 d. Within seven days of receipt of the decision of
44 the state appeal board, the county shall adopt and
45 certify its budget under section 331.434, which budget
46 may be protested as provided in section 331.436. The
47 budget shall not contain an amount of property tax
48 dollars in excess of the amount approved by the state
49 appeal board.

50 4. Rate adjustment by county auditor. In addition

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1 to the requirement of the county auditor in section
2 444.3 to establish a rate of tax which does not exceed
3 the rate authorized by law, the county auditor shall
4 also adjust the rate if the amount of property tax
5 dollars to be raised is in excess of the amount
6 specified in subsection 1, as may be adjusted pursuant
7 to subsection 3.

8 Sec. 56. Section 445.23, Code 1995, is amended to
9 read as follows:

10 445.23 STATEMENT OF TAXES DUE.

11 1. Upon request, the The county treasurer shall
12 state in writing the full amount of taxes against a
13 parcel, all sales for unpaid taxes, and the amount
14 needed to redeem the parcel, if redeemable. If the
15 person requesting the statement is not the titleholder
16 of record or contract holder of record of the parcel,
17 that person shall pay a fee at the rate of two dollars
18 per parcel for each year for which information is
19 requested, and the money shall be deposited in the
20 county general fund.

21 2. The county treasurer shall include in a
22 prominent place on the tax statement the amount of
23 each of the following state tax credits that apply to
24 the parcel and amount by which each credit reduced the
25 taxes due on the parcel:

26 a. Homestead credit under chapter 425.

27 b. Military service credit under chapter 426A.

28 c. Extraordinary credit under chapter 425.

29 d. Mental health, mental retardation, and de-
30 velopmental disabilities property tax relief under
31 section 331.438A.

32 e. Farm tax credit under chapter 426.

33 Sec. 57. REPEAL. 1994 Iowa Acts, chapter 1163,

34 section 8, is repealed.

35 Sec. 58. INTERIM COMMITTEE CREATED. The
36 legislative council is requested to establish an
37 interim committee comprised of members of the general
38 assembly with the charge of developing a system to
39 regulate and contain county expenditures for mental
40 health, mental retardation, and developmental
41 disabilities and to develop a formula for distribution
42 of property tax relief moneys to counties under
43 section 331.438A, subsection 2. The committee should
44 be directed to report to the governor and the general
45 assembly prior to the 1996 legislative session.

46 Sec. 59. EFFECTIVE DATE. This division of this
47 Act, being deemed of immediate importance, takes
48 effect upon enactment."

49 2. Title page, by striking lines 1 through 4 and
50 inserting the following: "An Act relating to income

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- 1 tax relief, property tax relief, machinery and
- 2 equipment phase-in exemption, reimbursement, mental
- 3 health, and providing effective dates."

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3203, to the committee amendment H-3030, filed by Weigel, et. al., on February 23, 1995.

Bernau of Story offered amendment H-3200, to the committee amendment H-3030, filed by Bernau, et. al., as follows:

H-3200

1 Amend the amendment, H-3030, to Senate File 69, as
2 passed by the Senate as follows:

- 3 1. Page 1, by striking lines 6 through 45 and
- 4 inserting the following: "SPECIAL FUNDS".
- 5 2. By striking page 3, line 23, through page 4,
- 6 line 34.
- 7 3. Page 4, by striking lines 41 through 44.
- 8 4. Page 4, line 45, by striking the figure "2."
- 9 5. Page 25, line 14, by striking the word "fund."
- 10 and inserting the following: "fund and the amount of
- 11 allocations from the fund for property tax relief
- 12 pursuant to subsection 2 and for the adjustment factor
- 13 pursuant to subsection 5 shall be as specified in law
- 14 by the general assembly. There is appropriated to the
- 15 mental health, mental retardation, and developmental
- 16 disabilities property tax relief fund for the
- 17 indicated fiscal years from the general fund of the
- 18 state the following amounts:
- 19 a. For the fiscal year beginning July 1, 1995,
- 20 eighty-one million dollars.
- 21 b. For the fiscal year beginning July 1, 1996,
- 22 ninety-eight million dollars.

- 23 c. For the fiscal year beginning July 1, 1997, one
 24 hundred ninety-nine million dollars.
 25 d. For the fiscal year beginning July 1, 1998, two
 26 hundred ninety-two million dollars.
 27 e. For the fiscal year beginning July 1, 1999, and
 28 succeeding fiscal years, three hundred seven million
 29 dollars.”
 30 6. Page 26, by striking lines 8 through 12 and
 31 inserting the following: “adjustment shall not exceed
 32 the amount specified by the general assembly for the
 33 fiscal year.”

Speaker pro tempore Van Maanen of Marion in the chair at 2:41 p.m.

Bernau of Story moved the adoption of amendment H-3200, to the committee amendment H-3030.

Roll call was requested by Bernau of Story and Murphy of Dubuque.

On the question “Shall amendment H-3200, to the committee amendment H-3030, be adopted?” (S.F. 69)

The ayes were, 34:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Larkin	Mascher	May	McCoy
Mertz	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 64:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kreiman	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 2:

Brammer Greiner

Amendment H-3200 lost.

Doderer of Johnson offered the following amendment H-3202, to the committee amendment H-3030, filed by Doderer, et. al., and moved its adoption:

H-3202

- 1 Amend the amendment, H-3030, to Senate File 69, as
- 2 passed by the Senate as follows:
- 3 1. Page 1, by striking lines 6 through 45 and
- 4 inserting the following:
- 5 "DEPENDENT TAX CREDIT AND SPECIAL FUND.
- 6 Section 1. Section 422.12, subsection 1, paragraph
- 7 c, Code 1995, is amended by striking the paragraph.
- 8 Sec. 2. NEW SECTION. 422.12A DEPENDENT TAX
- 9 CREDIT.
- 10 1. The taxes imposed under this division less the
- 11 credits allowed under sections 422.11A, 422.11B,
- 12 422.11C, 422.12, and 422.12B shall be reduced by a
- 13 dependent tax credit equal to one hundred thirty-five
- 14 dollars for each dependent for tax years beginning on
- 15 or after January 1, 1995, but before January 1, 1997,
- 16 and four hundred fifteen dollars for each dependent
- 17 for tax years beginning on or after January 1, 1997.
- 18 The term "dependent" means the same as defined in the
- 19 internal Revenue Code.
- 20 2. Any credit in excess of the tax liability shall
- 21 be refunded. In lieu of claiming a refund, a taxpayer
- 22 may elect to have the overpayment shown on the
- 23 taxpayer's final, completed return credited to the tax
- 24 liability for the following taxable year."
- 25 2. By striking page 3, line 23, through page 4,
- 26 line 33.

Roll call was requested by Bernau of Story and Schrader of Marion.

On the question "Shall amendment H-3202, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 34:

Baker	Bell	Bernau	Brand
Brunkhorst	Burnett	Cataldo	Cohon
Connors	Doderer	Drees	Grubbs
Grundberg	Harper	Holveck	Jochum
Koenigs	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Witt		

The nays were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Gries
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kreiman
Kremer	Lamberti	Larson	Lord
Main	Martin	McCoy	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Wise	Van Maanen, Presiding

Absent or not voting, 2:

Brammer Greiner

Amendment H-3202 lost.

Running of Linn offered the following amendment H-3206, to the committee amendment H-3030, filed by Running, et. al., and moved its adoption:

H-3206

- 1 Amend the amendment, H-3030, to Senate File 69, as
- 2 passed by the Senate, as follows:
- 3 1. Page 4, by inserting before line 35 the
- 4 following:
- 5 "Sec. 100. Section 422.7, Code 1995, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 32. For a person who is disabled,
- 8 or is fifty-five years of age or older, or is the
- 9 surviving spouse of an individual or a survivor having
- 10 an insurable interest in an individual who would have
- 11 qualified for the exemption under this subsection for
- 12 the tax year, subtract, to the extent included, the
- 13 total amount of a governmental or other pension,
- 14 retirement pay, annuity, or other similar periodic
- 15 payment made under a plan maintained or contributed to
- 16 by an employer, or maintained or contributed to by a
- 17 self-employed person as an employer, up to a maximum
- 18 of seven thousand five hundred dollars for a person
- 19 who files a separate state income tax return, and up
- 20 to a maximum of fifteen thousand dollars for a husband
- 21 and wife who file a joint state income tax return.
- 22 However, a surviving spouse who is not disabled or

- 23 fifty-five years of age or older can only exclude the
 24 amount of annuities or other similar periodic payments
 25 received as a result of the death of the other
 26 spouse."
 27 2. Page 4, by inserting after line 46 the
 28 following:
 29 "Sec. ____ APPLICABILITY. Section 100 of this Act
 30 applies retroactively to January 1, 1995, for tax
 31 years beginning on or after that date."
 32 3. By renumbering as necessary.

Roll call was requested by Running of Linn and Schrader of Marion.

On the question "Shall amendment H-3206, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 41:

Baker	Bell	Bernau	Bradley
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Fallon	Harrison
Holveck	Hurley	Jochum	Koenigs
Kreiman	Larkin	Martin	Mascher
May	McCoy	Mertz	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Thomson
Van Fossen	Warnstadt	Weigel	Wise
Witt			

The nays were, 57:

Arnold	Blodgett	Boddicker	Boggess
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Heaton
Houser	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Metcalf	Meyer	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Tyrrell
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 2:

Brammer Greiner

Amendment H-3206 lost.

O'Brien of Boone offered the following amendment H-3207, to the committee amendment H-3030, filed by O'Brien, et. al., and moved its adoption:

H-3207

- 1 Amend the amendment, H-3030, to Senate File 69, as
 2 passed by the Senate, as follows:
 3 1. Page 4, by inserting before line 35 the
 4 following:
 5 "Sec. ____ Section 422.73, Code 1995, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION 3. Notwithstanding subsection 2,
 8 a claim for credit or refund of individual income tax
 9 paid for any tax year beginning on or after January 1,
 10 1985, and before January 1, 1989, is considered timely
 11 if filed with the department on or before April 30,
 12 1996, if the taxpayer's claim is the result of the
 13 unconstitutional taxation of federal pension benefits
 14 based upon the decision in Davis v. Michigan
 15 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500
 16 (1989).
 17 A taxpayer entitled to a credit or refund of tax
 18 paid under this subsection shall receive an amount
 19 equal to ninety-five percent of the credit or refund
 20 plus interest with interest not accruing after January
 21 12, 1994. The claim for credit or refund shall be
 22 made on the income tax return for the tax year
 23 beginning in the 1995 calendar year. If the taxpayer
 24 does not owe tax or the credit is in excess of the tax
 25 computed, the taxpayer shall receive a refund of the
 26 excess."
 27 2. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-3207, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 46:

Arnold	Baker	Bell	Bernau
Bradley	Brand	Brauns	Burnett
Cataldo	Cohoon	Connors	Cornelius
Daggett	Doderer	Drees	Fallon
Garman	Gries	Harper	Harrison
Holveck	Jochum	Koenigs	Kreiman
Larkin	Martin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Tyrrell	Van Fossen	Warnstadt	Weigel
Wise	Witt		

The nays were, 52:

Blodgett	Boddicker	Boguess	Branstad
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Dinkla	Disney
Drake	Eddie	Ertl	Gipp
Greig	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 2:

Brammer Greiner

Amendment H-3207 lost.

Halvorson of Clayton offered the following amendment H-3192, to the committee amendment H-3030, filed by him and moved its adoption:

H-3192

- 1 Amend the amendment, H-3030, to Senate File 69, as
- 2 passed by the Senate as follows:
- 3 1. Page 6, by striking lines 5 through 25.
- 4 2. Page 7, by striking lines 9 through 20 and
- 5 inserting the following:
- 6 "b. A resident's income allocable to Iowa is the
- 7 income determined under section 422.7 reduced by items
- 8 of income and expenses from a subchapter S corporation
- 9 which pass directly to the shareholders under
- 10 provisions of the Internal Revenue Code and increased
- 11 by the greater of the following:
- 12 (1) The net income or loss of the corporation
- 13 which is fairly and equitably attributable to this
- 14 state under section 422.33, subsections 2 and 3.
- 15 (2) The taxpayer's pro rata share of an amount
- 16 deemed distributed to shareholders which when added to
- 17 the salaries, wages, or other compensation for
- 18 services performed by all shareholders will equal ten
- 19 percent of the net income of the corporation computed
- 20 in accordance with section 422.35 and considering
- 21 items of income and expense which pass directly to the
- 22 shareholders under provisions of the Internal Revenue
- 23 Code before deduction of shareholder's salaries,
- 24 wages, or other compensation for services performed.
- 25 (3) Any cash or the value of any property
- 26 distributions made to the extent they are paid from
- 27 income upon which Iowa income tax has not been paid as
- 28 determined under rules of the director."

Amendment H-3192 was adopted.

Shoultz of Black Hawk offered the following amendment H-3208, to the committee amendment H-3030, filed by Shoultz, et. al., and moved its adoption:

H-3208

- 1 Amend the amendment, H-3030, to Senate File 69, as
- 2 passed by the Senate as follows:
- 3 1. By striking page 4, line 47, through page 7,
- 4 line 34.
- 5 2. Page 37, by inserting after line 32 the
- 6 following:
- 7 "Sec. ____ There is appropriated to the mental
- 8 health, mental retardation, and developmental
- 9 disabilities property tax relief fund for the
- 10 indicated fiscal years from the general fund of the
- 11 state in addition to any other moneys so appropriated
- 12 the following amounts:
- 13 a. For the fiscal year beginning July 1, 1995,
- 14 eight million dollars.
- 15 b. For the fiscal year beginning July 1, 1996,
- 16 eight million dollars.
- 17 c. For the fiscal year beginning July 1, 1997,
- 18 eight million dollars.
- 19 d. For the fiscal year beginning July 1, 1998,
- 20 eight million dollars.
- 21 e. For the fiscal year beginning July 1, 1999, and
- 22 succeeding fiscal years, eight million dollars."

Roll call was requested by Schrader of Marion and Shoultz of Black Hawk.

On the question "Shall amendment H-3208, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 28:

Baker	Bernau	Brand	Burnett
Cohoon	Connors	Doderer	Drees
Fallon	Grundberg	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Weigel	Wise

The nays were, 69:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Garman	Gipp	Greig
Gries	Grubbs	Hahn	Halvorson

Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Witt
Van Maanen, Presiding			

Absent or not voting, 3:

Brammer Ertl Greiner

Amendment H-3208 lost.

Rule 76, invoked. Under the provisions of Rule 76, conflict of interest, Ertl of Dubuque refrained from voting.

Rants of Woodbury offered the following amendment H-3121, to the committee amendment H-3030, filed by Rants, et. al., and moved its adoption:

H-3121

- 1 Amend the amendment, H-3030, to Senate File 69, as
- 2 passed by the Senate, as follows:
- 3 1. Page 8, by inserting after line 16 the follow-
- 4 ing:
- 5 "Any electric power generating plant which operated
- 6 during the preceding assessment year at a net capacity
- 7 factor of more than twenty percent, shall not receive
- 8 the benefits of this section. For purposes of this
- 9 section, "electric power generating plant" means any
- 10 name plate rated electric power generating plant, in
- 11 which electric energy is produced from other forms of
- 12 energy, including all taxable land, buildings, and
- 13 equipment used in the production of such energy. "Net
- 14 capacity factor" means net actual generation divided
- 15 by the product of net maximum capacity times the
- 16 number of hours the unit was in the active state
- 17 during the assessment year. Upon commissioning, a
- 18 unit is in the active state until it is de-
- 19 commissioned. "Net actual generation" means net
- 20 electrical megawatt hours produced by the unit during
- 21 the preceding assessment year. "Net maximum capacity"
- 22 means the capacity the unit can sustain over a
- 23 specified period when not restricted by ambient
- 24 conditions or equipment deratings, minus the losses
- 25 associated with station service or auxiliary loads."

Amendment H-3121 was adopted.

Halvorson of Clayton offered the following amendment H-3196, to the committee amendment H-3030, filed by him and moved its adoption:

H-3196

1 Amend the amendment, H-3030, to Senate File 69, as
2 passed by the Senate, as follows:

3 1. Page 9, line 14, by striking the word "after"
4 and inserting the following: "following".

5 2. Page 9, by striking lines 33 through 36 and
6 inserting the following: "for the applicable
7 assessment year. If the certificates issued, or other
8 funding obligations incurred, between January 1, 1982,
9 and June 30, 1995, are refinanced or refunded after
10 June 30, 1995, the valuation of such property shall
11 then be the valuation specified in subsection 1 for
12 the applicable assessment year beginning with the
13 assessment year following the calendar year in which
14 those certificates or other funding obligations are
15 refinanced or refunded after June 30, 1995."

16 3. Page 12, by striking lines 15 through 37 and
17 inserting the following:

18 "If for any reason an appropriation specified in
19 section 427B.19B is not made or the appropriation made
20 is less than that specified in section 427B.19B for
21 the applicable fiscal year, the director of revenue
22 and finance shall compute for each county the
23 difference between the total of all replacement claims
24 for taxing districts within the county and the amount
25 paid to the county treasurer for disbursement to the
26 taxing districts in the county. The department shall
27 divide that difference by the consolidated tax levy
28 rate in each county computed for the fiscal year in
29 which the specified appropriation should have been
30 made and shall certify the amount of taxable value
31 necessary to raise the difference at that tax rate.
32 The department shall notify the local assessor of such
33 amount of taxable value. The assessor, for the
34 assessment year beginning January 1 preceding the
35 fiscal year for which the specified appropriation was
36 not made, shall reassess all taxable property
37 described in section 427B.17 in the county at a
38 percentage of net acquisition cost which will yield
39 such taxable value and the property shall be assessed
40 and taxed in such manner for taxes due and payable in
41 the following fiscal year in addition to being
42 assessed and taxed in the applicable manner under
43 section 427B.17. Property tax dollar amounts
44 certified pursuant to this section shall not be
45 considered property tax dollars certified for purposes
46 of the property tax limitation in chapter 444."

Amendment H-3196 was adopted.

Halvorson of Clayton offered the following amendment H-3199, to the committee amendment H-3030, filed by him and moved its adoption:

H-3199

1 Amend the amendment, H-3030, to Senate File 69, as
2 passed by the Senate, as follows:

3 1. Page 11, by striking lines 36 and 37 and
4 inserting the following:

5 "1. For the fiscal year beginning July 1, 1996,
6 eight million, one hundred thousand dollars."

7 2. Page 11, by striking line 39 and inserting the
8 following: "fifteen million, two hundred thousand
9 dollars."

10 3. Page 11, by striking line 41 and inserting the
11 following: "twenty-one million, one hundred thousand
12 dollars."

13 4. Page 12, by inserting before line 38 the
14 following:

15 "Sec. ____ NEW SECTION. 427B.19E INDUSTRIAL
16 MACHINERY, EQUIPMENT AND COMPUTERS RELIEF FUND.

17 1. The industrial machinery, equipment and
18 computers relief fund is created. There is
19 appropriated annually from the general fund of the
20 state to the department of revenue and finance to be
21 credited to the relief fund, the following amounts:

22 a. For the fiscal year beginning July 1, 1996, one
23 million, nine hundred thousand dollars.

24 b. For the fiscal year beginning July 1, 1997, one
25 million, eight hundred thousand dollars.

26 c. For the fiscal year beginning July 1, 1998, one
27 million, nine hundred thousand dollars.

28 Moneys in the fund at the end of a fiscal year
29 shall not revert to the general fund of the state,
30 notwithstanding section 8.33.

31 2. a. The purpose of the industrial machinery,
32 equipment and computers relief fund is to provide
33 funds to those taxing districts in which an increase
34 in property tax revenue has not been realized as a
35 result of the elimination of the property tax on
36 property assessed pursuant to section 427B.17.
37 Beginning with the fiscal year beginning July 1, 1996,
38 a taxing district may apply for funds under this
39 section by filing an application with the director of
40 the department of management not later than March 1
41 preceding the fiscal year in which the funds will be
42 distributed. The state appeal board shall approve,
43 disapprove, or reduce the amount of funds requested by
44 the taxing district.

45 b. On forms provided by the department of

46 management, the taxing district shall request an
47 amount not exceeding the product of the decrease in
48 assessed valuation for the fiscal year for which the
49 application is filed compared to the assessed
50 valuation in the previous fiscal year, as determined

Page 2

1 pursuant to subsection 3, and the property tax rate
2 applied in the previous fiscal year, less any property
3 tax replacement funds received pursuant to section
4 427B.19A in the previous fiscal year. The taxing
5 district shall also submit with the application the
6 district's plan to improve its future budget position.

7 c. Claims approved by the state appeal board shall
8 be paid to the taxing district by October 1 following
9 submission of the application for funds.

10 3. To be eligible to receive funds under this
11 section, a taxing district must show that there has
12 been a decrease of more than three percent in the
13 assessed valuation for taxes payable in the fiscal
14 year for which the application is submitted compared
15 to the assessed valuation for taxes payable in the
16 previous fiscal year, which decrease is attributable
17 to the elimination of the property tax on industrial
18 machinery, equipment and computers pursuant to section
19 427B.17. The taxing district, to be eligible for
20 funds, must also show that the district has exhausted
21 all other lawful alternatives for improving the
22 district's budget position.

23 4. If the amount appropriated in this section is
24 insufficient to pay all applications approved, the
25 director of revenue and finance shall prorate the
26 disbursements from the relief fund and shall report
27 the amount of the shortfall to the director of the
28 department of management. By January 1 of the
29 following year, the director of the department of
30 management shall submit to the general assembly a plan
31 for the funding of approved applications that were not
32 fully funded in that fiscal year.

33 5. Amounts received pursuant to this section shall
34 not be considered property tax dollars certified for
35 purposes of the property tax limitation in chapter
36 444.

37 6. The department of revenue and finance and the
38 department of management shall adopt rules necessary
39 to implement this section."

40 5. By renumbering as necessary.

Amendment H-3199 was adopted.

Weigel of Chickasaw offered the following amendment H-3209, to the committee amendment H-3030, filed by Weigel, et. al., and moved its adoption:

H-3209

1 Amend the amendment, H-3030, to Senate File 69, as
2 passed by the Senate, as follows:

3 1. By striking page 7, line 38, through page 12,
4 line 37, and inserting the following:

5 "Sec. ____ NEW SECTION. 427B.18 TAXPAYER
6 REIMBURSEMENT.

7 1. By July 1 of each year, the county treasurer
8 shall certify and mail to each taxpayer who pays
9 property taxes on property defined in section 427A.1,
10 subsection 1, paragraphs "e" and "j", and assessed
11 pursuant to section 427B.17, a statement of the amount
12 of property taxes paid in the previous fiscal year for
13 such property and the statement shall serve as a
14 voucher for purposes of claiming taxpayer
15 reimbursement from the state for property taxes paid
16 on such property.

17 2. Not later than September 1, the claimant shall
18 submit the certified voucher to the department of
19 revenue and finance for reimbursement of property
20 taxes paid on property assessed pursuant to section
21 427B.17. By December 1 of each year, the department
22 shall issue warrants to each claimant in the amount of
23 the claimant's certified voucher."

24 2. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Schrader of Marion.

On the question "Shall amendment H-3209, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson

Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
O'Brien	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 2:

Brammer Corbett, Spkr.

Amendment H-3209 lost.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 69** be deferred and that the bill retain its place on the **special order calendar**.

(The committee amendment H-3030, as amended, pending.)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 142, a bill for an act establishing felonious child endangerment as a nonbailable offense.

Also: That the Senate has on February 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 159, a bill for an act relating to the payment of wages to a suspended or terminated employee under the Iowa wage payment collection law.

Also: That the Senate has on February 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 175, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

JOHN F. DWYER, Secretary

SPONSOR ADDED (House File 208)

Harrison of Scott requested to be added as a sponsor of House File 208.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN SERVICES

The report of the study committee to review the feasibility of creating a special class of nursing facility to service persons with mental retardation who do not require active treatment, pursuant to Chapter 1186.3(3)(c), 1994 Acts of the Seventy-fifth General Assembly.

DEPARTMENT OF NATURAL RESOURCES

Environmental Protection Commission

A draft of proposed rules which address regulation of infectious waste treatment and disposal facilities, pursuant to Chapter 455B.503, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Advisory Council on Head Injuries

The Annual Report, pursuant to Chapter 135.22A(6)(f), Code of Iowa.

IOWA'S CENTER FOR AGRICULTURAL SAFETY AND HEALTH

The 1994 Annual Report, pursuant to Chapter 262.78(6), Code of Iowa.

STATE HEALTH REGISTRY OF IOWA

The 1995 Cancer in Iowa, annual report. This report includes cancer projections for 1995 as well as a special section on 20 years of cancer data for the state of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 200 Commerce-Regulation

Relating to delinquency charges on credit cards used to purchase or lease goods or services from less than one hundred persons not related to the card issuer.

H.S.B. 201 Commerce-Regulation

Relating to the relationship between a licensed real estate salesperson or broker and the parties to a transaction and providing an effective date.

H.S.B. 202 Commerce-Regulation

Concerning health care coverage availability to unemployed individuals.

H.S.B. 203 Commerce-Regulation

Relating to the prepayment of loans sold into the agricultural mortgage secondary market by providing for interest and penalties.

H.S.B. 204 Commerce-Regulation

Relating to construction contractors by imposing penalties, regulating home improvement contractors by requiring a bond, and providing consumer remedies, and providing an effective date.

H.S.B. 205 State Government

Changing the number of state employees required to activate automatic payroll deduction for payment of professional or trade association dues or fees.

H.S.B. 206 State Government

Providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates.

H.S.B. 207 State Government

Relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws.

H.S.B. 208 Commerce-Regulation

Relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce.

H.S.B. 209 Local Government

Relating to the control and maintenance of township cemeteries and abandoned cemeteries by the county board of supervisors.

H.S.B. 210 Human Resources

Relating to the family investment program and related human services programs by requiring the department of human services to apply for certain federal waivers and providing applicability provisions.

H.S.B. 211 Human Resources

Relating to case permanency plans for children in out-of-home placements.

H.S.B. 212 Human Resources

Relating to an interview of a child alleged to be a victim of child abuse.

H.S.B. 213 Human Resources

Relating to the statistical reporting of terminations of pregnancy and establishing penalties.

H.S.B. 214 Economic Development

Establishing the Iowa hope loan program, creating an Iowa hope loan fund, allocating gaming revenues and making an appropriation, and providing for other properly related matters.

H.S.B. 215 Judiciary

Prohibiting the operation of a motorboat or sailboat while intoxicated and providing for penalties and other related matters.

H.S.B. 216 Judiciary

Relating to the exemption for attorneys who have provided abstract services under the title guaranty program.

H.S.B. 217 Judiciary

Relating to discriminatory employment practices towards individuals with disabilities and making penalties applicable and providing an effective date.

H.S.B. 218 Commerce-Regulation

Relating to the elimination of a requirement that a transaction engaged in with a retailer through a satellite terminal located in this state which results in a debit to a customer asset account be cleared and paid at par to the retailer.

H.S.B. 219 Commerce-Regulation

Relating to electronic transfer of funds and establishing certain requirements for full-function point-of-sale terminals and electronic funds transfer facilities owned by a national card association, and establishing a civil penalty.

AMENDMENTS FILED

H-3213	H.J.R.	9	Jochum of Dubuque Mascher of Johnson
H-3214	H.J.R.	9	Jochum of Dubuque Mascher of Johnson Harper of Black Hawk Mundie of Webster
H-3215	H.J.R.	9	Jochum of Dubuque Harper of Black Hawk Mundie of Webster Mascher of Johnson
H-3216	H.F.	179	Vande Hoef of Osceola

On motion by Siegrist of Pottawattamie, the House adjourned at 7:17 p.m. until 8:45 a.m., Tuesday, February 28, 1995.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 28, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Dennis Zuber, faculty member of Faith Baptist Bible College, Ankeny.

The Journal of Monday, February 27, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ertl of Dubuque, until he arrives, on request of Siegrist of Pottawattamie.

INTRODUCTION OF BILLS

House Joint Resolution 13, by Grundberg, Doderer, Siegrist, Metcalf, Gipp, Jacobs, Houser, Nelson of Marshall, Hanson, Martin, Disney, Sukup, Lamberti, Coon, Rants, Churchill, Blodgett, Gries, Teig, Brauns, Klemme, Heaton, Halvorson, Millage, Harrison, Welter, Brand, Dinkla, Jochum, Harper, Mascher, Nelson of Pottawattamie, Mertz, Burnett, Myers, Connors, McCoy, Larson, Koenigs, Van Fossen, Warnstadt, Ollie, Running, Schrader, May, Larkin, Mundie, O'Brien, Fallon, Weigel, Moreland, Cataldo, Witt, Wise, Bernau, Kreiman, Baker, Bell, Holveck, Murphy, Shoultz, Drees, Cohoon and Brammer, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

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

House File 222, by Vande Hoef, Rants, Wise, Jochum, Nutt, Warnstadt, Heaton, Nelson of Pottawattamie, Hammitt, Brand, and Siegrist, a bill for an act relating to the establishment of home development districts.

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

House File 223, by Greig, a bill for an act defining multiple housing cooperatives as residential property for purposes of assessing the value of the property for taxation purposes.

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

House File 224, by Gipp, Grubbs, Connors, and Jochum, a bill for an act requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable.

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

House File 225, by Gipp, a bill for an act expanding the purposes for which the district management levy may be expended.

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

House File 226, by Jochum, a bill for an act relating to establishing penalties for certain sex offenses with children and child endangerment offenses.

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

House File 227, by Jochum, a bill for an act requiring licensure of orthopedic physician assistants, establishing a board of orthopedic physician assistant examiners, establishing fees and penalties, and providing for properly related matters.

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

House File 228, by Jochum, a bill for an act relating to the third-party payment of health care coverage costs for preventive care services and mental health and substance abuse treatment services.

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

House File 229, by Meyer, a bill for an act relating to the state percent of growth for purposes of the school foundation aid program by setting the state percent of growth if the general assembly fails to do so, and providing effective and applicability date provisions.

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

House File 230, by Heaton and Brunkhorst, a bill for an act relating to procedural requirements for the enforcement of certain copyrights, and providing for penalties.

Read first time and referred to committee on **economic development**.

House File 231, by Mertz, a bill for an act relating to notice requirements required for work involving drainage and levee districts and water districts.

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

SENATE MESSAGES CONSIDERED

Senate File 142, by Fink, a bill for an act establishing felonious child endangerment as a nonbailable offense.

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

Senate File 159, by committee on business and labor relations, a bill for an act relating to the payment of wages to a suspended or terminated employee under the Iowa wage payment collection law.

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

Senate File 175, by committee on commerce, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

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

CONSIDERATION OF BILLS Special Order Calendar

The House resumed consideration of **Senate File 69**, a bill for an act relating to county expenditures of property taxes for mental health and developmental disabilities costs by providing for reduction of property taxes, making appropriations, and providing an effective date, previously deferred and the committee amendment H-3030, as amended, pending.

Halvorson of Clayton offered amendment H-3195, to the committee amendment H-3030, filed by him as follows:

H-3195

- 1 Amend the amendment, H-3030, to Senate File 69 as
- 2 passed by the Senate, as follows:
- 3 1. Page 13, line 9, by inserting after the figure
- 4 "1." the following: "a."
- 5 2. Page 13, line 17, by inserting after the word
- 6 "dollars" the following: "of which eight million
- 7 eight hundred thousand dollars shall be allocated as
- 8 provided in paragraph "b"".
- 9 3. Page 13, by inserting after line 17 the
- 10 following:
- 11 "b. Beginning with the fiscal year beginning July
- 12 1, 1995, of the appropriations made in paragraph "a",
- 13 eight million eight hundred thousand dollars for each
- 14 fiscal year shall be allocated with sixty percent to
- 15 be allocated to cities and forty percent to counties
- 16 from which the franchise taxes were collected under
- 17 chapter 422, division V. The amount to each city or
- 18 county shall be based upon the amount of tax the
- 19 financial institution located in the city or county
- 20 pays in franchise tax. If the financial institution
- 21 maintains one or more offices for the transaction of
- 22 business, other than its principal office, a portion
- 23 of its franchise tax shall be allocated to each
- 24 office, based upon a reasonable measure of the

25 business activity of each office. The director of
 26 revenue and finance shall prescribe, for each type of
 27 financial institution, a method of measuring the
 28 business activity of each office. Financial
 29 institutions shall furnish all necessary information
 30 for this purpose at the request of the director."

Gries of Crawford in the chair at 9:00 a.m.

On motion by Halvorson of Clayton, amendment H-3195 was adopted.

Halvorson of Clayton offered the following amendment H-3193, to the committee amendment H-3030, filed by him and moved its adoption:

H-3193

1 Amend the amendment, H-3030, to Senate File 69, as
 2 passed by the Senate, as follows:
 3 1. Page 13, by striking lines 30, 31, and 32 and
 4 inserting the following: "credited to the homestead
 5 credit fund, an amount ~~sufficient to implement this~~
 6 chapter equal to one million dollars more than was
 7 appropriated for the fiscal year beginning July 1,
 8 1994."

Amendment H-3193 was adopted.

Warnstadt of Woodbury offered the following amendment H-3205, to the committee amendment H-3030, filed by Warnstadt, et. al., and moved its adoption:

H-3205

1 Amend the amendment, H-3030, to Senate File 69, as
 2 passed by the Senate as follows:
 3 1. Page 13, by striking lines 25 through 40.
 4 2. Page 19, line 11, by striking the figure
 5 "26,".

Roll call was requested by Kreiman of Davis and Bernau of Story.

Rule 75 was invoked.

On the question "Shall amendment H-3205, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 37:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Garman
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Main	Mascher
May	McCoy	Mertz	Moreland

Mundie
O'Brien
Shoultz
Witt

Murphy
Ollie
Warnstadt

Myers
Running
Weigel

Nelson, L.
Schrader
Wise

The nays were, 60:

Arnold
Bradley
Carroll
Cormack
Disney
Greig
Halvorson
Heaton
Jacobs
Larson
Meyer
Rants
Siegrist
Tyrrell
Veenstra

Blodgett
Branstad
Churchill
Cornelius
Drake
Grubbs
Hammitt
Houser
Klemme
Lord
Millage
Renken
Sukup
Van Fossen
Weidman

Boddicker
Brauns
Coon
Daggett
Eddie
Grundberg
Hanson
Hurley
Kremer
Martin
Nelson, B.
Salton
Teig
Van Maanen
Welter

Bogges
Brunkhorst
Corbett, Spkr.
Dinkla
Gipp
Hahn
Harrison
Huseman
Lamberti
Metcalf
Nutt
Schulte
Thomson
Vande Hoef
Gries,
Presiding

Absent or not voting, 3:

Brammer

Ertl

Greiner

Amendment H-3205 lost.

Speaker pro tempore Van Maanen of Marion in the chair at 9:39 a.m.

Halvorson of Clayton offered the following amendment H-3194, to the committee amendment H-3030, filed by him and moved its adoption:

H-3194

- 1 Amend the amendment, H-3030, to Senate File 69 as
- 2 follows:
- 3 1. By striking page 17, line 11, through page 18,
- 4 line 45, and inserting the following:
- 5 "Sec. 133. Section 426.3, Code 1995, is amended to
- 6 read as follows:
- 7 426.3 WHERE CREDIT GIVEN.
- 8 The ~~agricultural land~~ farm tax credit fund shall be
- 9 apportioned each year in the manner hereinafter
- 10 provided so as to give a credit against the tax on
- 11 each tract of agricultural lands within the several
- 12 school districts of the state in which the levy for
- 13 the general school fund exceeds five dollars and forty
- 14 cents per thousand dollars of assessed value; ~~the~~
- 15 The amount of such the credit on each tract of such
- 16 lands shall be a percentage of the amount the tax
- 17 levied for the general school fund exceeds the amount

18 of tax which would be levied on ~~said the~~ tract of ~~such~~
 19 lands were the levy for the general school fund five
 20 dollars and forty cents per thousand dollars of
 21 assessed value for the previous year, except in the
 22 case of a deficiency in the ~~agricultural land credits~~
 23 farm tax credit fund to pay ~~said the~~ credits in full,
 24 in which case the credit on each eligible tract of
 25 ~~such~~ lands in the state shall be proportionate and
 26 shall be applied as ~~hereinafter~~ provided.

27 Sec. 134. Section 426.6, Code 1995, is amended to
 28 read as follows:

29 426.6 COMPUTATION BY AUDITOR — APPEAL.

30 The ~~agricultural land farm~~ tax credit allowed each
 31 year shall be computed as follows: On or before the
 32 first of June the county auditor shall list by school
 33 districts all tracts of agricultural lands which they
 34 are entitled to credit, together with the taxable
 35 value for the previous year, together with the budget
 36 from each school district for the previous year, and
 37 the tax rate determined for the general fund of the
 38 district in the manner prescribed in section 444.3 for
 39 the previous year, and if such tax rate is in excess
 40 of five dollars and forty cents per thousand dollars
 41 of assessed value, the auditor shall multiply the tax
 42 levy which is in excess of five dollars and forty
 43 cents per thousand dollars of assessed value by the
 44 total taxable value of the agricultural lands entitled
 45 to credit in the district, and multiply this amount by
 46 the applicable fiscal year percentage and on or before
 47 the first of June certify the this last amount to the
 48 department of revenue and finance.

49 For purposes of this chapter, the "applicable
 50 fiscal year percentage" means for the fiscal year

Page 2

1 beginning July 1, 1996, the amount equal to the
 2 appropriation made in section 426.1 for the fiscal
 3 year beginning July 1, 1996, divided by the amount of
 4 credits certified under this section to the department
 5 of revenue and finance for the fiscal year beginning
 6 July 1, 1995. For succeeding fiscal years, the
 7 applicable fiscal year percentage equals the
 8 appropriation for that fiscal year divided by the
 9 amount of credits certified under this section to the
 10 department of revenue and finance for the previous
 11 fiscal year times the applicable fiscal year
 12 percentage calculated under this paragraph for the
 13 previous fiscal year.

14 In the event the county auditor denies a credit
 15 upon any ~~such~~ lands, the auditor shall immediately
 16 mail to the owner at the owner's last known address
 17 notice of the decision ~~thereon~~. The owner may, within
 18 thirty days ~~thereafter~~, appeal to the board of
 19 supervisors of the county wherein the land involved is

20 situated by serving notice of said appeal upon the
21 chairperson of said the board. The board shall hear
22 ~~such~~ the appeal promptly and shall determine anew all
23 questions involved in said the appeal and shall within
24 ten days after ~~such~~ the hearing, mail to the owner at
25 the owner's last known address, notice of its
26 decision. In the event of disallowance the owner may,
27 within ten days from the date ~~such~~ notice is mailed,
28 appeal ~~such~~ the disallowance by the board of
29 supervisors to the district court of that county by
30 serving written notice of appeal on the county
31 auditor. The appeal shall be tried de novo and may be
32 heard in term time or vacation. The decision of the
33 district court ~~thereon~~ shall be final.

34 Sec. 135. Section 426.7, Code 1995, is amended to
35 read as follows:

36 426.7 WARRANTS DRAWN BY DIRECTOR.

37 After receiving from the county auditors the
38 certifications provided for in section 426.6, and
39 during the following fiscal year, the director of
40 revenue and finance shall draw warrants on the
41 ~~agricultural land credits~~ farm tax credit fund created
42 in section 426.1, payable to the county treasurers in
43 the amount certified by the county auditors of the
44 respective counties and mail the warrants to the
45 county auditors on August 15 of each year taking into
46 consideration the relative budget and cash position of
47 the state resources. However, if the ~~agricultural~~
48 ~~land credits~~ farm tax credit fund is insufficient to
49 pay in full the total of the amounts certified to the
50 director of revenue and finance, the director shall

Page 3

1 prorate the fund to the county treasurers and notify
2 the county auditors of the pro rata percentage on or
3 before ~~August~~ July 1."

4 2. Page 18, line 48, by inserting after the
5 letter "h." the following: "(1)".

6 3. Page 19, line 3, by striking the words "two
7 hundred" and inserting the following: "one hundred
8 fifty".

9 4. Page 19, line 4, by inserting after the word
10 "land" the following: "as provided in subparagraph
11 (2)".

12 5. Page 19, by inserting after line 7 the
13 following:

14 "(2) An owner of agricultural structures shall not
15 file a claim for or be granted more than one one
16 hundred fifty thousand dollar exclusion under
17 subparagraph (1) for more than one parcel in the
18 state. For purposes of determining if a claim is
19 filed for more than one parcel and computing the
20 amount of a claim, agricultural structures are

21 considered owned by the same person, if in the case
22 where the owner is an individual, the individual owns
23 or controls an entity that owns other agricultural
24 structures in the state, or if in the case where the
25 owner is an entity, a person which owns or controls
26 the entity owns or controls another entity that owns
27 other agricultural structures in the state. Entities
28 are owned or controlled by the same person if the same
29 person directly or indirectly owns or controls more
30 than fifty percent of the assets or any class of stock
31 or who directly or indirectly has an interest of more
32 than fifty percent in the ownership or profits.

33 (3) An owner shall file a claim for the exclusion
34 under subparagraph (1) by February 15 of the
35 assessment year for only one parcel. The assessor
36 shall notify the owner of the acceptance of the
37 owner's claim by March 15. An owner denied a claim or
38 had the amount of a claim reduced may appeal the
39 assessor's decision in the same manner as provided for
40 the appeal of the denial of the farm tax credit under
41 section 426.6. Upon the filing and allowance of the
42 claim, the claim shall be allowed on that parcel for
43 successive years without further filing as long as the
44 property is legally or equitably owned by that person.
45 If ownership of the structure changes, the owner
46 wishes to file a claim for another parcel, or the
47 value significantly exceeds the exclusion amount as a
48 result of added improvements or new construction, the
49 owner must notify the assessor and refile a claim with
50 the appropriate assessor.

Page 4

1 (4) If an allowed claim is subsequently disallowed
2 or the owner fails to notify the assessor as required
3 in subparagraph (3), the person shall be subject to a
4 civil penalty equal to the amount of property tax that
5 would have been due but for the exclusion, plus fifty
6 percent of such amount, and interest as provided in
7 section 445.39. Such person shall also no longer be
8 eligible to receive the exclusion under subparagraph
9 (1)."

10 6. Page 19, line 15, by striking the figures "33,
11 34, 35," and inserting the following: "133, 134,
12 135,".

Amendment H-3194 was adopted.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H-3120, to the committee amendment H-3030, filed by him on February 20, 1995.

Mertz of Kossuth offered amendment H-3210, to the committee amendment H-3030, filed by Mertz, et. al., and requested division as follows:

H-3210

- 1 Amend amendment, H-3030, to Senate File 69, as
- 2 passed by the Senate, as follows:

H-3210A

- 3 1. By striking page 16, line 46, through page 19,
- 4 line 7, and inserting the following:
- 5 "Sec. 80. Section 426.1, Code 1995, is amended to
- 6 read as follows:
- 7 426.1 AGRICULTURAL LAND CREDIT FUND.
- 8 There is created as a permanent fund in the office
- 9 of the treasurer of state a fund to be known as the
- 10 agricultural land credit fund, and for the purpose of
- 11 establishing and maintaining this fund for each fiscal
- 12 year there is appropriated ~~thereto~~ from funds in the
- 13 general fund of the state not otherwise appropriated
- 14 the sum of ~~thirty-nine~~ forty-nine million ~~one~~ three
- 15 hundred thousand dollars of which the first ten
- 16 million dollars shall be transferred to and deposited
- 17 into the family farm tax credit fund created in
- 18 section 425A.1. Any balance in ~~said~~ the fund on June
- 19 30 shall revert to the general fund of the state."

H-3210B

- 20 2. Page 19, by striking line 9.

H-3210A

- 21 3. Page 19, line 11, by striking the figure "1."
- 22 4. Page 19, line 11, by inserting after the
- 23 figure "31," the following: "80,"
- 24 5. Page 19, by striking lines 15 through 20.

Mertz of Kossuth moved the adoption of amendment H-3210A, to the committee amendment H-3030.

Roll call was requested by Mertz of Kossuth and Bernau of Story.

On the question "Shall amendment H-3210A, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 37:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Cornelius	Doderer	Drees	Fallon
Hanson	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 59:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 4:

Brammer	Ertl	Grundberg	Thomson
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Amendment H-3210A lost.

Mertz of Kossuth asked and received unanimous consent to withdraw amendment H-3210B, to the committee amendment H-3030, filed by Mertz, et. al., on February 23, 1995.

Houser of Pottawattamie asked and received unanimous consent to withdraw amendment H-3212, to the committee amendment H-3030, filed by Houser, et.al., on February 23, 1995.

Van Fossen of Scott offered the following amendment H-3163, to the committee amendment H-3030, filed by Van Fossen, et. al., and moved its adoption:

H-3163

1 Amend the amendment, H-3030, to Senate File 69, as
 2 passed by the Senate, as follows:
 3 1. Page 25, by striking lines 15 through 26 and
 4 inserting the following:
 5 "2. The department of human services shall
 6 determine each county's proportion of the state's
 7 general population. In each fiscal year, a county
 8 shall receive for property tax relief the proportion
 9 of the moneys appropriated to the property tax relief
 10 fund for that fiscal year equivalent to that county's
 11 proportion of the state's general population.
 12 However, moneys provided to a county for property tax
 13 relief in a fiscal year in accordance with this
 14 section shall not be less than the amount provided to
 15 the county for property tax relief in the previous
 16 fiscal year."

Amendment H-3163 lost.

Cornelius of Jackson offered the following amendment H-3201, to the committee amendment H-3030, filed by him and moved its adoption:

H-3201

1 Amend the amendment, H-3030, to Senate File 69, as
2 passed by the Senate as follows:
3 1. Page 25, by striking lines 15 through 26 and
4 inserting the following:
5 "2. In each fiscal year, a county shall receive
6 for property tax relief the county's proportion of the
7 moneys in the relief fund allocated for property tax
8 relief. A county's proportion of the moneys shall be
9 equivalent to the sum of the following two factors:
10 a. One-half based upon the county's proportion of
11 the state's general population.
12 b. One-half based upon the county's proportion of
13 all counties' base year expenditures, as defined in
14 section 331.438.
15 However, moneys provided to a county for property
16 tax relief in a fiscal year in accordance with this
17 section shall not be less than the amount provided to
18 a county for property tax relief in the previous
19 fiscal year."

Amendment H-3201 lost.

Jochum of Dubuque offered the following amendment H-3211, to the committee amendment H-3030, filed by Jochum, et. al., and moved its adoption:

H-3211

1 Amend the amendment, H-3030, to Senate File 69, as
2 passed by the Senate, as follows:
3 1. Page 27, by striking lines 6 through 16 and
4 inserting the following:
5 "(2) For mental retardation and developmental
6 disabilities services management, the plan shall
7 describe the county's development and implementation
8 of a managed system of individualized services and
9 other support. The managed system shall be designed
10 to provide the individuals served with a choice of
11 services and other support that will assist the
12 individuals to be as independent, productive, and
13 integrated with the community as possible. The county
14 may directly implement the system and contract with
15 service providers and contract for other needed
16 services or support for an individual only after
17 identifying the type and level of services and support
18 needed and desired by the individual and a reasonable
19 rate of reimbursement. If costs of providing vouchers
20 or cash payments would be equal to or less than
21 directly providing or contracting for services, and
22 the individuals so desire, vouchers or cash payments

23 shall be provided to the individuals to allow them to
 24 arrange for their own services or support. The county
 25 may enter into a contract with a private entity to
 26 manage this individualized system, provided all
 27 requirements of this subparagraph are met by the
 28 private entity."

29 2. Page 27, by inserting before line 27 the
 30 following:

31 "_. A county shall not terminate assistance to
 32 any individual with a mental illness, mental
 33 retardation, or a developmental disability who was
 34 receiving assistance as of January 1, 1995. However,
 35 the county may implement a waiting list for assistance
 36 if new demand for assistance exceeds the funding
 37 available in the county's fixed budget. The county
 38 management plan shall describe how the county will
 39 make crisis assistance available to address the
 40 immediate needs of any individual placed on a waiting
 41 list until an individualized plan is developed and
 42 implemented for the individual."

43 3. By renumbering as necessary.

Roll call was requested by Schrader of Marion and Doderer of Johnson.

On the question "Shall amendment H-3211, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 39:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Grubbs
Hanson	Harper	Harrison	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Van Fossen	Warnstadt
Weigel	Wise	Witt	

The nays were, 57:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Hahn
Halvorson	Hammitt	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants

Renken
Sukup
Vande Hoef
Van Maanen,
Presiding

Salton
Teig
Veenstra

Schulte
Thomson
Weidman

Siegrist
Tyrrell
Welter

Absent or not voting, 4:

Brammer

Branstad

Ertl

Grundberg

Amendment H-3211 lost.

Myers of Johnson asked and received unanimous consent to withdraw amendment H-3198, to the committee amendment H-3030, filed by Myers, et.al., on February 23, 1995.

Houser of Pottawattamie offered the following amendment H-3197, to the committee amendment H-3030, filed by him and Vande Hoef and moved its adoption:

H-3197

1 Amend the amendment, H-3030, to Senate File 69, as
2 passed by the Senate, as follows:

3 1. By striking page 19, line 21, through page 38,
4 line 3, and inserting the following:

5 "DIVISION V

6 MENTAL HEALTH PROPERTY TAX RELIEF — LIMITATION

7 Sec. 100. Section 123.38, unnumbered paragraph 2,
8 Code 1995, is amended to read as follows:

9 Any licensee or permittee, or the licensee's or
10 permittee's executor or administrator, or any person
11 duly appointed by the court to take charge of and
12 administer the property or assets of the licensee or
13 permittee for the benefit of the licensee's or
14 permittee's creditors, may voluntarily surrender a
15 license or permit to the division. When a license or
16 permit is surrendered the division shall notify the
17 local authority, and the division or the local
18 authority shall refund to the person surrendering the
19 license or permit, a proportionate amount of the fee
20 received by the division or the local authority for
21 the license or permit as follows: If a license or
22 permit is surrendered during the first three months of
23 the period for which it was issued, the refund shall
24 be three-fourths of the amount of the fee; if
25 surrendered more than three months but not more than
26 six months after issuance, the refund shall be one-
27 half of the amount of the fee; if surrendered more
28 than six months but not more than nine months after
29 issuance, the refund shall be one-fourth of the amount
30 of the fee. No refund shall be made, however, for any

31 special liquor permit, nor for a liquor control
32 license, wine permit, or beer permit surrendered more
33 than nine months after issuance. For purposes of this
34 paragraph, any portion of license or permit fees used
35 for the purposes authorized in section 331.424,
36 subsection 1, paragraphs "a", and "b", "c", "d", "e",
37 "f", "g", and "h", and in section 331.438A, shall not
38 be deemed received either by the division or by a
39 local authority. No refund shall be made to any
40 licensee or permittee, upon the surrender of the
41 license or permit, if there is at the time of
42 surrender, a complaint filed with the division or
43 local authority, charging the licensee or permittee
44 with a violation of this chapter. If upon a hearing
45 on a complaint the license or permit is not revoked or
46 suspended, then the licensee or permittee is eligible,
47 upon surrender of the license or permit, to receive a
48 refund as provided in this section; but if the license
49 or permit is revoked or suspended upon hearing the
50 licensee or permittee is not eligible for the refund

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1 of any portion of the license or permit fee.

2 Sec. 101. Section 218.99, Code 1995, is amended to
3 read as follows:

4 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS' 5 PERSONAL ACCOUNTS.

6 The administrator of a division of the department
7 of human services in control of a state institution
8 shall direct the business manager of each institution
9 under the administrator's jurisdiction which is
10 mentioned in section 331.424, subsection 1, paragraphs
11 "a" through "g" and "b" and for which services are
12 paid under section 331.438A to quarterly inform the
13 auditor of the county of legal settlement of any
14 patient or resident who has an amount in excess of two
15 hundred dollars on account in the patients' personal
16 deposit fund and the amount on deposit. The
17 administrators shall direct the business manager to
18 further notify the auditor of the county at least
19 fifteen days before the release of funds in excess of
20 two hundred dollars or upon the death of the patient
21 or resident. If the patient or resident has no county
22 of legal settlement, notice shall be made to the
23 director of the department of human services and the
24 administrator of the division of the department in
25 control of the institution involved.

26 Sec. 102. Section 222.60, Code 1995, is amended to
27 read as follows:

28 222.60 COSTS PAID BY COUNTY OR STATE.

29 All necessary and legal expenses for the cost of
30 admission or commitment or for the treatment,
31 training, instruction, care, habilitation, support and

32 transportation of patients, as provided for in the
 33 county management plan provisions implemented pursuant
 34 to section 331.439, subsection 1, in a state hospital-
 35 school for the mentally retarded persons with mental
 36 retardation, or in a special unit, or any public or
 37 private facility within or without the state, approved
 38 by the director of the department of human services,
 39 shall be paid by either:

40 1. The county in which ~~such person~~ the patient has
 41 legal settlement as defined in section 252.16.

42 2. The state when ~~such person~~ the patient has no
 43 legal settlement or when ~~such~~ legal settlement is
 44 unknown.

45 Sec. 103. Section 225C.4, subsection 2, paragraph
 46 b, Code 1995, is amended to read as follows:

47 b. Establish mental health and mental retardation
 48 services for all institutions under the control of the
 49 director of human services and establish an autism
 50 unit, following mutual planning with and consultation

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1 from the medical director of the state psychiatric
 2 hospital, at an institution or a facility administered
 3 by the administrator to provide psychiatric and
 4 related services and other specific programs to meet
 5 the needs of autistic persons ~~as defined in section~~
 6 ~~331.424, subsection 1,~~ and to furnish appropriate
 7 diagnostic evaluation services.

8 Sec. 104. Section 331.301, subsection 12, Code
 9 1995, is amended to read as follows:

10 12. The board of supervisors may credit funds to a
 11 reserve for the purposes authorized by subsection 11
 12 of this section; section 331.424, subsection 1,
 13 paragraph "~~1~~" f; and section 331.441, subsection 2,
 14 paragraph "b". Moneys credited to the reserve, and
 15 interest earned on such moneys, shall remain in the
 16 reserve until expended for purposes authorized by
 17 subsection 11 of this section; section 331.424,
 18 subsection 1, paragraph "~~1~~" f; or section 331.441,
 19 subsection 2, paragraph "b".

20 Sec. 105. Section 331.424, subsection 1, Code
 21 1995, is amended to read as follows:

22 1. For general county services, an amount
 23 sufficient to pay the charges for the following:
 24 a. To the extent that the county is obligated by
 25 statute to pay the charges for:

26 ~~(1) Care and treatment of patients by a state~~
 27 ~~mental health institute.~~

28 ~~(2) Care and treatment of patients by either of~~
 29 ~~the state hospital schools or by any other facility~~
 30 ~~established under chapter 222 and diagnostic~~
 31 ~~evaluation under section 222.31.~~

32 ~~(3) Care and treatment of patients under chapter~~

33 225.

34 (4) (1) Care and treatment of persons at the
35 alcoholic treatment center at Oakdale. However, the
36 county may require that an admission to the center
37 shall be reported to the board by the center within
38 five days as a condition of the payment of county
39 funds for that admission.

40 (5) (2) Care of children admitted or committed to
41 the Iowa juvenile home at Toledo.

42 (6) (3) Clothing, transportation, medical, or
43 other services provided persons attending the Iowa
44 braille and sight saving school, the Iowa school for
45 the deaf, or the state hospital-school for severely
46 handicapped children at Iowa City, for which the
47 county becomes obligated to pay pursuant to sections
48 263.12, 269.2, and 270.4 through 270.7.

49 b. ~~To the extent that the board deems it advisable~~
50 ~~to pay, the charges for professional evaluation,~~

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1 ~~treatment, training, habilitation, and care of persons~~
2 ~~who are mentally retarded, autistic persons, or~~
3 ~~persons who are afflicted by any other developmental~~
4 ~~disability, at a suitable public or private facility~~
5 ~~providing inpatient or outpatient care in the county.~~
6 ~~As used in this paragraph:~~

7 ~~-(1) "Developmental disability" has the meaning~~
8 ~~assigned that term by 42 U.S.C. sec. 6001(7) (1976),~~
9 ~~Supp. II, 1978, and Supp. III, 1979.~~

10 ~~-(2) "Autistic persons" means persons, regardless~~
11 ~~of age, with severe communication and behavior~~
12 ~~disorders that became manifest during the early stages~~
13 ~~of childhood development and that are characterized by~~
14 ~~a severely disabling inability to understand,~~
15 ~~communicate, learn, and participate in social~~
16 ~~relationships. "Autistic persons" includes but is not~~
17 ~~limited to those persons afflicted by infantile~~
18 ~~autism, profound aphasia, and childhood psychosis.~~

19 ~~-c. Care and treatment of persons placed in the~~
20 ~~county hospital, county care facility, a health care~~
21 ~~facility as defined in section 135C.1, subsection 6,~~
22 ~~or any other public or private facility, which~~
23 ~~placement is in lieu of admission or commitment to or~~
24 ~~is upon discharge, removal, or transfer from a state~~
25 ~~mental health institute, hospital school, or other~~
26 ~~facility established pursuant to chapter 222.~~

27 ~~-d. Amounts budgeted by the board for the cost of~~
28 ~~establishment and initial operation of a community~~
29 ~~mental health center in the manner and subject to the~~
30 ~~limitations provided by state law.~~

31 ~~-e. h. Foster care and related services provided~~
32 ~~under court order to a child who is under the~~
33 ~~jurisdiction of the juvenile court, including court-~~

34 ordered costs for a guardian ad litem under section
35 232.71.

36 ~~f. The care, admission, commitment, and~~
37 ~~transportation of mentally ill patients in state~~
38 ~~hospitals, to the extent that expenses for these~~
39 ~~services are required to be paid by the county,~~
40 ~~including compensation for the advocate appointed~~
41 ~~under section 220.19.~~

42 ~~g. Amounts budgeted by the board for mental health~~
43 ~~services or mental retardation services furnished to~~
44 ~~persons on either an outpatient or inpatient basis, to~~
45 ~~a school or other public agency, or to the community~~
46 ~~at large, by a community mental health center or other~~
47 ~~suitable facility located in or reasonably near the~~
48 ~~county, provided that services meet the standards of~~
49 ~~the mental health and developmental disabilities~~
50 ~~commission created in section 225C.5 and are~~

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1 ~~consistent with the annual plan for services approved~~
2 ~~by the board.~~

3 ~~h. Reimbursement on behalf of mentally retarded~~
4 ~~persons under section 249A.12.~~

5 ~~i. c. Elections, and voter registration pursuant~~
6 ~~to chapter 48A.~~

7 ~~j. d. Employee benefits under chapters 96, 97B,~~
8 ~~and 97C, which are associated with salaries for~~
9 ~~general county services.~~

10 ~~k. e. Joint county and city building authorities~~
11 ~~established under section 346.27, as provided in~~
12 ~~subsection 22 of that section.~~

13 ~~l. f. Tort liability insurance, property~~
14 ~~insurance, and any other insurance that may be~~
15 ~~necessary in the operation of the county, costs of a~~
16 ~~self-insurance program, costs of a local government~~
17 ~~risk pool, and amounts payable under any insurance~~
18 ~~agreements to provide or procure such insurance, self-~~
19 ~~insurance program, or local government risk pool.~~

20 ~~m. g. The maintenance and operation of the courts,~~
21 ~~including but not limited to the salary and expenses~~
22 ~~of the clerk of the district court and other employees~~
23 ~~of the clerk's office, and bailiffs, court costs if~~
24 ~~the prosecution fails or if the costs cannot be~~
25 ~~collected from the person liable, costs and expenses~~
26 ~~of prosecution under section 189A.17, salaries and~~
27 ~~expenses of juvenile court officers under chapter 602,~~
28 ~~court-ordered costs in domestic abuse cases under~~
29 ~~section 236.5, the county's expense for confinement of~~
30 ~~prisoners under chapter 356A, temporary assistance to~~
31 ~~the county attorney, county contributions to a~~
32 ~~retirement system for bailiffs, reimbursement for~~
33 ~~judicial magistrates under section 602.6501, claims~~
34 ~~filed under section 622.93, interpreters' fees under~~

35 section 622B.7, uniform citation and complaint
36 supplies under section 805.6, and costs of prosecution
37 under section 815.13.
38 ~~n. h.~~ Court-ordered costs of conciliation
39 procedures under section 598.16.
40 ~~e. i.~~ Establishment and maintenance of a joint
41 county indigent defense fund pursuant to an agreement
42 under section 28E.19.
43 ~~p. i.~~ The maintenance and operation of a local
44 emergency management agency established pursuant to
45 chapter 29C.
46 The board may require a public or private facility,
47 as a condition of receiving payment from county funds
48 for services it has provided, to furnish the board
49 with a statement of the income, assets, and legal
50 residence including township and county of each person

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1 who has received services from that facility for which
2 payment has been made from county funds under
3 paragraphs "a" through "~~h~~" and "b". However, the
4 facility shall not disclose to anyone the name or
5 street or route address of a person receiving services
6 for which commitment is not required, without first
7 obtaining that person's written permission.
8 Parents or other persons may voluntarily reimburse
9 the county or state for the reasonable cost of caring
10 for a patient or an inmate in a county or state
11 facility.
12 Sec. 106. Section 331.424, Code 1995, is amended
13 by adding the following new subsection:
14 NEW SUBSECTION. 1A. The maximum amount of
15 property tax dollars which may be certified by a
16 county for taxes levied under subsection 1 and payable
17 in the fiscal year beginning July 1, 1996, and
18 succeeding fiscal years shall not exceed the amount of
19 property tax dollars certified by the county for taxes
20 payable in the fiscal year beginning July 1, 1995,
21 minus an adjustment for the amounts levied by the
22 county under subsection 1 for mental health, mental
23 retardation, and developmental disabilities services
24 in the fiscal year beginning July 1, 1995. The
25 adjustment and maximum amount which may be levied by
26 the county shall be determined by the county auditor,
27 subject to the approval of the department of
28 management. A county which disagrees with the
29 adjustment and maximum amount proposed for the county
30 by the department of management may appeal the
31 determination to the state appeal board created in
32 section 24.26 which shall make a final determination.
33 Sec. 107. Section 331.426, subsection 1, Code
34 1995, is amended by adding the following new
35 paragraph:

36 NEW PARAGRAPH. h. An unusual need for a service
37 or cost paid from levies under section 331.424,
38 subsection 1, which would cause the total expenditures
39 of services and costs paid from those levies to exceed
40 the maximum levies authorized under section 331.424,
41 subsection 1A.

42 Sec. 108. Section 331.438, subsection 1, paragraph
43 b, Code 1995, is amended to read as follows:

44 b. "State payment" means the payment made by the
45 state under section 331.438A to a county determined to
46 be eligible for the payment in accordance with section
47 331.439. ~~Except as modified based upon the actual~~
48 ~~amount of the appropriation for purposes of state~~
49 ~~payment under section 331.439, the amount of the state~~
50 ~~payment for a fiscal year shall be calculated as fifty~~

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1 ~~percent of the amount by which the county's qualified~~
2 ~~expenditures during the immediately preceding fiscal~~
3 ~~year were in excess of the amount of the county's base~~
4 ~~year expenditures.~~

5 Sec. 109. Section 331.438, Code 1995, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 1A. The state of Iowa shall
8 provide funding to counties for the costs of mental
9 health and mental retardation services so that over
10 the five-year period beginning July 1, 1995, and
11 ending June 30, 2000, the relative shares of the state
12 and counties for these expenditures shall become
13 either equal or greater for the state.

14 Sec. 110. Section 331.438, subsection 3, paragraph
15 c, Code 1995, is amended by adding the following new
16 subparagraph:

17 NEW SUBPARAGRAPH. (15) Consider tort and other
18 liability issues associated with a county managing
19 mental health, mental retardation, and developmental
20 disabilities services in accordance with a fixed
21 budget and make recommendations to address the issues.

22 Sec. 111. NEW SECTION. 331.438A STATE AND COUNTY
23 EXPENDITURES FOR MENTAL HEALTH, MENTAL RETARDATION,
24 AND DEVELOPMENTAL DISABILITIES ASSISTANCE — FUND
25 CREATED.

26 1. The mental health, mental retardation, and
27 developmental disabilities property tax relief fund is
28 created in the office of the treasurer of state under
29 the authority of the department of revenue and
30 finance. The relief fund shall consist of moneys
31 appropriated to the fund and the amount of allocations
32 from the fund for property tax relief pursuant to
33 subsection 2 and for the adjustment factor pursuant to
34 subsection 5 shall be as specified in law by the
35 general assembly. There is appropriated to the mental
36 health, mental retardation, and developmental

- 37 disabilities property tax relief fund for the
38 indicated fiscal years from the general fund of the
39 state the following amounts:
- 40 a. For the fiscal year beginning July 1, 1995,
41 sixteen million dollars of which ten million dollars
42 is allocated to counties for property tax relief in
43 accordance with subsection 2 and six million dollars
44 is allocated to counties as the adjustment factor
45 pursuant to subsection 5.
- 46 b. For the fiscal year beginning July 1, 1996,
47 thirty million dollars.
- 48 c. For the fiscal year beginning July 1, 1997,
49 forty-seven million dollars.
- 50 d. For the fiscal year beginning July 1, 1998,

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- 1 sixty-four million dollars.
- 2 e. For the fiscal year beginning July 1, 1999, and
3 succeeding fiscal years, eighty-one million dollars.
- 4 2. In each fiscal year, a county shall receive for
5 property tax relief the county's proportion of the
6 moneys in the relief fund allocated for property tax
7 relief. A county's proportion of the moneys shall be
8 equivalent to the sum of the following three factors:
- 9 a. One-third based upon the county's proportion of
10 the state's general population.
- 11 b. One-third based upon the county's proportion of
12 the state's total taxable property valuation assessed
13 for taxes payable in the previous fiscal year.
- 14 c. One-third based upon the county's proportion of
15 all counties' base year expenditures, as defined in
16 section 331.438.
- 17 3. The department of human services shall notify
18 the department of revenue and finance of the amount
19 due each county and the director of revenue and
20 finance shall draw warrants on the relief fund,
21 payable quarterly to the county treasurer in the
22 amount due a county in accordance with subsection 2,
23 and mail the warrants to county auditors by September
24 1, December 1, March 1, and June 1 of each year.
- 25 4. Before June 1, 1995, the director of human
26 services shall notify the county auditor of each
27 county of the amount of moneys the county will receive
28 from the relief fund for property tax relief pursuant
29 to subsection 2 in the succeeding fiscal year. For
30 the fiscal year beginning July 1, 1995, the department
31 of management shall reduce the amount of the county's
32 certified budget to be raised by property tax, for
33 that fiscal year by an amount equal to the amount the
34 county will receive from the relief fund for property
35 tax relief pursuant to subsection 2 and the department
36 of management shall determine the rate of taxation
37 necessary to raise the reduced amount. For subsequent

38 fiscal years, the levy for the mental health, mental
39 retardation, and developmental disabilities fund shall
40 be reduced by the county auditor and the board of
41 supervisors in the manner specified in section
42 331.424A.

43 5. In addition to moneys received by a county for
44 a fiscal year pursuant to subsection 2, the county may
45 be paid an adjustment factor payment for services
46 provided in accordance with the county's management
47 plan implemented pursuant to section 331.439 and paid
48 for from the county's services fund under section
49 331.424A. The amount of the adjustment factor payment
50 to a county is subject to the amount appropriated for

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1 this purpose and shall be paid as provided by the
2 general assembly for that fiscal year.

3 6. The department of human services, in
4 consultation with the state-county management
5 committee, shall prescribe forms and adopt rules
6 pursuant to chapter 17A to administer this section.
7 Sec. 112. Section 331.439, Code 1995, is amended
8 by striking the section and inserting in lieu thereof
9 the following:

10 331.439 ELIGIBILITY FOR STATE PAYMENT.

11 1. The state payment to eligible counties under
12 this section shall be made as provided in section
13 331.438A. A county is eligible for the state payment,
14 as defined in section 331.438, for the fiscal year
15 beginning July 1, 1995, and for subsequent fiscal
16 years if the director of human services determines for
17 a specific fiscal year that all of the following
18 conditions are met:

19 a. The county accurately reported by October 15
20 the county's expenditures for mental health, mental
21 retardation, and developmental disabilities services
22 for the previous fiscal year on forms prescribed by
23 the department of human services.

24 b. The county developed and implemented a county
25 management plan for the county's mental health, mental
26 retardation, and developmental disabilities services
27 in accordance with the provisions of this paragraph.
28 The plan shall comply with the administrative rules
29 adopted for this purpose by the council on human
30 services and is subject to the approval of the
31 director of human services in consultation with the
32 state-county management committee created in section
33 331.438. The plan shall include a description of the
34 county's service management provision for mental
35 health, mental retardation, and developmental
36 disabilities services. The plan shall have the
37 following two parts:

38 (1) For mental health service management, the

39 county must contract with a state-approved managed
40 mental health care contractor or provide a comparable
41 system of managed care. For the fiscal year beginning
42 July 1, 1995, this part of the plan shall be submitted
43 by October 15, 1995, and the county shall implement
44 the approved plan by January 1, 1996. For subsequent
45 fiscal years, this part of the plan shall be submitted
46 to the department by April 1 for the succeeding fiscal
47 year.

48 (2) For mental retardation and developmental
49 disabilities services management, the county must
50 contract with a state-approved managed care contractor

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1 or develop and implement a managed system of care
2 which addresses a full array of appropriate services
3 and cost-effective delivery of services. The managed
4 system of care shall incorporate a single entry point
5 process developed in accordance with the provisions of
6 section 331.440. The elements of the managed system
7 of care shall be specified in rules developed by the
8 department in consultation with the state-county
9 management committee and adopted by the council on
10 human services. The county shall implement either the
11 state-approved contract or implement a comparable
12 system of care within six months of the date by which
13 the department approves a managed care contractor. In
14 fiscal years succeeding the fiscal year of initial
15 implementation this part of the plan shall be
16 submitted to the department of human services by April
17 1 for the succeeding fiscal year.

18 c. Changes to the approved plan are submitted
19 sixty days prior to the proposed change and are not to
20 be implemented prior to the director of human
21 services' approval.

22 . The county management plan shall address the
23 county's criteria for serving persons with chronic
24 mental illness, including any rationale used for
25 decision making regarding this population.

26 . If funding is available under the fixed
27 budget, a county that has not provided services to a
28 service population which is not included in the
29 service management provisions required under
30 subsection 1, may provide such services.

31 3. For the fiscal year beginning July 1, 1996, and
32 succeeding fiscal years, implementation of the county
33 management plan is subject to a fixed budget
34 consisting of the moneys deposited by the state and
35 county in the county mental health, mental
36 retardation, and developmental disabilities services
37 fund created in section 331.424A. The amount of the
38 fixed budget shall be the amount specified for the
39 fiscal year in the county's management plan and

40 budgeted for such services.

41 __. A county shall implement the county's
42 management plan in a manner so as to provide adequate
43 funding for the entire fiscal year by budgeting for
44 ninety-nine percent of the funding anticipated to be
45 available for the plan.

46 4. A county's implementation of the service
47 management provisions required under subsection 1 for
48 mental health, mental retardation, and developmental
49 disabilities shall incorporate the single entry point
50 process described in section 331.440.

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1 5. The basis for determining whether a managed
2 care system for mental health proposed by a county is
3 comparable to a managed care contractor approved by
4 the department of human services shall include but is
5 not limited to all of the following elements which
6 shall be specified in administrative rules adopted by
7 the department in consultation with the state-county
8 management committee:

- 9 a. The enrollment and eligibility process:
- 10 b. The scope of services included.
- 11 c. The method of plan administration.
- 12 d. The process for managing utilization and access
13 to services and other assistance.
- 14 e. The quality assurance process.
- 15 f. The risk management provisions and fiscal
16 viability of the provisions.

17 6. The director's approval of a county's mental
18 health, mental retardation, and developmental
19 disabilities services management plan shall not be
20 construed to constitute certification of the county's
21 budget.

22 Sec. 113. Section 331.440, subsection 1, Code
23 1995, is amended by adding the following new
24 paragraph:

25 NEW PARAGRAPH. c. The single entry point process
26 shall include provision for the county's participation
27 in a management information system developed in
28 accordance with rules adopted pursuant to subsection
29 3.

30 Sec. 114. NEW SECTION. 331.424A MENTAL HEALTH,
31 MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES
32 SERVICES FUND.

33 1. For the purposes of this chapter, unless the
34 context otherwise requires, "services fund" means the
35 county mental health, mental retardation, and
36 developmental disabilities services fund created in
37 subsection 2.

38 2. For the fiscal year beginning July 1, 1996, and
39 succeeding fiscal years, county revenues from taxes
40 and other sources designated for mental health, mental

41 retardation, and developmental disabilities services
 42 shall be credited to the mental health, mental
 43 retardation, and developmental disabilities services
 44 fund of the county. The board shall make
 45 appropriations from the fund for payment of services
 46 provided under the county management plan approved
 47 pursuant to section 331.439.
 48 3. For the fiscal year beginning July 1, 1996, and
 49 succeeding fiscal years, receipts from the state or
 50 federal government for such services shall be credited

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1 to the services fund, including but not limited to
 2 moneys received by a county under section 331.438A.
 3 4. For the fiscal year beginning July 1, 1996, and
 4 for each subsequent fiscal year, the county may
 5 certify a levy for payment of services. Unless
 6 otherwise provided by state law, for each fiscal year,
 7 county revenues from taxes imposed by the county
 8 credited to the services fund shall not exceed an
 9 amount equal to the amount of base year expenditures
 10 from property taxes imposed by the county and paid for
 11 services in the fiscal year beginning July 1, 1993,
 12 and ending June 30, 1994, as defined in section
 13 331.438, less the amount of property tax relief to be
 14 received pursuant to section 331.438A in the fiscal
 15 year for which the budget is certified. The county
 16 auditor and the board of supervisors shall reduce the
 17 amount of the levy certified under this section by the
 18 amount of property tax relief to be received.
 19 5. Appropriations specifically authorized to be
 20 made from the mental health, mental retardation, and
 21 disabilities services fund shall not be made from the
 22 general fund of the county.
 23 Sec. 115. Section 444.25A, subsection 1, Code
 24 1995, is amended to read as follows:
 25 1. COUNTY LIMITATION. The maximum amount of
 26 property tax dollars which may be certified by a
 27 county for taxes payable in the fiscal year beginning
 28 July 1, 1995, shall not exceed the amount of property
 29 tax dollars certified by the county for taxes payable
 30 in the fiscal year beginning July 1, 1994, minus the
 31 amount of the property tax relief payment to be
 32 received by the county for the fiscal year beginning
 33 July 1, 1995, pursuant to section 331.438A, subsection
 34 2, and the maximum amount of property tax dollars
 35 which may be certified by a county for taxes payable
 36 in the fiscal year beginning July 1, 1996, shall not
 37 exceed the amount of property tax dollars certified by
 38 the county for taxes payable in the fiscal year
 39 beginning July 1, 1995, minus the amount by which the
 40 property tax relief payment to be received by the
 41 county in the fiscal year beginning July 1, 1996.

42 exceeds the amount of the property tax relief payment
43 received in the fiscal year beginning July 1, 1995,
44 pursuant to section 331.438A, subsection 2, for each
45 of the levies for the following, except for the levies
46 on the increase in taxable valuation due to new
47 construction, additions or improvements to existing
48 structures, remodeling of existing structures for
49 which a building permit is required, annexation, and
50 phasing out of tax exemptions, and on the increase in

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1 valuation of taxable property as a result of a
2 comprehensive revaluation by a private appraiser under
3 a contract entered into prior to January 1, 1992, or
4 as a result of a comprehensive revaluation directed or
5 authorized by the conference board prior to January 1,
6 1992, with documentation of the contract,
7 authorization, or directive on the revaluation
8 provided to the director of revenue and finance, if
9 the levies are equal to or less than the levies for
10 the previous year, levies on that portion of the
11 taxable property located in an urban renewal project
12 the tax revenues from which are no longer divided as
13 provided in section 403.19, subsection 2, or as
14 otherwise provided in this section:

15 a. General county services under section 331.422,
16 subsection 1.

17 b. Rural county services under section 331.422,
18 subsection 2.

19 c. Other taxes under section 331.422, subsection
20 4.

21 Sec. 116. Section 444.25A, subsection 3, paragraph
22 b, subparagraph (3), Code 1995, is amended to read as
23 follows:

24 (3) Need for additional moneys for health care,
25 treatment, and facilities, including ~~mental health and~~
26 ~~mental retardation care and treatment~~ pursuant to
27 section 331.424, subsection 1, paragraphs "a" through
28 "h" and "b".

29 Sec. 117. **NEW SECTION.** 444.25B PROPERTY TAX
30 LIMITATIONS FOR 1998 AND 1999 FISCAL YEARS.

31 1. COUNTY LIMITATION. The maximum amount of
32 property tax dollars which may be certified by a
33 county for taxes payable in the fiscal year beginning
34 July 1, 1997, shall not exceed the amount of property
35 tax dollars certified by the county for taxes payable
36 in the fiscal year beginning July 1, 1996, minus the
37 amount by which the property tax relief payment to be
38 received by the county in the fiscal year beginning
39 July 1, 1997, exceeds the amount of the property tax
40 relief payment received by the county in the fiscal
41 year beginning July 1, 1996, pursuant to section
42 331.438A, subsection 2, and the maximum amount of

43 property tax dollars which may be certified by a
44 county for taxes payable in the fiscal year beginning
45 July 1, 1998, shall not exceed the amount of property
46 tax dollars certified by the county for taxes payable
47 in the fiscal year beginning July 1, 1997, minus the
48 amount by which the property tax relief payment to be
49 received by the county in the fiscal year beginning
50 July 1, 1998, exceeds the amount of the property tax

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1 relief payment received by the county in the fiscal
2 year beginning July 1, 1997, pursuant to section
3 331.438A, subsection 2, for each of the levies for the
4 following, except for the levies on the increase in
5 taxable valuation due to new construction, additions
6 or improvements to existing structures, remodeling of
7 existing structures for which a building permit is
8 required, annexation, and phasing out of tax
9 exemptions, and on the increase in valuation of
10 taxable property as a result of a comprehensive
11 revaluation by a private appraiser under a contract
12 entered into prior to January 1, 1992, or as a result
13 of a comprehensive revaluation directed or authorized
14 by the conference board prior to January 1, 1992, with
15 documentation of the contract, authorization, or
16 directive on the revaluation provided to the director
17 of revenue and finance, if the levies are equal to or
18 less than the levies for the previous year, levies on
19 that portion of the taxable property located in an
20 urban renewal project the tax revenues from which are
21 no longer divided as provided in section 403.19,
22 subsection 2, or as otherwise provided in this
23 section:
24 a. General county services under section 331.422,
25 subsection 1.
26 b. Rural county services under section 331.422,
27 subsection 2.
28 c. Other taxes under section 331.422, subsection
29 4.
30 2. EXCEPTIONS. The limitations provided in
31 subsection 1 do not apply to the levies made for the
32 following:
33 a. Debt service to be deposited into the debt
34 service fund pursuant to section 331.430.
35 b. Taxes approved by a vote of the people which
36 are payable during the fiscal year beginning July 1,
37 1997, or July 1, 1998.
38 c. Hospitals pursuant to chapters 37, 347, and
39 347A.
40 d. Emergency management to be deposited into the
41 local emergency management fund and expended for
42 development of hazardous substance teams pursuant to
43 chapter 29C.

44 e. Unusual need for additional moneys to finance
45 existing programs which would provide substantial
46 benefit to county residents or compelling need to
47 finance new programs which would provide substantial
48 benefit to county residents. The increase in taxes
49 levied under this exception for the fiscal year
50 beginning July 1, 1997, is limited to no more than the

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1 product of the total tax dollars levied in the fiscal
2 year beginning July 1, 1996, and the percent change,
3 computed to two decimal places, in the price index for
4 government purchases by type for state and local
5 governments computed for the third quarter of calendar
6 year 1996 from that computed for the third quarter of
7 calendar year 1995. The increase in taxes levied
8 under this exception for the fiscal year beginning
9 July 1, 1998, is limited to no more than the product
10 of the total tax dollars levied in the fiscal year
11 beginning July 1, 1997, and the percent change,
12 computed to two decimal places, in the price index for
13 government purchases by type for state and local
14 governments computed for the third quarter of calendar
15 year 1997 from that computed for the third quarter of
16 calendar year 1996.

17 For purposes of this paragraph, the price index for
18 government purchases by type for state and local
19 governments is defined by the bureau of economic
20 analysis of the United States department of commerce
21 and published in table 7.11 of the national income and
22 products accounts. For the fiscal years beginning
23 July 1, 1997, and July 1, 1998, the price index used
24 shall be the revision published in the November 1996
25 and November 1997 issues, respectively, of the United
26 States department of commerce publication, "survey of
27 current business". For purposes of this paragraph,
28 tax dollars levied in the fiscal years beginning July
29 1, 1996, and July 1, 1997, shall not include funds
30 levied for paragraphs "a", "b", and "c" of this
31 subsection.

32 Application of this exception shall require an
33 original publication of the budget and a public
34 hearing and a second publication and a second hearing
35 both in the manner and form prescribed by the director
36 of the department of management, notwithstanding the
37 provisions of section 331.434. The publications and
38 hearings prescribed in this paragraph shall be held
39 and the budget certified no later than March 15. The
40 taxes levied for counties whose budgets are certified
41 after March 15, 1997, shall be frozen at the fiscal
42 year beginning July 1, 1996, level, and the taxes
43 levied for counties whose budgets are certified after
44 March 15, 1998, shall be frozen at the fiscal year

45 beginning July 1, 1997, level.

46 3. APPEAL PROCEDURES. In lieu of the procedures
47 in sections 24.48 and 331.426, which procedures do not
48 apply for taxes payable in the fiscal years beginning
49 July 1, 1997, and July 1, 1998, if a county needs to
50 raise property tax dollars from a tax levy in excess

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1 of the limitations imposed by subsection 1, the
2 following procedures apply:

3 a. Not later than March 1, and after the
4 publication and public hearing on the budget in the
5 manner and form prescribed by the director of the
6 department of management, notwithstanding section
7 331.434, the county shall petition the state appeal
8 board for approval of a property tax increase in
9 excess of the increase provided for in subsection 2,
10 paragraph "e", on forms furnished by the director of
11 the department of management. Applications received
12 after March 1 shall be automatically ineligible for
13 consideration by the board.

14 b. Additional costs incurred by the county due to
15 any of the following circumstances shall be the basis
16 for justifying the excess in property tax dollars:

17 (1) Natural disaster or other life-threatening
18 emergencies.

19 (2) Unusual need for additional moneys to finance
20 existing programs which would provide substantial
21 benefit to county residents or compelling need to
22 finance new programs which would provide substantial
23 benefit to county residents.

24 (3) Need for additional moneys for health care,
25 treatment, and facilities pursuant to section 331.424,
26 subsection 1, paragraphs "a" and "b".

27 (4) Judgments, settlements, and related costs
28 arising out of civil claims against the county and its
29 officers, employees, and agents, as defined in chapter
30 670.

31 c. The state appeal board shall approve,
32 disapprove, or reduce the amount of excess property
33 tax dollars requested. The board shall take into
34 account the intent of this section to provide property
35 tax relief. The decision of the board shall be
36 rendered at a regular or special meeting of the board
37 within twenty days of the board's receipt of an
38 appeal.

39 d. Within seven days of receipt of the decision of
40 the state appeal board, the county shall adopt and
41 certify its budget under section 331.434, which budget
42 may be protested as provided in section 331.436. The
43 budget shall not contain an amount of property tax
44 dollars in excess of the amount approved by the state
45 appeal board.

46 4. Rate adjustment by county auditor. In addition
47 to the requirement of the county auditor in section
48 444.3 to establish a rate of tax which does not exceed
49 the rate authorized by law, the county auditor shall
50 also adjust the rate if the amount of property tax

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1 dollars to be raised is in excess of the amount
2 specified in subsection 1, as may be adjusted pursuant
3 to subsection 3.

4 Sec. 118. NEW SECTION. 444.25C PROPERTY TAX
5 LIMITATION FOR FISCAL YEAR 2000.

6 1. COUNTY LIMITATION. The maximum amount of
7 property tax dollars which may be certified by a
8 county for taxes payable in the fiscal year beginning
9 July 1, 1999, shall not exceed the amount of property
10 tax dollars certified by the county for taxes payable
11 in the fiscal year beginning July 1, 1998, minus the
12 difference between the amount by which the property
13 tax relief payment to be received by the county in the
14 fiscal year beginning July 1, 1999, exceeds the amount
15 of the property tax relief payment received by the
16 county in the fiscal year beginning July 1, 1998,
17 pursuant to section 331.438A, subsection 2, for each
18 of the levies for the following, except for the levies
19 on the increase in taxable valuation due to new
20 construction, additions or improvements to existing
21 structures, remodeling of existing structures for
22 which a building permit is required, annexation, and
23 phasing out of tax exemptions, and on the increase in
24 valuation of taxable property as a result of a
25 comprehensive revaluation by a private appraiser under
26 a contract entered into prior to January 1, 1992, or
27 as a result of a comprehensive revaluation directed or
28 authorized by the conference board prior to January 1,
29 1992, with documentation of the contract,
30 authorization, or directive on the revaluation
31 provided to the director of revenue and finance, if
32 the levies are equal to or less than the levies for
33 the previous year, levies on that portion of the
34 taxable property located in an urban renewal project
35 the tax revenues from which are no longer divided as
36 provided in section 403.19, subsection 2, or as
37 otherwise provided in this section:

38 a. General county services under section 331.422,
39 subsection 1.

40 b. Rural county services under section 331.422,
41 subsection 2.

42 c. Other taxes under section 331.422, subsection
43 4.

44 2. EXCEPTIONS. The limitations provided in
45 subsection 1 do not apply to the levies made for the
46 following:

- 47 a. Debt service to be deposited into the debt
48 service fund pursuant to section 331.430.
49 b. Taxes approved by a vote of the people which
50 are payable during the fiscal year beginning July 1,

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- 1 1999, or July 1, 2000.
2 c. Hospitals pursuant to chapters 37, 347, and
3 347A.
4 d. Emergency management to be deposited into the
5 local emergency management fund and expended for
6 development of hazardous substance teams pursuant to
7 chapter 29C.
8 e. Unusual need for additional moneys to finance
9 existing programs which would provide substantial
10 benefit to county residents or compelling need to
11 finance new programs which would provide substantial
12 benefit to county residents. The increase in taxes
13 levied under this exception for the fiscal year
14 beginning July 1, 1999, is limited to no more than the
15 product of the total tax dollars levied in the fiscal
16 year beginning July 1, 1998, and the percent change,
17 computed to two decimal places, in the price index for
18 government purchases by type for state and local
19 governments computed for the third quarter of calendar
20 year 1998 from that computed for the third quarter of
21 calendar year 1997.
22 For purposes of this paragraph, the price index for
23 government purchases by type for state and local
24 governments is defined by the bureau of economic
25 analysis of the United States department of commerce
26 and published in table 7.11 of the national income and
27 products accounts. For the fiscal year beginning July
28 1, 1999, the price index used shall be the revision
29 published in the November 1998 of the United States
30 department of commerce publication, "survey of current
31 business". For purposes of this paragraph, tax
32 dollars levied in the fiscal year beginning July 1,
33 1998, shall not include funds levied for paragraphs
34 "a", "b", and "c" of this subsection.
35 Application of this exception shall require an
36 original publication of the budget and a public
37 hearing and a second publication and a second hearing
38 both in the manner and form prescribed by the director
39 of the department of management, notwithstanding the
40 provisions of section 331.434. The publications and
41 hearings prescribed in this paragraph shall be held
42 and the budget certified no later than March 15. The
43 taxes levied for counties whose budgets are certified
44 after March 15, 1999, shall be frozen at the fiscal
45 year beginning July 1, 1998, level.
46 3. APPEAL PROCEDURES. In lieu of the procedures
47 in sections 24.48 and 331.426, which procedures do not

48 apply for taxes payable in the fiscal year beginning
49 July 1, 1999, if a county needs to raise property tax
50 dollars from a tax levy in excess of the limitations

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1 imposed by subsection 1, the following procedures
2 apply:

3 a. Not later than March 1, and after the
4 publication and public hearing on the budget in the
5 manner and form prescribed by the director of the
6 department of management, notwithstanding section
7 331.434, the county shall petition the state appeal
8 board for approval of a property tax increase in
9 excess of the increase provided for in subsection 2,
10 paragraph "e", on forms furnished by the director of
11 the department of management. Applications received
12 after March 1 shall be automatically ineligible for
13 consideration by the board.

14 b. Additional costs incurred by the county due to
15 any of the following circumstances shall be the basis
16 for justifying the excess in property tax dollars:

17 (1) Natural disaster or other life-threatening
18 emergencies.

19 (2) Unusual need for additional moneys to finance
20 existing programs which would provide substantial
21 benefit to county residents or compelling need to
22 finance new programs which would provide substantial
23 benefit to county residents.

24 (3) Need for additional moneys for health care,
25 treatment, and facilities pursuant to section 331.424,
26 subsection 1, paragraphs "a" and "b".

27 (4) Judgments, settlements, and related costs
28 arising out of civil claims against the county and its
29 officers, employees, and agents, as defined in chapter
30 670.

31 c. The state appeal board shall approve,
32 disapprove, or reduce the amount of excess property
33 tax dollars requested. The board shall take into
34 account the intent of this section to provide property
35 tax relief. The decision of the board shall be
36 rendered at a regular or special meeting of the board
37 within twenty days of the board's receipt of an
38 appeal.

39 d. Within seven days of receipt of the decision of
40 the state appeal board, the county shall adopt and
41 certify its budget under section 331.434, which budget
42 may be protested as provided in section 331.436. The
43 budget shall not contain an amount of property tax
44 dollars in excess of the amount approved by the state
45 appeal board.

46 4. Rate adjustment by county auditor. In addition
47 to the requirement of the county auditor in section
48 444.3 to establish a rate of tax which does not exceed

49 the rate authorized by law, the county auditor shall
50 also adjust the rate if the amount of property tax

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1 dollars to be raised is in excess of the amount
2 specified in subsection 1, as may be adjusted pursuant
3 to subsection 3.

4 Sec. 119. Section 444.27, Code 1995, is amended to
5 read as follows:

6 444.27 SECTIONS VOID.

7 1. For purposes of section 444.25, sections 24.48
8 and 331.426 are void for the fiscal years beginning
9 July 1, 1993, and July 1, 1994. For purposes of
10 section 444.25A, sections 24.48 and 331.426 are void
11 for the fiscal years beginning July 1, 1995, and July
12 1, 1996.

13 2. For purposes of sections 444.25B and 444.25C,
14 sections 24.48 and 331.426 are void for the fiscal
15 years beginning July 1, 1997, July 1, 1998, and July
16 1, 1999.

17 Sec. 120. Section 445.23, Code 1995, is amended to
18 read as follows:

19 445.23 STATEMENT OF TAXES DUE.

20 1. Upon request, the The county treasurer shall
21 state in writing the full amount of taxes against a
22 parcel, all sales for unpaid taxes, and the amount
23 needed to redeem the parcel, if redeemable. If the
24 person requesting the statement is not the titleholder
25 of record or contract holder of record of the parcel,
26 that person shall pay a fee at the rate of two dollars
27 per parcel for each year for which information is
28 requested, and the money shall be deposited in the
29 county general fund.

30 2. The county treasurer shall include in a
31 prominent place on the tax statement the amount of
32 each of the following state tax credits that apply to
33 the parcel and amount by which each credit reduced the
34 taxes due on the parcel:

35 a. Homestead credit under chapter 425.

36 b. Military service credit under chapter 426A.

37 c. Extraordinary credit under chapter 425.

38 d. Mental health, mental retardation, and de-
39 velopmental disabilities property tax relief under
40 section 331.438A.

41 e. Farm tax credit under chapter 426.

42 Sec. 121. REPEAL. 1994 Iowa Acts, chapter 1163,
43 section 8, is repealed.

44 Sec. 122. DEPARTMENT OF HUMAN SERVICES — ICFMR
45 REQUIREMENT. The department of human services shall
46 consult with the department of inspections and
47 appeals, the Iowa state association of counties, and
48 the Iowa association of rehabilitation and residential
49 facilities in adopting administrative rules

50 identifying optimum staffing ratios for intermediate

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1 care facilities for the mentally retarded (ICFMR).

2 The administrative rules shall be implemented on or
3 before January 1, 1996.

4 Sec. 123. COUNTY ADJUSTMENT FACTOR PAYMENT —
5 FISCAL YEAR 1995-1996.

6 1. For the fiscal year beginning July 1, 1995, the
7 adjustment factor payment from the mental health,
8 mental retardation, and developmental disabilities
9 property tax relief fund specified in section 331.438A
10 shall be paid as provided in this section. An
11 eligible county may apply to the department of human
12 services for an adjustment factor payment to reimburse
13 costs paid by the county in that fiscal year for
14 services to persons with mental illness, mental
15 retardation, or developmental disabilities in
16 accordance with the county's management plan approved
17 pursuant to section 331.439. Eligible costs shall be
18 limited to eligible consumers of services who were not
19 served in the previous fiscal year, unusual cost
20 increases, service cost inflation, and investments for
21 quality and efficiency improvements. Reimbursement
22 shall not be provided from the fund for applications
23 received after August 10, 1995.

24 2. Payment from the fund shall be limited to the
25 amount designated for this purpose and if applications
26 received exceed the available funding, payments shall
27 be prorated. The department of human services shall
28 notify the director of revenue and finance of the
29 amounts due a county under this section. The director
30 shall draw warrants on the relief fund payable to the
31 county treasurer in the amount due to each county.
32 The warrants shall be paid in a timely manner to
33 enable the county to accrue the payment in the
34 county's 1995-1996 fiscal year.

35 3. Notwithstanding section 8.33, moneys in the
36 relief fund allocated for the adjustment payment which
37 remain unobligated or unexpended at the close of the
38 fiscal year ending June 30, 1996, shall not revert to
39 the general fund of the state but shall remain
40 available for adjustment payments in the succeeding
41 fiscal year.

42 Sec. 124. INTERIM COMMITTEE CREATED. The
43 legislative council is requested to establish an
44 interim committee comprised of members of the general
45 assembly with the charge of developing a system to
46 regulate and contain county expenditures for mental
47 health, mental retardation, and developmental
48 disabilities services and to develop a formula for
49 distribution of property tax relief moneys to counties
50 under section 331.438A, subsection 2. In addition,

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1 the committee should consider proposals from counties
 2 and other interested persons for a distribution
 3 formula factor which rewards or provides incentives
 4 for economy and efficiency in providing mental health,
 5 mental retardation, and developmental disabilities
 6 services; and a mechanism for a county to appeal to
 7 the state if it is believed the county is unfairly
 8 treated under an established funding formula. The
 9 committee should be directed to report to the governor
 10 and the general assembly prior to the 1996 legislative
 11 session.

12 Sec. 125. EFFECTIVE DATES.

13 1. Sections 100, 101, 102, 103, and 104 of this
 14 division of this Act take effect July 1, 1996.

15 2. Sections 105, 106, 107, 114, and 116 take
 16 effect January 1, 1996, and are applicable to taxes
 17 paid in the fiscal year beginning July 1, 1996, and
 18 succeeding fiscal years.

19 3. The remainder of this division of this Act,
 20 being deemed of immediate importance, takes effect
 21 upon enactment."

22 2. Title page, by striking lines 1 through 4 and
 23 inserting the following: "An Act relating to income
 24 tax relief, property tax relief, machinery and
 25 equipment phase-in exemption and reimbursement, levies
 26 for mental health, mental retardation, and
 27 developmental disabilities services, providing
 28 appropriations, and providing effective dates and
 29 applicability provisions."

Amendment H-3197 was adopted.

Bernau of Story offered the following amendment H-3204, to the committee amendment H-3030, previously deferred, filed by Bernau, et. al., and moved its adoption:

H-3204

1 Amend the amendment, H-3030, to Senate File 69, as
 2 passed by the Senate as follows:

3 1. By striking page 13, line 41, through page 16,
 4 line 43.

5 2. Page 16, by inserting after line 45 the
 6 following:

7 "Sec. 131. Section 425.40, Code 1995, is amended
 8 by striking the section and inserting the following:
 9 425.40 LOW-INCOME FUND CREATED.

10 The low-income tax credit and reimbursement fund is
 11 created. There is appropriated annually from the
 12 general fund of the state to the department of revenue
 13 and finance to be credited to the low-income tax
 14 credit and reimbursement fund, from funds not
 15 otherwise appropriated, an amount sufficient to
 16 implement this division."

- 17 3. Page 19, by striking line 8.
 18 4. Page 19, line 11, by striking the figures "27,
 19 28, 29, and 30".
 20 5. Page 19, line 12, by striking the figure "37"
 21 and inserting the following: "131".
 22 6. Page 19, line 14, by inserting after the word
 23 "credits" the following: "or rent reimbursement
 24 claims".

Roll call was requested by Bernau of Story and Murphy of Dubuque.

On the question "Shall amendment H-3204, to the committee amendment H-3030, be adopted?" (S.F. 69)

The ayes were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 1:

Brammer

Amendment H-3204 lost.

Siegrist of Pottawattamie asked and received unanimous consent that the Daily Debate Calendar, previously issued for tomorrow, be dated March 1, 1995.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:57 a.m., until 1:15 p.m.

(Senate File 69, and the committee amendment H-3030, as amended, pending.)

AFTERNOON SESSION

The House reconvened, at 1:30 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Greiner of Washington, for the remainder of the day, on request of Siegrist of Pottawattamie.

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 69**, a bill for an act relating to county expenditures of property taxes for mental health and developmental disabilities costs by providing for reduction of property taxes, making appropriations, and providing an effective date, and the committee amendment H-3030, as amended, pending at recess.

Halvorson of Clayton moved the adoption of the committee amendment H-3030, as amended.

Roll call was requested by Schrader of Marion and Rants of Woodbury.

On the question "Shall the committee amendment H-3030, as amended, be adopted?" (S.F. 69)

The ayes were, 63:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

The nays were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

Absent or not voting, 2:

Brammer Greiner

The committee amendment H-3030, as amended, was adopted.

Murphy of Dubuque rose on a point of order and invoked Rule 32, to refer Senate File 69 to committee on appropriations.

The Speaker ruled the point well taken and Rule 32 in order.

Siegrist of Pottawattamie moved to suspend Rule 32 relating to Senate File 69.

A non-record roll call was requested.

The ayes were 58, nays 30.

The motion prevailed.

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

On the question "Shall the bill pass?" (S.F. 69)

The ayes were, 65:

Arnold	Bell	Blodgett	Boddicker
Boggess	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Gries	Grubbs	Hahn
Halvorson	Hammit	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
McCoy	Metcalfe	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen,			
Presiding			

The nays were, 33:

Baker	Bernau	Brand	Burnett
Cphoon	Connors	Doderer	Drees
Fallon	Grundberg	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 2:

Brammer Greiner

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 69** 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 February 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 85, a bill for an act providing for the regulation of farm deer and making penalties applicable.

Also: That the Senate has on February 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 98, a bill for an act relating to the preservation of the Iowa state capitol.

JOHN F. DWYER, Secretary

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\59 Lena Papritz, Akron – For celebrating her 100th birthday.

1995\60 Dick Bleth, Council Bluffs – For being inducted into the Iowa High School Athletic Association Hall of Fame.

1995\61 Assumption High School Wrestling Team, Davenport – For winning the Class 2A division of the 1995 State Wrestling Tournament.

1995\62 Matt Gravert, Davenport – For winning the 1995 Class 2A, 171 lb. division of the State Wrestling Tournament.

SUBCOMMITTEE ASSIGNMENTS

House File 195

Commerce-Regulation: Nutt, Chair; Holveck and Sukup.

House File 196

Judiciary: Boddicker, Chair; Doderer and Kremer.

House File 203

State Government: Renken, Chair; Cataldo and Drake.

House File 204

Human Resources: Boddicker, Chair; Harper and Harrison.

House File 210

Judiciary: Boddicker, Chair; Hurley and Moreland.

House File 215

Judiciary: Harrison, Chair; Coon, Doderer, Kreiman and Lamberti.

House File 219

Judiciary: Coon, Chair; Moreland and Nutt.

House Concurrent Resolution 24

State Government: Renken, Chair; Connors and Houser.

Senate File 130

Judiciary: Dinkla, Chair; Holveck and Nutt.

Senate File 150

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 183

Commerce-Regulation: Metcalf, Chair; Nutt and Weigel.

House Study Bill 200

Commerce-Regulation: Lamberti, Chair; Doderer and Sukup.

House Study Bill 201

Commerce-Regulation: Jacobs, Chair; Cataldo and Cormack.

House Study Bill 202

Commerce-Regulation: Jacobs, Chair; Baker and Lamberti.

House Study Bill 203

Commerce-Regulation: Nutt, Chair; Cormack and Weigel.

House Study Bill 204

Commerce-Regulation: Nutt, Chair; Jacobs and Nelson of Pottawattamie.

House Study Bill 205

State Government: Renken, Chair; Cataldo and Disney.

House Study Bill 206

State Government: Ertl, Chair; Coon and Running.

House Study Bill 207

State Government: Jacobs, Chair; Connors and Drake.

House Study Bill 208

Commerce-Regulation: Nutt, Chair; Churchill, Holveck, Lamberti and McCoy.

House Study Bill 210

Human Resources: Boddicker, Chair; Brand, Fallon, Harrison and Hurley.

House Study Bill 211

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House Study Bill 212

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House Study Bill 213

Human Resources: Schulte, Chair; Boddicker and Harper.

House Study Bill 214

Economic Development: McCoy, Chair; Baker, Cormack, Larson and Nelson of Marshall.

House Study Bill 215

Judiciary: Veenstra, Chair; Coon and Shultz.

House Study Bill 216

Judiciary: Dinkla, Chair; Holveck and Nutt.

House Study Bill 217

Judiciary: Grubbs, Chair; Bernau and Kremer.

House Study Bill 218

Commerce-Regulation: Lamberti, Chair; Nutt and Weigel.

House Study Bill 219

Commerce-Regulation: Lamberti, Chair; Nutt and Weigel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 220 Judiciary

Relating to establishing an expedited procedure for the eviction of drug traffickers and providing penalties.

H.S.B. 221 Judiciary

Relating to the use or possession of alcohol or marijuana in the commission of a public offense, by eliminating accommodation offenses for possession or delivery of one ounce or less of marijuana, by providing for minimum periods of licensed revocation, by prohibiting the receipt of deferred judgments or deferred sentences by persons convicted of the offense of operating while intoxicated, by eliminating the restitution limit for the offense of operating while intoxicated, by making implied consent for chemical testing applicable to the offense of operation of a watercraft while intoxicated, by providing for forfeiture of motor vehicles used in third or subsequent operating while intoxicated offenses, and by providing penalties and other related matters.

RESOLUTIONS FILED

HCR 25, by Grundberg, a concurrent resolution designating March 1995 as Iowa Women's History Month.

Laid over under **Rule 25**.

HR 7, by Van Fossen, Harrison, Bradley, Martin, Millage and Grubbs, a house resolution recognizing the 100th anniversary of the founding of the chiropractic profession.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3217	H.F.	118	Boddicker of Cedar Kreiman of Davis
H-3218	H.F.	206	Wise of Lee Ollie of Clinton

On motion by Siegrist of Pottawattamie, the House adjourned at 4:03 p.m. until 9:00 a.m., Wednesday, March 1, 1995.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 1, 1995

The House met pursuant to adjournment at 9:00 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Larry Prosser, Faith United Methodist Church, Russell.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek and Greiner of Washington, until her arrival, on request of Siegrist of Pottawattamie.

PETITION FILED

The following petition has been received and placed on file:

By Warnstadt of Woodbury, from forty-three members of St. Joseph's Church, Sioux City, opposing House File 2, relating to the reinstatement of the death penalty.

INTRODUCTION OF BILLS

House File 232, by Houser, a bill for an act relating to the issuance of hunting licenses and subjecting violators to an existing penalty.

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

House File 233, by Vande Hoef, Gries, Mundie, and Cormack, a bill for an act creating a wind energy loan fund for schools and community colleges and making an appropriation.

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

House File 234, by Doderer, a bill for an act relating to the possession of offensive weapons, making penalties applicable, and providing an effective date.

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

House File 235, by Fallon, a bill for an act relating to the assessing of a service charge in lieu of property taxes for the providing of police and fire protection by a city for real property which is totally or partially exempt from property tax, including government-owned real property, and property of certain nonprofit institutions and societies, and providing an applicability date.

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

House File 236, by Fallon, a bill for an act providing for voluntary limitation of campaign expenditures and contributions for certain elective officers, providing for disclosure for candidates who do not limit campaign expenditures, banning contributions from political action committees, and providing penalties and an effective date.

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

House File 237, by Sukup, a bill for an act relating to open alcoholic beverage container violations and driving records.

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

House File 238, by Daggett, a bill for an act relating to the joint purchase of group health benefits by multiple school districts or area education agencies pursuant to an intergovernmental agreement.

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

SENATE MESSAGES CONSIDERED

Senate File 85, by committee on agriculture, a bill for an act providing for the regulation of farm deer and making penalties applicable.

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

Senate File 98, by Jensen, Bisignano and Palmer, a bill for an act relating to the preservation of the Iowa state capitol.

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

HOUSE FILE 129 WITHDRAWN

Vande Hoef of Osceola asked and received unanimous consent to withdraw House File 129 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth and Brand of Benton, until their return, on request of Schrader of Marion.

CONSIDERATION OF BILLS

Regular Calendar

House Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure

of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes, was taken up for consideration.

**SENATE JOINT RESOLUTION 6 SUBSTITUTED
FOR HOUSE JOINT RESOLUTION 5**

Gipp of Winneshiek asked and received unanimous consent to substitute Senate Joint Resolution 6, for House Joint Resolution 5.

Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes, with report of committee was taken up for consideration.

Gipp of Winneshiek moved that the joint resolution read a last time now and placed upon its adoption which motion prevailed and the joint resolution read a last time.

Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of state license fees received from hunting, fishing, and trapping, and other public or private funds appropriated, allocated, or received by the state for fish and wildlife protection purposes.

Be It Resolved by the General Assembly of the State of Iowa:

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

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

FISH AND WILDLIFE PROTECTION FUNDS. Sec. 9. All revenue derived from state license fees for hunting, fishing, and trapping, and all state funds appropriated for, and federal or private funds received by the state for, the regulation or advancement of hunting, fishing, or trapping, or the protection, propagation, restoration, management, or harvest of fish or wildlife, shall be used exclusively for the performance and administration of activities related to those purposes.

Sec. 2. The foregoing proposed amendment, having been adopted and agreed to by the Seventy-fifth General Assembly, 1993 Session, thereafter duly published, and now adopted and agreed to by the Seventy-sixth General Assembly in this joint resolution, shall be submitted to

the people of the State of Iowa at the general election in November of the year nineteen hundred ninety-six in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R.6)

The yeas were, 65:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Cataldo	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Fallon	Gipp	Greig	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Houser	Hurley	Koenigs
Kreiman	Kremer	Larkin	Larson
Lord	Main	Martin	May
McCoy	Mertz	Meyer	Mundie
Murphy	Nelson, B.	Nelson, L.	O'Brien
Ollie	Rants	Running	Schrader
Schulte	Siegrist	Sukup	Teig
Tyrrell	Van Fossen	Van Maanen	Warnstadt
Weidman	Weigel	Welter	Witt
Mr. Speaker, Corbett			

The nays were, 30:

Baker	Bernau	Burnett	Churchill
Cohoon	Connors	Doderer	Garman
Gries	Grundberg	Harper	Heaton
Holveck	Huseman	Jacobs	Jochum
Klemme	Lamberti	Mascher	Metcalf
Millage	Myers	Nutt	Renken
Salton	Shultz	Thomson	Vande Hoef
Veenstra	Wise		

Absent or not voting, 5:

Brammer	Brand	Carroll	Greiner
Moreland			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Joint Resolution 6** be immediately messaged to the Senate.

HOUSE JOINT RESOLUTION 5 WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw House Joint Resolution 5 from further consideration by the House.

CONSIDERATION OF HOUSE RESOLUTION 6

Greig of Emmet called up for consideration of House Resolution 6, a resolution to amend the rules governing lobbyists in the House of Representatives, and moved its adoption.

The motion prevailed and the resolution was adopted.

Ways and Means Calendar

House File 149, a bill for an act relating to the state sales tax on auxiliary attachments for self-propelled and non-self-propelled farm machinery and equipment, was taken up for consideration.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3111 filed by him on February 16, 1995.

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

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

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt

Weidman
Witt

Weigel
Mr. Speaker
Corbett

Welter

Wise

The nays were, none.

Absent or not voting, 6:

Brammer
Mertz

Brand
Moreland

Carroll

Greiner

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 149** be immediately messaged to the Senate.

Regular Calendar

House File 179, a bill for an act relating to eggs and poultry by reorganizing the statutory provisions and providing for the administration of the Iowa egg council, assessments and refunds, and the repeal of certain sections, and providing an effective date, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-3216 filed by him and moved its adoption:

H-3216

- 1 Amend House File 179 as follows:
- 2 1. Page 8, line 34, by striking the word "board"
- 3 and inserting the following: "council".

Amendment H-3216 was adopted.

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

On the question "Shall the bill pass?" (H.F. 179)

The ayes were, 94:

Arnold
Blodgett
Branstad
Cataldo
Coon
Dinkla

Baker
Boddicker
Brauns
Churchill
Cormack
Disney

Bell
Bogges
Brunkhorst
Cohon
Cornelius
Doderer

Bernau
Bradley
Burnett
Connors
Daggett
Drake

Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veestra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker, Corbett		

The nays were, none.

Absent or not voting, 6:

Brammer	Brand	Carroll	Greiner
Mertz	Moreland		

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 179** be immediately messaged to the Senate.

House File 161, a bill for an act relating to the fee which may be charged by an Iowa communications network receiving site, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 161)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Cataldo	Churchill	Cphoon	Connors
Coon	Cormack	Cornelius	Daggett

Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, 1:

Running

Absent or not voting, 6:

Brammer	Brand	Carroll	Greiner
Mertz	Moreland		

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 161** be immediately messaged to the Senate.

Senate File 114, a bill for an act relating to anabolic steroids and the Iowa uniform controlled substances Act, was taken up for consideration.

Blodgett 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. 114)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley

Branstad	Brauns	Brunkhorst	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 7:

Brammer	Brand	Carroll	Greiner
Mertz	Moreland	Thomson	

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 1, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 19, a concurrent resolution designating March 1995 as Iowa Women's History Month.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 9:50 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House File 239, by committee on local government, a bill for an act relating to the payment of confinement expenses of felons during presentence investigations.

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

House File 240, by Murphy, a bill for an act authorizing a bingo licensee to conduct bingo games on behalf of a qualified organization, and subjecting violators to existing penalties.

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

House File 241, by Gries, a bill for an act relating to excluding property held in an annuity from the probate estate and from inclusion in the calculation of compensation for personal representatives.

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

House File 242, by Koenigs, a bill for an act allowing a temporary restricted license for persons lacking financial responsibility.

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

House File 243, by Koenigs and Bell, a bill for an act relating to probate by specifying that revocable trusts are not testamentary trusts for the purposes of corporate or partnership farming and specifying that certain assets are not part of the probate estate.

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

House File 244, by Martin, a bill for an act relating to placing a juvenile in detention as a dispositional alternative if the juvenile is found to have committed a delinquent act.

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

House File 245, by Klemme, a bill for an act relating to the administration of the department of agriculture and land stewardship, providing for moneys previously appropriated to the department, and providing an effective date.

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

House File 246, by Grubbs, a bill for an act relating to civil litigation by inmates and prisoners and deductions from inmate accounts for certain expenses, including costs of litigation by inmates.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-seven members present, forty-three absent.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House Concurrent Resolution 25.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 25

Grundberg of Polk called up for consideration of House Concurrent Resolution 25, a concurrent resolution designating March 1995 as Iowa Women's History Month, and moved its adoption.

SENATE CONCURRENT RESOLUTION 19 SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 25

Grundberg of Polk asked and received unanimous consent to substitute Senate Concurrent Resolution 19 for House Concurrent Resolution 25.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 19

Grundberg of Polk called up for consideration Senate Concurrent Resolution 19, a concurrent resolution designating March 1995 as Iowa Women's History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 25 WITHDRAWN

Grundberg of Polk asked and received unanimous consent to withdraw House Concurrent Resolution 25 from further consideration by the House.

SPECIAL PRESENTATION

In celebration of "March Women's History Month - Promises to Keep", the Iowa commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest.

Grundberg of Polk presented the following winners of the contest:

Sixth and Seventh Grade Category

First Place – Joe Barron, Kirn Junior High School, Council Bluffs, for his essay about his grandmother, Euemia Barron, who was also present in the chamber.

Second Place – Melissa Meyer, Resurrection School, Dubuque, for her essay about Hannah Senesh.

Third Place – Amber Phillips, Kirn Junior High School, Council Bluffs, for her essay about her mother Angela Phillips.

The Edith Rose Murphy Sackett Award – Kim Schroeder, St. Joseph the Worker School, Dubuque, for her essay about Donna Ginter, who was also present in the chamber.

Eighth and Ninth Grade Category

First Place – Katharine Freeman, Mt. Vernon High School, for her essay about Harriette Jay Cooke.

Second Place – Matthew R. Moothart, Resurrection School, Dubuque, for his essay about Virginia Minnehan.

Third Place – Daniel Dean Olmstead, Iowa Falls High School, for his essay about Loretta Moon, who was also present in the chamber.

The Edith Rose Murphy Sackett Award – Katie Greiman, Hudson High School, for her essay about Jean Klingamen, who was also present in the chamber.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION 14

Gipp of Winneshiek called up for consideration of Senate Concurrent Resolution 14, a concurrent resolution relating to a Biennial Memorial Session and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 1:30 p.m., until the fall of the gavel.

The House resumed session at 2:45 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

PRESENTATION OF VISITORS

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

Twenty-five high school students from Storm Lake High School, Storm Lake, accompanied by Craig Lyon and Mike Hanna. By Eddie of Buena Vista.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

The 1994 Quadrennial Need Study, pursuant to Chapter 307A.2(14), Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\63 Wade King, Davenport – For coaching Assumption High School to the Class 2A State Wrestling Tournament.
- 1995\64 Leslie S. Hansen, Guthrie Center – For being selected to the 1994-95 All-State Vocal Music Chorus.
- 1995\65 Kyle Chance, Guthrie Center – For being selected to the 1994-95 All-State Vocal Music Chorus.
- 1995\66 Bobby Forseen, Columbus Junction – For finishing 2nd in the 1995 Class 1A, 140 lb. division of the State Wrestling Tournament.
- 1995\67 Randy Pugh, Columbus Junction – For winning 1st place in the 1995 Class 1A, 145 lb. division of the State Wrestling Tournament.
- 1995\68 Eric Fitzer, Wilton – For winning 1st place in the 1995 Class 2A, 140 lb. division of the State Wrestling Tournament.
- 1995\69 Shane Booth, Wilton – For winning 1st place in the 1995 Class 2A, 152 lb. division of the State Wrestling Tournament.
- 1995\70 Ben Scorpil, West Liberty – For winning 1st place in the 1995 Class 2A, 125 lb. division of the State Wrestling Tournament.
- 1995\71 Corey Stanley, Wilton – For winning 1st place in the 1995 Class 2A, 119 lb. division of the State Wrestling Tournament.

- 1995\72 Travis Brant, Truro – For winning 1st place in the 1995 Class 1A, 103 lb. division of the State Wrestling Tournament.
- 1995\73 Eric Hart, Coon Rapids-Bayard – For finishing 2nd in the 1995 Class 1A, 125 lb. division of the State Wrestling Tournament.
- 1995\74 Greg Breeding, Winterset – For winning 1st place in the 1995 Class 2A, 135 lb. division of the State Wrestling Tournament.
- 1995\75 Justin Jeffs, Winterset – For winning 1st place in the 1995 Class 2A, 130 lb. division of the State Wrestling Tournament.
- 1995\76 Nick Marin, West Liberty – For finishing 2nd place in the 1995 Class 2A, 103 lb. division of the State Wrestling Tournament.
- 1995\77 Bob Fullhart, Decorah – For winning 1st place in the 1995 Class 2A, 189 lb. division of the State Wrestling Tournament.
- 1995\78 Kannon Grotegut, Waukon – For winning 1st place in the 1995 Class 2A, 103 lb. division of the State Wrestling Tournament.
- 1995\79 Ben Jobgen, Davenport – For winning 1st place in the 1995 Class 2A, 145 lb. division of the State Wrestling Tournament.
- 1995\80 Tony Menning, Guthrie Center – For being selected to the 1994-95 All-State Band.

SUBCOMMITTEE ASSIGNMENTS

House File 35

Local Government: Klemme, Chair; Arnold and Drees.

House File 173

Local Government: Jacobs, Chair; Myers, Carroll, Connors and Vande Hoef.

House File 203 Reassigned

State Government: Bradley, Chair; Cataldo and Drake.

House File 214

Agriculture: Heaton, Chair; May and Welter.

House File 216

Local Government: Klemme, Chair; Larkin and Welter.

House File 222

Local Government: Jacobs, Chair; Carroll, Connors, Myers and Vande Hoef.

House File 232

Natural Resources: Klemme, Chair; Cohoon and Huseman.

House Concurrent Resolution 22

Labor and Industrial Relations: Boddicker, Chair; Connors and Renken.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 184**

Local Government: Arnold, Chair; Disney and Drees.

House Study Bill 185

Local Government: Carroll, Chair; Jacobs and Mundie.

House Study Bill 188

Appropriations: Brauns, Chair; Cataldo and Meyer.

House Study Bill 189

Local Government: Vande Hoef, Chair; Carroll and Larkin.

House Study Bill 192

Local Government: Disney, Chair; Drees and Martin.

House Study Bill 193

Local Government: Hanson, Chair; Cohoon and Disney.

House Study Bill 194

Local Government: Vande Hoef, Chair; Jacobs and Myers.

House Study Bill 209

Local Government: Brauns, Chair; Huseman and Mertz.

House Study Bill 220

Judiciary: Veenstra, Chair; Bell and Harrison.

House Study Bill 221

Judiciary: Veenstra, Chair; Coon and Moreland.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 222 Education**

Relating to state aid to school districts by eliminating the provision that limits the state aid appropriation for the instructional support program and appropriating additional state aid to school districts based upon the number of at-risk pupils enrolled in the school district and providing effective and applicability date provisions.

H.S.B. 223 Education

Relating to funding for and the name of the national center for talented and gifted education.

H.S.B. 224 Local Government

Relating to agricultural management account moneys and county grants for private rural water well, testing, sealing, and closure.

H.S.B. 225 Appropriations

To appropriate moneys for state school foundation aid, and providing effective and applicability dates.

H.S.B. 226 Environmental Protection

Relating to solid waste by removing penalties for failure to meet waste reduction and recycling goals.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 103, a bill for an act relating to the liability of persons involved in domesticated animal activities.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1995.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 53), relating to limitations on the acquisition of banks, savings and loan associations, and savings banks by bank holding companies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1995.

Committee Bill (Formerly House Study Bill 172), relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and parties to such policies and contracts, establishing fees, and providing civil penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1995.

COMMITTEE ON HUMAN RESOURCES

Senate File 82, a bill for an act relating to medical assistance provisions including those relating to presumptive eligibility for pregnant women and the estates and trusts of recipients of medical assistance and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3219** February 28, 1995.

COMMITTEE ON JUDICIARY

Senate File 142, a bill for an act establishing felonious child endangerment as a nonbailable offense.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1995.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 9, a bill for an act relating to the performance of duties of the office of recorder on abolition of the office and the filing of documents and providing an effective date and for retroactive applicability.

Fiscal Note Not Required.

Recommended **Do Pass** February 28, 1995.

Committee Bill (Formerly House Study Bill 81), relating to the payment of confinement expenses of felons during presentence investigations.

Fiscal Note is required.

Recommended **Do Pass** February 28, 1995.

COMMITTEE ON STATE GOVERNMENT

House File 117, a bill for an act relating to cost of play and value of prizes of games of skill and games of chance conducted at amusement concessions.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1995.

AMENDMENT FILED

H-3219

S.F.

82

Committee on Human
Resources

On motion by Gipp of Winneshiek, the House adjourned at 2:46 p.m. until 8:45 a.m., Thursday, March 2, 1995.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 2, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Dr. Fred Danforth, First Christian Church, Nevada.

The Journal of Wednesday, March 1, 1995 was approved.

PETITIONS FILED

By Van Maanen of Marion and Arnold of Lucas, from one hundred thirty-nine citizens favoring the issuance of drivers licenses, in rural Iowa, by the county treasurer's office.

By Warnstadt of Woodbury from thirty-three members of St. Michael's Parish, Sioux City, opposing House File 2, relating to the death penalty.

INTRODUCTION OF BILLS

House File 247, by committee on commerce-regulation, a bill for an act relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and parties to such policies and contracts, establishing fees, and providing civil penalties.

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

House File 248, by Van Fossen, a bill for an act to provide for life imprisonment for persons convicted of certain offenses.

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

House File 249, by committee on commerce-regulation, a bill for an act relating to limitations on the acquisitions of banks, savings and loan associations, and savings banks by bank holding companies, and providing an effective date.

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

House File 250, by Grubbs, a bill for an act relating to consortium claims under comparable fault.

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

House File 251, by Grubbs, a bill for an act relating to underground storage tanks by limiting high risk site classification for remedial action and placing limitations on cost recovery and prioritization.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 189, a bill for an act relating to the funding of state mandates, was taken up for consideration.

Millage of Scott offered the following amendment H-3117 filed by him and moved its adoption:

H-3117

- 1 Amend House File 189 as follows:
- 2 1. Page 1, by striking lines 3 through 6.
- 3 2. By renumbering as necessary.

Amendment H-3117 lost.

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

On the question "Shall the bill pass?" (H.F. 189)

The ayes were, 83:

Arnold	Bell	Blodgett	Boddicker
Bogess	Bradley	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
Mertz	Metcalf	Meyer	Mundie
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Salton	Schrader	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 13:

Baker	Bernau	Doderer	Drees
Ertl	Grundberg	Harper	Jochum
Koenigs	McCoy	Millage	Murphy
Shoultz			

Absent or not voting, 4:

Brammer	Brand	Moreland	Running
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 189** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:44 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Corbett 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-sixth General Assembly were presented to the following Pages by Speaker Corbett, Majority Leader Siegrist of Pottawattamie and Minority Leader Schrader of Marion.

Brooke Barnett	Kelly O'Brien
Scott Hultgren	Cambre Pickell
Aaron J. Johnson	Jennifer Smith
Miekka N. Katter	Sara Stone
Matthew J. Loecke	Ryan Anthony Verhulst
Rachel Marienau	Kelly Vogel
Jennifer M. McNally	

The House rose and expressed its appreciation.

INTRODUCTION OF BILLS

House Joint Resolution 14, by committee on ways and means, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the

growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments.

Read first time and placed on **special order calendar**.

House File 252, by committee on commerce-regulation, a bill for an act relating to the regulation of real estate brokers and salespersons.

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

House File 253, by committee on appropriations, a bill for an act relating to the transfer of lottery revenues to the general fund of the state and appropriating lottery revenues for purposes of the state fair and county fairs, and providing an effective date.

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

SPECIAL ORDER ANNOUNCED

The Speaker announced that **House Joint Resolution 14**, will be a Special Order of Business on **Friday, March 10, 1995**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 94, a bill for an act relating to reciprocal license fees for nonresident real estate brokers and salespersons.

Also: That the Senate has on March 2, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 189, a bill for an act relating to the transfer of real estate by exempting certain transfers of real estate from the real estate transfer tax and providing that a lien for a purchase money mortgage has priority over other interests in the property.

Also: That the Senate has on March 2, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 195, a bill for an act relating to the judicial department, including jurisdiction of district associate judges in domestic abuse cases.

Also: That the Senate has on March 2, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 205, a bill for an act relating to shared superintendents for purposes of the supplementary weighting plan for public school districts and providing effective and retroactive applicability dates.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on March 1, 1995. Had I been present, I would have voted "aye" on Senate File 114.

THOMSON of Linn

APPOINTMENT

The Speaker announced the following appointment:

COUNCIL ON HUMAN INVESTMENT
(Chapter 8A.1)

Neil Harrison Remainder of three year term
Replacing Ron Corbett

PRESENTATION OF VISITORS

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

Four students from East Marshall High School. By Nelson of Marshall.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

The March 1, 1995 report regarding SoyDiesel demonstrations in Iowa conducted by the Iowa Department of Transportation and coordinated by the Office of Renewable Fuels and Co-Products, pursuant to Chapter 7E, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\81 Eric Juergens, Maquoketa - For winning 1st place in the 1995 Class 3A, 119 lb. division of the State Wrestling Tournament.
- 1995\82 Kate Pham, Des Moines - For receiving a Best Community Scholarship.
- 1995\83 Wade Pfau, Des Moines - For receiving a Best Community Scholarship.
- 1995\84 Katie McCulloh, West Des Moines - For receiving a Best Community Scholarship.

- 1995\85 Jesse Linebaugh, Ottumwa – For receiving a Best Community Scholarship.
- 1995\86 Daniel Olmstead, Iowa Falls – For receiving 3rd place in the 8th and 9th grade category for his essay in the "Write Women Back Into History" contest.
- 1995\87 Diane McCarty, Cedar Falls – For winning first runner-up finalist for Iowa Teacher of the Year.
- 1995\88 Bill Plein, Columbus Junction – For being elected Coach of the Year for the Class 1A State Champion Columbus Junction Wildcats.
- 1995\89 Blanche Grecian, Washington – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 211

Ways and Means: Greig, Chair; Larkin and Rants.

House File 213

Ways and Means: Drake, Chair; Jochum and Van Fossen.

House File 223

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House File 225

Education: Veenstra, Chair; Cohoon and Lord

House File 227

State Government: Tyrrell, Chair; Jochum and Thomson.

House File 229

Education: Grubbs, Chair; Gries, Wise.

House File 236

State Government: Jacobs, Chair; Connors and Gipp.

House File 251

Environmental Protection: Gipp, Chair; Bradley and Witt.

Senate File 98

State Government: Drake, Chair; Cataldo and Coon.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 94

Transportation: Main, Chair; Koenigs and Salton.

House Study Bill 124

Transportation: Blodgett, Chair; Cohoon and Eddie.

House Study Bill 143

Transportation: Brauns, Chair; Grundberg and Mundie.

House Study Bill 144

Transportation: Weidman, Chair; Carroll and Larkin.

House Study Bill 145

Transportation: Eddie, Chair; Blodgett and McCoy.

House Study Bill 146

Transportation: Welter, Chair; Arnold and Cohoon.

House Study Bill 197

Transportation: Carroll, Chair; Arnold and Mundie.

House Study Bill 198

Transportation: Brauns, Chair; McCoy and Salton.

House Study Bill 199

Transportation: Nelson of Marshall, Chair; Branstad and Warnstadt.

House Study Bill 222

Education: Daggett, Chair; Baker and Grundberg.

House Study Bill 223

Education: Grubbs, Chair; Lord and Wise.

House Study Bill 225

Appropriations: Hanson, Chair; Gipp and Ollie.

House Study Bill 226

Environmental Protection: Drake, Chair; Gries and Shoultz.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 2, 1995, he approved and transmitted to the Secretary of State the following bill:

Senate File 84, an act relating to individual health insurance and individual health benefit plan reforms, and establishing an income tax credit for certain individuals.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 227 Transportation**

Relating to a motor vehicle owner's liability for damages caused by the driver.

H.S.B. 228 Transportation

Relating to secondary road right-of-way.

H.S.B. 229 Education

Relating to funding for school districts' gifted and talented children programs by providing for supplementary weightings in determining total enrollment for the school foundation aid program and providing an applicability date provision.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 188), relating to the transfer of lottery revenues to the general fund of the state and appropriating lottery revenues for purposes of the state fair and county fairs, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1995.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 31), relating to the definition of the practice of engineering and the suspension or revocation of the certificate of registration of a professional engineer or land surveyor.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1995.

Committee Bill (Formerly House Study Bill 109), relating to the regulation of real estate brokers and salespersons.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1995.

Committee Bill (Formerly House Study Bill 135), relating to the administration of trusts and estates by corporate fiduciaries.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1995.

COMMITTEE ON HUMAN RESOURCES

House File 139, a bill for an act relating to the disclosure of the methods used by insurance companies and nonprofit health service corporations to determine the usual and customary fees for dental care benefit coverages.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1995.

Senate File 117, a bill for an act adopting a new uniform anatomical gift Act and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3222** March 1, 1995.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 157), a bill for an act relating to drug testing of certain employees and applicants for employment, providing for employer defenses, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1995.

COMMITTEE ON TRANSPORTATION

House Concurrent Resolution 18, a concurrent resolution relating to border city trucking agreements.

Fiscal Note not required.

Recommended **Do Pass and laid over under Rule 25**.

COMMITTEE ON WAYS AND MEANS

Committee Resolution (Formerly House Study Bill 139), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1995.

AMENDMENTS FILED

H-3221	H.J.R.	11	Dinkla of Guthrie Harrison of Scott
H-3222	S.F.	117	Committee on Human Resources

On motion by Siegrist of Pottawattamie, the House adjourned at 1:25 p.m. until 8:45 a.m., Friday, March 3, 1995.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 3, 1995

The House met pursuant to adjournment at 8:45 a.m., Greiner of Washington in the chair.

Prayer was offered by the Honorable Gary Blodgett, state representative from Cerro Gordo.

The Journal of Thursday, March 2, 1995 was approved.

PETITIONS FILED

By Drees of Carroll, from one hundred twenty-two citizens favoring the issuance of driver's licenses in the County Treasurer's office.

By Klemme of Plymouth, from twenty-nine members of St. Michael's Parish, Sioux City, opposing House File 2, relating to the reinstatement of the death penalty.

INTRODUCTION OF BILLS

House File 254, by Ertl, Kremer, Branstad and Hanson, a bill for an act authorizing the issuance of lifetime fishing, hunting, and combined fishing and hunting licenses for residents who are sixty-five years of age or older or are disabled.

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

House File 255, by Doderer, a bill for an act relating to parental responsibility for a minor's access to firearms.

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

House File 256, by committee on commerce-regulation, a bill for an act relating to the definition of the practice of engineering and the suspension or revocation of the certificate of registration of a professional engineer or land surveyor.

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

House File 257, by committee on commerce-regulation, a bill for an act relating to the administration of trusts and estates by corporate fiduciaries.

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

House File 258, by committee on labor and industrial relations, a bill for an act relating to drug testing of certain employees and applicants for employment, providing for employer defenses, and making penalties applicable.

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

SENATE MESSAGES CONSIDERED

Senate File 94, by Banks, Hansen and Gronstal, a bill for an act relating to reciprocal license fees for nonresident real estate brokers and salespersons.

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

Senate File 189, by committee on judiciary, a bill for an act relating to the transfer of real estate by exempting certain transfers of real estate from the real estate transfer tax and providing that a lien for a purchase money mortgage has priority over other interests in the property.

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

Senate File 195, by committee on judiciary, a bill for an act relating to the judicial department, including jurisdiction of district associate judges in domestic abuse cases.

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

Senate File 205, by committee on education, a bill for an act relating to shared superintendents for purposes of the supplementary weighting plan for public school districts and providing effective and retroactive applicability dates.

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

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

- 1995-90 Wilton Community School, Wilton – For finishing 2nd place in the 1995 Class 2A division of the State Wrestling Tournament.
- 1995-91 Columbus Junction Community Schools, Columbus Junction – For winning 1st place in the 1995 Class 1A division of the State Wrestling Tournament.
- 1995-92 West Liberty Community Schools, West Liberty – For finishing 4th place in the 1995 Class 2A division of the State Wrestling Tournament.
- 1995-93 Melissa Meyer, Dubuque – For receiving 2nd place in the 6th and 7th grade category for her essay in the "Write Women Back Into History" contest.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 229

Education: Lord, Chair; Grubbs and Warnstadt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 230 Education

Relating to authorizing school districts to adopt a dress code policy, the expulsion of a student for bringing a weapon to school, an exemption in the definition of assault, eliminating the twenty-four hour notice to students of a periodic inspection of students' lockers, giving access to certain juvenile court records to a designated school representative, and providing an effective date.

H.S.B. 231 Environmental Protection

Relating to repealing air toxic fees.

H.S.B. 232 Human Resources

Relating to the regulation and licensure of physician assistants and advanced registered nurse practitioners.

H.S.B. 233 Human Resources

Relating to patient access to health care providers authorized to utilize differential diagnosis and physical examinations to determine human ailments.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House File 170, a bill for an act relating to exempting employees of the state fair authority from the state merit personnel system.

Fiscal Note is not required.

Recommended Do Pass March 2, 1995.

Committee Bill (Formerly House Study Bill 160), relating to authorizing the payment of salaries to senior judges, providing for a maximum retirement annuity amount paid to senior judges, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1995.

AMENDMENT FILED

H-3224 H.F. 185 Weigel of Chickasaw

On motion by Gipp of Winneshiek, the House adjourned at 8:50 a.m., until 1:00 p.m., Monday, March 6, 1995.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 6, 1995

The House met pursuant to adjournment at 1:00 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend David Grindberg, St. Mark Lutheran Church, Storm Lake.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was signed by Rachel Van Fossen of Brownie Troop 1232, McKinley School, Scott County. She is the daughter of Representative Jamie Van Fossen. The following Brownies also assisted by saying the Pledge of Allegiance: Jessica Belman, Laura Fierce, Liz Hagen, Nora Moriarty, Keli Neal, Kelly Petersen, Jessica Walker, Jill Wicks, Bethany Wiese and Liz Zimmerman.

The Journal of Friday, March 3, 1995 was approved.

PETITION FILED

The following petition was received and placed on file:

By Gipp of Winneshiek from two hundred forty-four constituents, favoring the issuance of driver's licenses, in rural Iowa, by the County Treasurer's office.

INTRODUCTION OF BILLS

House File 259, by Warnstadt, a bill for an act fixing a compensatory penalty for failure to enact a statute establishing the state percent of growth for a budget year within thirty days of the submission in the base year of the governor's budget.

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

House File 260, by Martin, Harrison, and Van Fossen, a bill for an act relating to competitive bidding for public improvements.

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

House File 261, by Martin, a bill for an act relating to custody and visitation of a child designated a child in need of assistance.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 1 and 2, 1995. Had I been present, I would have voted "aye" on House Files 149, 161, 179, 189, Senate File 114 and Senate Joint Resolution 6.

MORELAND of Wapello

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA DEPARTMENT OF PUBLIC SAFETY

The Incident-Based Iowa Uniform Crime Reports, pursuant to Chapter 692.15, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS**House File 208**

Transportation: Branstad, Chair; Blodgett and Warnstadt.

House File 221

Transportation: Salton, Chair; Ollie and Weidman.

House File 224

State Government: Tyrrell, Chair; Thomson and Witt.

House File 228

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

House File 230

Economic Development: Heaton, Chair; Cornelius and O'Brien.

House File 237

Transportation: Nelson of Marshall, Chair; Branstad and Warnstadt.

House File 238

Commerce-Regulation: Dinkla, Chair; Halvorson and Nelson of Pottawattamie.

House File 240

State Government: Tyrrell, Chair; Cataldo and Ertl.

House File 242

Transportation: Grundberg, Chair; Koenigs and Main.

Senate File 94

State Government: Disney, Chair; Thomson and Witt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 159

Economic Development: Teig, Chair; Brand and Nelson of Marshall.

House Study Bill 227

Transportation: Heaton, Chair; Cohoon and Main.

House Study Bill 228

Transportation: Carroll, Chair; Eddie and Mundie.

House Study Bill 230

Education: Gries, Chair; Hanson, Nelson of Pottawattamie, Rants and Warnstadt.

House Study Bill 231

Environmental Protection: Teig, Chair; Burnett and Hahn.

House Study Bill 232

Human Resources: Lord, Chair; Myers and Veenstra.

House Study Bill 233

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 234 Technology

Relating to the negotiations between the Iowa Telecommunications and Technology Commission and qualified vendors under the request for proposals for Part III of the Iowa communications network.

H.S.B. 235 Ways and Means

Relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, and providing effective and applicability dates.

H.S.B. 236 Judiciary

Authorizing the use of criminal contempt to enforce victim restitution orders.

H.S.B. 237 Judiciary

Relating to the remedies provided for a dishonored payment instrument.

H.S.B. 238 Judiciary

Prohibiting an insurance company or agent from marketing or selling insurance coverage which involves no risk to the insured person and making penalties applicable.

H.S.B. 239 Judiciary

Relating to the rate of interest charged on judgements and decrees.

H.S.B. 240 Judiciary

Establishing economic and other penalties for certain criminal activity.

H.S.B. 241 Economic Development

Relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, establishing a loan loss reserve program, and providing an employee development grant.

H.S.B. 242 Education

Extending the periods in which a school or school district may apply to the department of education to waive the requirement that the school or school district provide an articulated sequential elementary-secondary guidance program and the requirement that the school or school district provide a media services program.

H.S.B. 243 Education

Relating to state aid to school districts by eliminating the provision that limits the state aid appropriation for the instructional support program and providing effective and applicability date provisions.

H.S.B. 244 Education

Relating to the appropriation of additional state aid to school districts based upon the number of at-risk pupils enrolled in the school district and providing effective and applicability date provisions.

H.S.B. 245 Education

Relating to a reduction in aid to a recipient of the family investment program for continued truancy by a recipient's child and establishing a penalty for providing aid, support, or shelter to a runaway or truant, and providing effective date and conditional effectiveness provisions.

AMENDMENTS FILED

H-3225	H.F.	258	O'Brien of Boone
H-3226	H.J.R.	9	Ertl of Dubuque

H-3227	H.C.R.	19	Schulte of Linn
H-3228	S.C.R.	15	Schulte of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 1:20 p.m., until 8:45 a.m., Tuesday, March 7, 1995.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 7, 1995

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Rose Marie Lewis, St. John's Lutheran Church, Mitchell County.

The Journal of Monday, March 6, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Greig of Emmet, for the remainder of the day, on request of Siegrist of Pottawattamie; Larkin of Lee on request of Schrader of Marion.

INTRODUCTION OF BILLS

House File 262, by Larson, a bill for an act creating a lien against certain real property as part of a marriage dissolution order.

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

House File 263, by Larson, a bill for an act relating to burial grounds by providing notice requirements for ancient burial grounds and providing penalties.

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

House File 264, by Larson, a bill for an act relating to establishing authority for alternative plans for regulation of telecommunications providers.

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

House File 265, by Witt, a bill for an act transferring proceeds of excise taxes on sale of snowmobile fuel to the special conservation fund.

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

House File 266, by Shoultz, a bill for an act relating to purchase of electricity from alternative energy production facilities and small hydro facilities.

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

House File 267, by Shoultz, a bill for an act relating to packaging by establishing a package review board and an advisory committee to the board and establishing a fee.

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

House File 268, by Harper, a bill for an act relating to the eligibility of trustees of a drainage district.

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

House File 269, by Kreiman, a bill for an act providing for the periodic review of agency rules.

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

House File 270, by Kreiman, a bill for an act relating to recognizing out-of-state law enforcement training for certification purposes in Iowa.

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

House File 271, by Houser, a bill for an act relating to the taxation of certain mobile homes, and specifying effective and applicability dates.

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

House File 272, by Van Fossen, Millage, and Martin, a bill for an act relating to the election of the board of directors for an area education agency and providing effective date and applicability provisions.

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

House File 273, by Ertl, a bill for an act relating to the lobbying of state government, by defining the activity of lobbying, defining the term political subdivision, and prohibiting the use of public funds to lobby state agencies or political subdivisions.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 176, a bill for an act relating to the filing of intergovernmental agreements for the joint exercise of governmental powers in certain counties.

Also: That the Senate has on March 6, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 229, a bill for an act eliminating certain requirements regarding the purchase of coal by public agencies.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Appropriations Calendar

House File 253, a bill for an act relating to the transfer of lottery revenues to the general fund of the state and appropriating lottery revenues for purposes of the state fair and county fairs, and providing an effective date, was taken up for consideration.

The House stood at ease at 9:00 a.m., until the fall of the gavel.

The House resumed session at 10:10 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Jochum of Dubuque asked to temporarily defer action on House File 253.

Objection was raised.

Jochum of Dubuque moved to temporarily defer action of House File 253.

The motion to defer lost.

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

On the question "Shall the bill pass?" (H.F. 253)

The ayes were, 74:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Huseman	Jacobs
Klemme	Kreiman	Kremer	Lamberti
Larson	Lord	Main	Martin
May	Mertz	Metcalf	Meyer

Millage	Mundie	Myers	Nelson, B.
Nutt	O'Brien	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Van Maanen		
	Presiding		

The nays were, 21:

Bernau	Burnett	Cphoon	Connors
Doderer	Fallon	Harper	Holveck
Jochum	Koenigs	Mascher	McCoy
Moreland	Murphy	Nelson, L.	Ollie
Running	Schrader	Shoultz	Warnstadt
Witt			

Absent or not voting, 5:

Brammer	Greig	Hurley	Larkin
Wise			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 253** be immediately messaged to the Senate.

MEMORIAL COMMITTEE APPOINTED

Speaker Corbett announced the appointment of the following members to serve on the memorial committee in accordance with Senate Concurrent Resolution 14: The Honorable Horace Daggett, Chair; the Honorable Richard Vande Hoef, the Honorable Minnette Doderer and the Honorable John Connors.

SUBCOMMITTEE ASSIGNMENTS

House File 107 Reassigned

Judiciary: Lamberti, Chair; Coon and Holveck.

House File 226

Judiciary: Millage, Chair; Harrison and Moreland.

House File 234

Judiciary: Boddicker, Chair; Coon and Holveck.

House File 241

Judiciary: Dinkla, Chair; Bernau and Nutt.

House File 243

Judiciary: Dinkla, Chair; Bernau and Kremer.

House File 244

Judiciary: Lamberti, Chair; Coon and Moreland.

House File 245

Agriculture: Klemme, Chair; Huseman and Mundie.

House File 246

Judiciary: Grubbs, Chair; Dinkla and Doderer.

House File 248

Judiciary: Millage, Chair; Harrison and Kreiman.

House File 250

Judiciary: Grubbs, Chair; Millage and Moreland.

House File 254

Natural Resources: Tyrrell, Chair; Cohoon and Klemme.

House File 255

Judiciary: Boddicker, Chair; Coon and Shoultz.

House File 261

Judiciary: Schulte, Chair; Greiner and Kreiman.

House File 266

Environmental Protection: Hahn, Chair; Boggess and Shoultz.

House File 267

Environmental Protection: Rants, Chair; Meyer and Shoultz.

Senate File 85

Agriculture: Salton, Chair; Fallon and Vande Hoef.

Senate File 189

Judiciary: Nutt, Chair; Dinkla and Moreland.

Senate File 195

Judiciary: Dinkla, Chair; Boddicker and Kreiman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 234**

Technology: Brunkhorst, Chair; Brand and Cormack.

House Study Bill 236

Judiciary: Lamberti, Chair; Harrison and Moreland.

House Study Bill 237

Judiciary: Nutt, Chair; Dinkla and Kreiman.

House Study Bill 238

Judiciary: Schulte, Chair; Bell and Greiner.

House Study Bill 239

Judiciary: Kremer, Chair; Schulte and Shoultz.

House Study Bill 240

Judiciary: Lamberti, Chair; Doderer, Kreiman, Kremer and Veenstra.

House Study Bill 241

Economic Development: Drake, Chair; Harper and Nelson of Marshall.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 246 Environmental Protection**

Relating to solid waste reduction and recycling goals.

H.S.B. 247 Education

Relating to motorcycle education and providing an effective date and a retroactive applicability provision.

H.S.B. 248 Education

Changing the time guidelines concerning collective bargaining by teachers, and changing the budget certification date and the notice of teacher termination date for school districts.

H.S.B. 249 Education

Relating to state assistance for schools, including the purchase of textbooks for public school and nonpublic school pupils, including the creation of a special textbook reserve within the school district's general fund, making an appropriation, and providing effective and applicability dates, and providing for a one hundred one percent budget guarantee for school districts.

H.S.B. 250 Appropriations

Making an appropriation to the department of human services for medical assistance for certain minors with mental retardation, and providing applicability and effective date provisions.

H.S.B. 251 Local Government

Relating to the joint investment of funds of rural water districts with other political subdivisions.

H.S.B. 252 Environmental Protection

Requiring certification for water well pump installers.

H.S.B. 253 Education

Relating to a report card on public school effectiveness and requiring the department of education to reduce the paperwork resulting from state mandated reporting requirements and providing for the Act's conditional effectiveness.

H.S.B. 254 Judiciary

Relating to juvenile justice, including providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, eliminating the notice required for students before certain locker searches, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, and enhancing or establishing penalties.

H.S.B. 255 Judiciary

Relating to the possession of an actual or simulated explosive or incendiary device and providing penalties.

H.S.B. 256 Judiciary

Relating to limited liability companies.

H.S.B. 257 Judiciary

Relating to structured fines, establishing a civil penalty and surcharge, providing for the distribution of fines, and establishing effective and repeal dates.

H.S.B. 258 Judiciary

Relating to underage consumption of alcoholic beverages on private property.

H.S.B. 259 Judiciary

Prohibiting the release of certain forcible felons on parole or work release, and limiting the reduction of sentence for certain forcible felons based upon good conduct.

H.S.B. 260 Judiciary

Relating to domestic abuse by requiring a mandatory six-month jail sentence for third or subsequent offense domestic abuse assaults and for domestic abusers who are resistive or disruptive to batterers' treatment programs, and authorizing the setoff of claims owed to a person by a judicial district department of correctional services.

H.S.B. 261 Commerce-Regulation

Relating to the regulation of cemetery operators and the regulation of perpetual care cemeteries and nonperpetual care cemeteries, establishing fees and use of those fees, and providing penalties

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 163, a bill for an act providing for interests by persons in certain entities owning or leasing agricultural land, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1995.

House File 198, a bill for an act creating a lien arising from the care and feeding of livestock in a custom cattle feedlot.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1995.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 133), relating to pipelines and underground storage of hazardous liquids, and providing penalties and effective and retroactive applicability date provisions.

Fiscal Note not required.

Recommended **Amend and Do Pass** March 6, 1995.

Committee Bill (Formerly House Study Bill 200), relating to delinquency charges on credit cards used to purchase or lease goods or services from less than one hundred persons not related to the card issuer.

Fiscal Note not required.

Recommended **Do Pass** March 6, 1995.

Committee Bill (Formerly House Study Bill 202), concerning health care coverage availability to unemployed individuals.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1995.

COMMITTEE ON EDUCATION

House File 121, a bill for an act relating to the taping and broadcasting of certain high school athletic events.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3230**, March 6, 1995.

Committee Bill (Formerly House Study Bill 230), relating to authorizing school districts to adopt a dress code policy, the expulsion of a student for bringing a weapon to school, an exemption in the definition of assault, eliminating the twenty-four hour notice to students of a periodic inspection of students' lockers, giving access to certain juvenile court records to a designated school representative, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1995.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Senate File 157, a bill for an act relating to solid waste by eliminating the polystyrene ban and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1995.

Committee Bill (Formerly House Study Bill 85), relating to plastic garbage can liners with recycled content.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1995.

Committee Bill (Formerly House Study Bill 154), relating to solid waste tonnage fees.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1995.

COMMITTEE ON HUMAN RESOURCES

Senate File 150, a bill for an act relating to child abuse involving termination of parental rights in certain abuse or neglect cases and access by other states to child abuse information.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3229**, March 6, 1995.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 124), relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1995.

Committee Bill (Formerly House Study Bill 199), relating to proportional registration by providing for registration identification.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1995.

AMENDMENTS FILED

H-3229	S.F.	150	Committee on Human Resources
H-3230	H.F.	121	Committee on Education
H-3231	H.J.R.	14	Doderer of Johnson
H-3232	H.J.R.	14	Shoultz of Black Hawk
H-3233	H.J.R.	14	Shoultz of Black Hawk
H-3234	H.J.R.	14	Shoultz of Black Hawk
H-3235	H.J.R.	14	Doderer of Johnson
H-3236	H.J.R.	14	Doderer of Johnson
H-3237	H.J.R.	14	Shoultz of Black Hawk
H-3238	H.J.R.	14	Myers of Johnson
H-3239	H.J.R.	14	Bernau of Story
H-3240	H.J.R.	14	Myers of Johnson
H-3241	H.J.R.	14	Doderer of Johnson
H-3242	H.J.R.	14	Weigel of Chickasaw
H-3243	H.J.R.	14	Koenigs of Mitchell
H-3244	H.J.R.	14	Bernau of Story
H-3245	H.J.R.	14	Weigel of Chickasaw
H-3246	H.J.R.	14	Weigel of Chickasaw
H-3247	H.J.R.	14	Shoultz of Black Hawk
H-3248	H.J.R.	14	Shoultz of Black Hawk
H-3249	H.J.R.	14	Shoultz of Black Hawk
H-3250	H.J.R.	14	Ollie of Clinton
H-3251	H.J.R.	14	Running of Linn

H-3252	H.J.R.	14	Shoultz of Black Hawk
H-3253	H.J.R.	14	Myers of Johnson
H-3254	H.J.R.	14	Bernau of Story
H-3255	H.J.R.	14	Bernau of Story
H-3256	H.J.R.	14	Bernau of Story
H-3257	H.J.R.	14	Weigel of Chickasaw
H-3258	H.J.R.	14	Jochum of Dubuque
H-3259	H.J.R.	14	Bernau of Story
H-3260	H.J.R.	14	Weigel of Chickasaw
H-3261	H.J.R.	14	Weigel of Chickasaw
H-3262	H.J.R.	14	Bernau of Story
H-3263	H.J.R.	14	Harper of Black Hawk
H-3264	H.J.R.	14	Weigel of Chickasaw
H-3265	H.J.R.	14	Weigel of Chickasaw
H-3266	H.J.R.	14	Moreland of Wapello
H-3267	H.J.R.	14	Doderer of Johnson
H-3268	H.J.R.	14	Doderer of Johnson
H-3269	H.J.R.	14	Weigel of Chickasaw
H-3270	H.J.R.	14	Wise of Keokuk
H-3271	H.J.R.	14	Bernau of Story
H-3272	H.J.R.	14	Bernau of Story
H-3273	H.J.R.	14	Bernau of Story
H-3274	H.J.R.	14	Bernau of Story
H-3275	H.J.R.	14	Bernau of Story
H-3276	H.J.R.	14	Doderer of Johnson
H-3277	H.J.R.	14	Bernau of Story
H-3278	H.J.R.	14	Running of Linri
			Holveck of Polk
			Weigel of Chickasaw
			Shoultz of Black Hawk

On motion by Siegrist of Pottawattamie, the House adjourned at 11:15 a.m., until 8:45 a.m., Wednesday, March 8, 1995.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 8, 1995

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Ken Rummer, First Presbyterian Church, Corning.

The Journal of Tuesday, March 7, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Mundie of District 14, from thirty-three constituents of Calhoun County opposing House File 2, relating to reinstatement of the death penalty.

Following, are petitions in favor of County Treasurer's offices, in rural Iowa, issuing drivers licenses:

By Branstad of Winnebago, from two-hundred eighty-two citizens;

By Cornelius of Jackson, from sixty constituents;

By Mundie of District 14, from four hundred nineteen constituents of Hamilton County;

By Teig of Hamilton, from four hundred nineteen Hamilton County residents;

By Teig of Hamilton, from two hundred seventy-seven residents.

INTRODUCTION OF BILLS

House File 274, by Burnett and Mascher, a bill for an act relating to attorneys fees in domestic abuse actions.

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

House File 275, by Main, Heaton, and Bradley, a bill for an act authorizing the extension of the deer hunting season for population control.

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

House File 276, by Disney, a bill for an act relating to the election of directors of a local school district, area education agency, and merged area, and providing an effective date.

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

House File 277, by committee on commerce-regulation, a bill for an act concerning health care coverage availability to unemployed individuals.

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

House File 278, by Burnett and Disney, a bill for an act relating to a property tax exemption for property used for the recycling of glass and wood.

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

House File 279, by committee on commerce-regulation, a bill for an act relating to delinquency charges on credit cards used to purchase or lease goods or services from less than one hundred persons not related to the card issuer.

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

House File 280, by Grubbs, a bill for an act relating to the rate of interest charged on court judgments and decrees.

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

House File 281, by Kreiman, a bill for an act relating to the radio-based communications system transmission of communicable disease information relative to persons being sought or assisted by certain persons in an emergency situation and providing a penalty.

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

House File 282, by Brunkhorst, a bill for an act relating to candidates for elective state office.

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

House File 283, by Lamberti and Cataldo, a bill for an act relating to the period of time for abandonment of money orders under the uniform disposition of unclaimed property Act.

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

House File 284, by Burnett, a bill for an act relating to child abuse and child sexual abuse reporting and increasing a penalty.

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

House File 285, by Doderer, a bill for an act relating to the offense of stalking.

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

House File 286, by Burnett and Mascher, a bill for an act relating to the beverage containers control program.

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

House File 287, by committee on environmental protection, a bill for an act relating to plastic garbage can liners with recycled content.

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

House File 288, by committee on education, a bill for an act relating to authorizing school districts to adopt a dress code policy, the expulsion of a student for bringing a weapon to school, an exemption in the definition of assault, eliminating the twenty-four hour notice to students of a periodic inspection of students' lockers, giving access to certain juvenile court records to a designated school representative, and providing an effective date.

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

House File 289, by committee on environmental protection, a bill for an act relating to solid waste tonnage fees.

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

House File 290, by Burnett, a bill for an act establishing an environmental education program in the state of Iowa and making an appropriation.

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

House File 291, by committee on state government, a bill for an act relating to authorizing the payment of salaries to senior judges, providing for a maximum retirement annuity amount paid to senior judges, and providing effective and applicability dates.

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

House File 292, by Doderer, Hurley, Boddicker, and Connors, a bill for an act relating to sexual abuse of a minor and making an existing penalty effective.

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

House File 293, by Burnett, a bill for an act relating to firearms access and use by minors and the penalty for minors having access to ammunition and firearms stored.

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

House File 294, by Burnett and Mascher, a bill for an act relating to establishing a presumption against joint custody in marriage dissolution proceedings where a finding of domestic abuse is made by the court.

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

House File 295, by Burnett and Mascher, a bill for an act relating to prohibiting a polygraph examination of a victim of sexual abuse as a precondition to an investigation by a law enforcement agency.

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

House File 296, by Burnett and Mascher, a bill for an act creating a statewide protective order registry.

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

House File 297, by Witt, Klemme, Schulte, Welter, Connors, Coon, Harper, Mascher, and Mundie, a bill for an act to provide for the impoundment of motor vehicles which are driven by persons whose licenses are suspended, revoked, or barred, for operating while intoxicated or offenses in which a violation of the prohibition against operating while intoxicated is established, and providing a procedure for return of motor vehicles which are impounded.

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

House File 298, by Warnstadt, a bill for an act relating to motor vehicle abandonment and registration.

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

SENATE MESSAGES CONSIDERED

Senate File 176, by Hansen, a bill for an act relating to the filing of intergovernmental agreements for the joint exercise of governmental powers in certain counties.

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

Senate File 229, by committee on local government, a bill for an act eliminating certain requirements regarding the purchase of coal by public agencies.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 179, a bill for an act relating to eggs and poultry by reorganizing the statutory provisions and providing for the administration of the Iowa egg council, assessments and refunds, and the repeal of certain sections, and providing an effective date.

Also: That the Senate has on March 8, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 156, a bill for an act relating to corporate, franchise, and insurance premiums tax credits for entities investing in a qualified venture capital company and providing applicability provisions.

Also: That the Senate has on March 8, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 204, a bill for an act relating to the hours for sale of alcoholic beverages on Sundays.

Also: That the Senate has on March 8, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 206, a bill for an act striking Code language that conflicts with federal work-study program requirements and language relating to unfunded programs administered by the college student aid commission, and repealing from the Code certain unfunded programs administered by the college student aid commission.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 9:00 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell on request of Schrader of Marion.

INTRODUCTION OF BILLS

House File 299, by Brammer, a bill for an act relating to domestic abuse and victim protection and providing a penalty and a conditional effective date.

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

House File 300, by Grubbs, a bill for an act eliminating joint and several liability in comparative fault actions.

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

House File 301, by Arnold, a bill for an act relating to private sewage disposal systems and providing for a repeal and an effective date.

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

House File 302, by Burnett, a bill for an act pertaining to aging programs and services administered by the department of elder affairs and making an appropriation.

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

House File 303, by committee on commerce-regulation, a bill for an act relating to pipelines and underground storage of hazardous liquids, and providing penalties and effective and retroactive applicability date provisions.

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

House File 304, by committee on transportation, a bill for an act relating to proportional registration by providing for registration identification.

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

House File 305, by Daggett, a bill for an act relating to abandoned assets of cooperative associations.

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

House File 306, by committee on transportation, a bill for an act relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders.

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

House File 307, by Coon, a bill for an act relating to the funding of waterworks, water mains and extensions, and related facilities by general obligation bonds.

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

House File 308, by Tyrrell, a bill for an act relating to the election of workers' compensation coverage by a limited liability company member.

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

House File 309, by Coon, a bill for an act to limit the time during which employees of the general assembly and the office of the governor or lieutenant governor may make contributions to candidates for office in their respective branches of government, providing exceptions for certain candidates, and providing penalties.

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

House File 310, by Churchill, a bill for an act relating to political contributions, by prohibiting corporations, insurance companies, and financial institutions from making contributions on ballot issues and by restricting the size of individual and certain political committee contributions to candidates during an election cycle.

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

House File 311, by Cohoon, a bill for an act concerning residency requirements for school district attendance.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 117, a bill for an act relating to cost of play and value of prizes of games of skill and games of chance conducted at amusement concessions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 117)

The ayes were, 57:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brauns
Carroll	Cataldo	Connors	Coon
Cormack	Cornelius	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Hahn	Halvorson	Harper
Harrison	Heaton	Holveck	Hurley
Jacobs	Jochum	Kreiman	Kremer
Lamberti	Larkin	Larson	Martin
May	Mertz	Metcalf	Meyer
Millage	Moreland	Myers	Nelson, B.

Nutt	O'Brien	Running	Shoultz
Siegrist	Sukup	Teig	Tyrrell
Van Fossen	Warnstadt	Weigel	Weiter
Wise			

The nays were, 31:

Bernau	Brand	Branstad	Brunkhorst
Burnett	Cohoon	Daggett	Doderer
Drees	Fallon	Garman	Grundberg
Hammitt	Hanson	Huseman	Klemme
Main	McCoy	Mundie	Nelson, L.
Ollie	Rants	Renken	Salton
Schrader	Schulte	Thomson	Vande Hoef
Veenstra	Witt	Van Maanen, Presiding	

Absent or not voting, 12:

Brammer	Churchill	Corbett, Spkr.	Dinkla
Gries	Grubbs	Houser	Koenigs
Lord	Mascher	Murphy	Weidman

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

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 19

Schulte of Linn called up for consideration of House Concurrent Resolution 19, a concurrent resolution requesting that the Congress of the United States direct the Health Care Financing Administration to establish a national policy no later than July 1, 1995, for Medicare reimbursement of telemedicine services.

Schulte of Linn offered the following amendment H-3227 filed by him and moved its adoption:

H-3227

- 1 Amend House Concurrent Resolution 19 as follows:
- 2 1. Page 2, lines 15 and 16, by striking the words
- 3 "that will promote" and inserting the following:
- 4 "for".

Amendment H-3227 was adopted.

SENATE CONCURRENT RESOLUTION 15 SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 19

Schulte of Linn asked and received unanimous consent to substitute Senate Concurrent Resolution 15 for House Concurrent Resolution 19.

Senate Concurrent Resolution 15, a concurrent resolution requesting that the Congress of the United States direct the Health Care Financing Administration to establish a national policy no later than July 1, 1995, for Medicare reimbursement of telemedicine services.

Schulte of Linn offered the following amendment H-3228 filed by him and moved its adoption:

H-3228

- 1 Amend Senate Concurrent Resolution 15 as follows:
- 2 1. Page 2, line 17, by striking the word "for"
- 3 and inserting the following: "that will promote".

Amendment H-3228 was adopted.

On motion by Schulte of Linn, Senate Concurrent Resolution 15, as amended, was adopted.

HOUSE CONCURRENT RESOLUTION 19 WITHDRAWN

Schulte of Linn asked and received unanimous consent to withdraw House Concurrent Resolution 19 from further consideration by the House.

PRESENTATION OF VISITORS

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

Twenty-five students from Independence High School, accompanied by Mary Cooksley. By Hurley of Fayette.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF EDUCATION

The 1993-94 open enrollment report, pursuant to Chapter 7A.3(4), Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 13

State Government: Martin, Chair; Coon and Jochum.

House File 223 Reassigned

Ways and Means: Disney, Chair; Holveck and Nutt.

House File 231

Local Government: Huseman, Chair; Mertz and Vande Hoef.

House File 235

Local Government: Vande Hoef, Chair; Koenigs and Martin.

House File 259

State Government: Renken, Chair; Houser and Running.

House File 260

State Government: Martin, Chair; Houser and Witt.

House File 268

Local Government: Huseman, Chair; Mertz and Vande Hoef.

House File 271

Local Government: Houser, Chair; Drees and Vande Hoef.

House File 272

State Government: Jacobs, Chair; Connors, Drake, Gipp and Jochum.

House File 275

Natural Resources: Cornelius, Chair; Coon and May.

House File 282

State Government: Jacobs, Chair; Connors and Drake.

House File 284

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

Senate File 205

Education: Rants, Chair; Nelson of Marshall and Warnstadt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 161 Reassigned

State Government: Cataldo, Chair; Gipp and Martin.

House Study Bill 224

Local Government: Huseman, Chair; Klemme and Koenigs.

House Study Bill 232 Reassigned

Human Resources: Lord, Chair; Boddicker, Harper, Myers and Veenstra.

House Study Bill 235

Ways and Means: Larson, Chair; Doderer, Nutt, Shultz and Van Fossen.

House Study Bill 242

Education: Cornelius, Chair; Garman and Wise.

House Study Bill 243

Education: Grubbs, Chair; Baker and Gries.

House Study Bill 244

Education: Grubbs, Chair; Nelson of Marshall and Nelson of Pottawattamie.

House Study Bill 246

Environmental Protection: Meyer, Chair; Shoultz and Van Fossen.

House Study Bill 247

Education: Lord, Chair; Baker and Rants.

House Study Bill 248

Education: Daggett, Chair; Grubbs and Ollie.

House Study Bill 249

Education: Veenstra, Chair; Cornelius and Warnstadt.

House Study Bill 250

Appropriations: Houser, Chair; Millage and Murphy.

House Study Bill 251

Local Government: Klemme, Chair; Arnold and Drees.

House Study Bill 252

Environmental Protection: Vande Hoef, Chair; Drees and Teig.

House Study Bill 253

Education: Grubbs, Chair; Gries and Nelson of Pottawattamie.

House Study Bill 254

Judiciary: Lamberti, Chair; Coon, Doderer, Harrison and Kreiman.

House Study Bill 255

Judiciary: Kremer, Chair; Moreland and Nutt.

House Study Bill 256

Judiciary: Dinkla, Chair; Holveck and Nutt.

House Study Bill 257

Judiciary: Grubbs, Chair; Holveck and Kremer.

House Study Bill 258

Judiciary: Veenstra, Chair; Bell and Coon.

House Study Bill 259

Judiciary: Hurley, Chair; Lamberti and Moreland.

House Study Bill 260

Judiciary: Boddicker, Chair; Doderer and Millage.

House Study Bill 261

Commerce-Regulation: Van Fossen, Chair; Doderer and Sukup.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 262 Human Resources**

Relating to the defining of "surgery" for the purposes of the health-related professions chapter of the Code by specifying procedures, services, and treatments considered to be "surgery" and by providing for expansion of the definition through rulemaking procedures utilized by the board of medical examiners.

H.S.B. 263 Agriculture

Providing for notification of the application of pesticides.

H.S.B. 264 State Government

To prohibit the sale or dispensing of refrigerated or chilled alcoholic beverages for consumption off the premises and subjecting violators to criminal and civil penalties.

H.S.B. 265 Local Government

Relating to the duties of the county treasurer and providing effective and applicability dates.

H.S.B. 266 Local Government

Requiring the state to pay the costs incurred by a county for services in sexually violent offender proceedings.

H.S.B. 267 Transportation

Relating to maximum gross weight requirements for farm trailers.

H.S.B. 268 Transportation

Allowing teaching parents to provide driver's education instruction.

H.S.B. 269 Transportation

Relating to implements of husbandry, concerning the definition of implements of husbandry and weight restrictions for certain implements of husbandry.

H.S.B. 270 Technology

Relating to the funding for the Iowa communications network and providing an appropriation.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Senate Joint Resolution 12, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a buffet dinner sponsored by the Des Moines Rotary Club and featuring the State Capitol restoration and providing an effective date.

Fiscal Note not required.

Recommended **Do Pass** March 7, 1995.

Committee Resolution, relating to expenses for the daily operations of the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1995.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 250), making an appropriation to the department of human services for medical assistance for certain minors with mental retardation, and providing applicability and effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

COMMITTEE ON JUDICIARY

House File 130, a bill for an act relating to jury instructions.

Fiscal Note not required.

Recommended **Do Pass** March 7, 1995.

Committee Bill (Formerly House Study Bill 91), relating to marriage dissolution actions, including automatic imposition of temporary restraining orders and filing of grandparent visitation petitions.

Fiscal Note is not required.

Committee Action **Failed to Pass**, March 7, 1995.

Committee Bill (Formerly House Study Bill 171), relating to the verification required for uniform citations and complaints.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1995.

COMMITTEE ON LOCAL GOVERNMENT

House File 125, a bill for an act relating to the organization and expenses of the county charter commission.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 142), relating to the exemption from the state sales, services, and use taxes for computers sold or leased to insurance companies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1995.

Committee Bill (Formerly House Study Bill 190), relating to establishing family health accounts and providing applicability and effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1995.

RESOLUTION FILED

HCR 26, by Greiner and Hahn, a concurrent resolution in support of maintaining the Mississippi River as a major transportation route for various products shipped into and out of the Upper Mississippi region.

Laid over under **Rule 25**.

AMENDMENT FILED

H-3279 H.J.R. 14 Shoultz of Black Hawk

On motion by Siegrist of Pottawattamie, the House adjourned at 1:30 p.m., until 8:45 a.m., Thursday, March 9, 1995.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 9, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Leonard Sjogren, Hope United Methodist Church, Marshalltown.

The Journal of Wednesday, March 8, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Carroll of Poweshiek, from seventy-three residents favoring the reinstatement of the death penalty.

By Cohoon of Des Moines, from three hundred six constituents favoring Senate File 121, relating to the taxation of pensions, annuities, and retirement allowances received for the state individual income tax and providing a retroactive applicability date.

By Drake of Pottawattamie, from two hundred ninety-three constituents favoring the issuance of driver's licenses, in rural Iowa, by the County Treasurers.

INTRODUCTION OF BILLS

House File 312, by Nelson of Marshall, a bill for an act relating to the period during which certain employees of community colleges may file an election for coverage under an alternative retirement benefits system rather than continuing coverage under the Iowa public employees' retirement system.

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

House File 313, by Burnett and Mascher, a bill for an act relating to the issuance of mutual protective orders and prohibiting the imposition of court costs associated with the filing of a domestic abuse action for contempt or for a domestic abuse assault.

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

House File 314, by Coon, a bill for an act relating to nuisance protections applicable to livestock operations.

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

House File 315, by Coon, a bill for an act relating to the rejection of a proposal to create or expand an agricultural area by a county board of supervisors.

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

House File 316, by Coon, a bill for an act relating to freedom of speech of students at postsecondary institutions.

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

House File 317, by Kreiman, a bill for an act relating to establishment of a health care facility resident protection program and providing penalties.

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

House File 318, by Kreiman, a bill for an act relating to motor vehicle insurance coverage and motor vehicle licensing requirements for individuals in this state and providing penalties and effective dates.

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

House File 319, by Kreiman, a bill for an act to permit the sentencing of persons convicted of class "D" felonies to one year in jail and providing for payment of the costs of confinement by the state.

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

House File 320, by Kreiman, a bill for an act relating to civil remedies upon the dishonoring of a financial instrument.

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

House File 321, by Kreiman, a bill for an act requiring certain information to be attached to an order modifying a custody order.

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

House File 322, by Kreiman, a bill for an act relating to the taking of deer in overpopulated hunting zones.

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

House File 323, by Kreiman, a bill for an act relating to publishing notice of write-in candidates for certain nonpartisan offices and special charter city offices, and providing for a filing deadline and a disqualification of votes cast.

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

House File 324, by Kreiman, a bill for an act relating to the divestiture of public moneys in investments of companies engaged in the manufacture of tobacco products.

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

House File 325, by Kreiman, a bill for an act creating an environmental permit trust fund.

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

House File 326, by Kreiman, a bill for an act authorizing wage assignments to collect criminal fines.

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

House File 327, by Hammitt, a bill for an act providing for licensing of naturopathic physicians, imposing fees, and making penalties applicable.

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

House File 328, by Running and Myers, a bill for an act providing for the issuance of special vehicle registration plates for motorcycles and motorized bicycles.

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

House File 329, by Grundberg, a bill for an act relating to an award of attorney fees in an action to enforce a mechanic's lien.

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

House File 330, by Grundberg, a bill for an act relating to eligibility requirements for workers' compensation.

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

House File 331, by Grundberg, a bill for an act to abolish the county compensation commission and to provide for the determination of the annual salaries of elected county officers.

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

House File 332, by Rants, a bill for an act relating to reciprocal license fees for nonresident real estate brokers and salespersons.

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

House File 333, by Rants, a bill for an act relating to competitive bidding requirements for certain state contracts.

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

House File 334, by Cornelius, a bill for an act relating to the hearing and election provisions of the instructional support program of school districts.

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

House File 335, by Meyer, a bill for an act relating to notice requirements for hearings on drainage district work.

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

House File 336, by committee on appropriations, a bill for an act making an appropriation to the department of human services for medical assistance for certain minors with mental retardation, and providing applicability and effective date provisions.

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

House File 337, by Grundberg, a bill for an act to amend the criteria necessary to establish that a person is seriously mentally impaired for purposes of involuntary hospitalization.

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

House File 338, by Grundberg, a bill for an act relating to the time period for hearing on an application for hospitalization of a person alleged to be seriously mentally impaired.

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

SENATE MESSAGES CONSIDERED

Senate File 204, by committee on state government, a bill for an act relating to the hours for sale of alcoholic beverages on Sundays.

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

Senate File 206, by committee on education, a bill for an act striking Code language that conflicts with federal work-study program requirements and language relating to unfunded programs administered by the college student aid commission, and repealing from the Code certain unfunded programs administered by the college student aid commission.

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

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 8

Bell of Jasper called up for consideration House Concurrent Resolution 8, a concurrent resolution supporting the United Nations' recognition of the Republic of China on Taiwan, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 185, a bill for an act relating to the sales, services, and use tax exemption for items used by printers and publishers, limiting

the amount of refunds, and providing retroactive applicability date provisions, was taken up for consideration.

Weigel of Chickasaw asked and received unanimous consent to defer action on amendment H-3224.

Weigel of Chickasaw offered the following amendment H-3119 filed by him and moved its adoption:

H-3119

- 1 Amend House File 185 as follows:
- 2 1. Page 2, by striking lines 6 through 20.
- 3 2. Title page, by striking lines 2, 3, and 4 and
- 4 inserting the following: "items used by printers and
- 5 publishers."

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-3119 lost.

Weigel of Chickasaw offered the following amendment H-3224, previously deferred, filed by him and moved its adoption:

H-3224

- 1 Amend House File 185 as follows:
- 2 1. Page 2, by striking lines 6 through 20 and
- 3 inserting the following:
- 4 "Sec. ____ If a publisher or printer notifies the
- 5 director of revenue and finance by January 1, 1996, of
- 6 the publisher's or printer's failure to pay the tax
- 7 due or delinquent from rentals, sales or services
- 8 rendered, furnished, or performed, before the
- 9 effective date of this Act if such rentals, sales or
- 10 services would be exempt to publishers or printers
- 11 under section 1 of this Act if made after the
- 12 effective date of this Act, the director shall not
- 13 collect any of the interest or penalties due."
- 14 2. Title page, by striking lines 2 through 4 and
- 15 inserting the following: "items used by printers and
- 16 publishers."
- 17 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 30, nays 53.

Amendment H-3224 lost.

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?" (H.F. 185)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Witt	Van Maanen	
		Presiding	

The nays were, 3:

Fallon Murphy Weigel

Absent or not voting, 2:

Brammer McCoy

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

. RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57 for the meeting of the **Justice System Budget Subcommittee at 1:00 p.m. today.**

HOUSE FILES REREFERRED

The Speaker announced that **House File 276**, previously referred to committee on **education**, was rereferred to committee on **state government.**

Martin of Scott asked and received unanimous consent that **House File 291**, previously on the **regular calendar**, be referred to committee on **appropriations**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1995, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 2, a bill for an act applying the death penalty or life imprisonment for the offense of first degree murder, by establishing circumstances under which the death penalty will be applied, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing an effective date and for the Act's applicability.

JOHN F. DWYER, Secretary

MOTIONS TO RECONSIDER (House File 185)

I move to reconsider the vote by which House File 185 passed the House on March 9, 1995.

GRUBBS of Scott

(House File 185)

I move to reconsider the vote by which House File 185 passed the House on March 9, 1995.

OLLIE of Clinton

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\94 Pearl Madson, Ft. Dodge - For celebrating her 100th birthday.
- 1995\95 Theora Willcox, Orange City - For celebrating her 90th birthday.
- 1995\96 Natalie Crawford, Ankeny - For receiving a Best Community Scholarship.
- 1995\97 Brian McCool, Guthrie Center - For receiving a Best Community Scholarship.
- 1995\98 Kari Lathrum, St. Charles - For receiving a Best Community Scholarship.
- 1995\99 Leslie S. Hansen, Guthrie Center - For receiving a Best Community Scholarship.

- 1995\100 Trent Donnelly, Stuart - For receiving a Best Community Scholarship.
- 1995\101 Chase Zaputil, Centerville - For winning 1st place in the 1995 Class 2A, 119 lb. division of the State Wrestling Tournament.
- 1995\102 Adam Paul Christensen, Cedar Falls - For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\103 Julia Lawrence, Cedar Rapids - For celebrating her 90th birthday.
- 1995\104 Audrey Ellingson, Manchester - For being selected to participate in the decoration of Veteran's Memorial Auditorium for the Governor's Inaugural Ball.
- 1995\105 JoAnn Schraad, Manchester - For being selected to participate in the decoration of Veteran's Memorial Auditorium for the Governor's Inaugural Ball.

SUBCOMMITTEE ASSIGNMENTS

House File 274

Judiciary: Millage, Chair; Bell and Boddicker.

House File 276

Education: Boddicker, Chair; Baker and Lord.

House File 285

Judiciary: Boddicker, Chair; Millage and Shoultz.

House File 286

Environmental Protection: Rants, Chair; Shoultz and Thomson.

House File 290

Environmental Protection: Gries, Chair; Burnett and Thomson.

House File 292

Judiciary: Hurley, Chair; Boddicker and Kreiman.

House File 293

Judiciary: Boddicker, Chair; Bernau and Coon.

House File 294

Judiciary: Dinkla, Chair; Greiner and Kreiman.

House File 298

Transportation: Branstad, Chair; Warnstadt and Weidman.

House File 301

Environmental Protection: Vande Hoef, Chair; Hahn and Holveck.

House File 305

Agriculture: Heaton, Chair; Drees and Welter.

House File 308

Labor and Industrial Relations: Metcalf, Chair; Jochum and Kremer.

House File 322

Natural Resources: Cornelius, Chair; Coon and May.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 245**

Education: Grubbs, Chair; Cohoon and Rants.

House Study Bill 262

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House Study Bill 263

Agriculture: Greiner, Chair; Heaton and May.

House Study Bill 264

State Government: Thomson, Chair; Ertl and Witt.

House Study Bill 267

Transportation: Salton, Chair; Carroll and Koenigs.

House Study Bill 268

Transportation: Nelson of Marshall, Chair; Main and Ollie.

House Study Bill 269

Transportation: Main, Chair; Koenigs and Salton.

House Study Bill 270

Technology: Cormack, Chair; Brand and Ertl.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 271 Administration and Rules**

Authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a reception in conjunction with

the annual meeting of the National Association of State Auditors, Comptrollers, and Treasurers.

H.S.B. 272 Commerce-Regulation

Relating to abandoned property subject to control by the treasurer of state.

H.S.B. 273 Commerce-Regulation

Relating to the payment of patronage dividends by cooperative associations which are public utilities.

H.S.B. 274 Appropriations

Making an appropriation to the community grant fund for juvenile crime prevention programs.

H.S.B. 275 Local Government

Prohibiting a city with public safety employees under civil service from contracting with or granting a franchise to private contractors for those public safety jobs without a public referendum.

H.S.B. 276 Local Government

Relating to the exclusion of century farms from economic development areas for purposes of urban renewal and providing for the Act's applicability.

H.S.B. 277 Local Government

Relating to exemptions from property taxation for improvements to residential property located in an urban revitalization area, and providing an applicability date.

H.S.B. 278 Judiciary

Relating to child support collection, including the establishment of the amount of child support required by certain parents who are nineteen years of age or younger, provisions relating to the suspension, revocation, nonissuance, and nonrenewal of certain licenses for failure to pay support, and implementation provisions.

H.S.B. 279 Agriculture

Relating to restrictions on persons eligible to hold agricultural land.

H.S.B. 280 Agriculture

Relating to grain transactions, by providing for credit-sale contracts.

H.S.B. 281 Local Government

Providing for drug testing of public safety employees and making penalties applicable.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 147, a bill for an act providing for the issuance of single general permits by the department of natural resources and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 70), relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

Committee Bill (Formerly House Study Bill 183), relating to delayed deposit services businesses and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1995.

Committee Bill (Formerly House Study Bill 208), relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1995.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 17), relating to the statute of limitations for medical malpractice actions regarding minors under six years of age.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1995.

Committee Bill (Formerly House Study Bill 132), relating to the statute of limitations for products liability actions and providing immunity from products liability under certain circumstances.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1995.

Committee Bill (Formerly House Study Bill 174), relating to the development of housing for low or moderate income families in urban renewal areas, including an applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 223), relating to funding for and the name of the national center for talented and gifted education.

Fiscal Note is required.

Recommended **Do Pass** March 8, 1995.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 84), relating to solid waste by removing penalties for failure to meet waste reduction and recycling goals, changing provisions of the mandatory beverage container deposit law, requesting the allocation of landfill alternative grant moneys, and making encouragement of curbside recycling a public policy of the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1995.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 96), providing for notification of certain persons receiving public assistance of tax suspension provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

COMMITTEE ON JUDICIARY

Senate File 132, a bill for an act relating to compensation for victims of crimes, by providing for compensation to secondary victims of crimes and increasing the maximum amount that may be recovered for loss of work income due to injuries received by victims.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

Committee Bill (Formerly House Study Bill 88), requiring the administrative revocation of driving privileges of persons under the age of twenty-one who operate a motor vehicle with an alcohol concentration of .02 or more, denying issuance of temporary restricted licenses during the period of revocation, including the revocation under implied consent provisions, providing for civil penalties, and excluding the revocation from application of certain motor vehicle financial responsibility requirements.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 8, 1995.

Committee Bill (Formerly House Study Bill 239), relating to the rate of interest charged on judgments and decrees.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 66), relating to the determination of the annual salary of a deputy sheriff.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 152), relating to the powers and duties of the department of natural resources by authorizing distinguishing license plates to vehicles assigned to the department of natural resources, by amending procedures for granting easements and leases by the natural resource commission, by amending procedures for issuing and establishing fees for scientific collector's licenses or permits, by authorizing the use of certain revenue to repay loans related to sewage collection and treatment plants in state parks and recreation areas, by providing a definition of resident for hunting, fishing, trapping, or taking protected species of animals, and by providing for penalties and other related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1995.

COMMITTEE ON STATE GOVERNMENT

House File 203, a bill for an act relating to the location of the office of the commission of veterans affairs, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1995.

Senate File 94, a bill for an act relating to reciprocal license fees for nonresident real estate brokers and salespersons.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3280**, March 8, 1995.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 32), relating to certain exemptions from federal motor carrier safety regulations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1995.

RESOLUTIONS FILED

HCR 27, by Kreiman, a concurrent resolution calling for a nationwide cease-fire in the escalating business recruitment war.

Referred to committee on **state government**.

HCR 28, by Connors, a concurrent resolution requesting that the United States Congress repeal the decriminalization of status offenses mandate contained in the federal Juvenile Justice Delinquency Prevention Act of 1974.

Referred to committee on **judiciary**.

AMENDMENTS FILED

H-3280	S.F.	94	Committee on State Government
H-3281	H.F.	205	Halvorson of Clayton
H-3282	H.F.	247	Halvorson of Clayton
H-3283	H.F.	249	Wise of Lee Running of Linn Harper of Black Hawk
H-3284	H.J.R.	14	Schrader of Marion

On motion by Siegrist of Pottawattamie, the House adjourned at 9:55 a.m., until 8:45 a.m., Friday, March 10, 1995.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 10, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

A song of prayer was offered by the following members of a mixed quartet from Pella: Karla Haagsma, Terry Roose, Tricia Vander Molen and Chad Vande Lune, a House Page.

The Journal of Thursday, March 9, 1995 was approved.

PETITIONS FILED

The following petitions favoring County Treasurers, in rural Iowa, issuing driver's licenses were received and placed on file:

By Brauns of Muscatine, from one thousand seven-hundred eleven Iowa citizens.

By Drees of Greene, from one hundred ninety constituents.

By Meyer of Sac from eighty-five constituents of Sac County.

INTRODUCTION OF BILLS

House Joint Resolution 15, by Halvorson, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide for appointment of the secretary of state, treasurer of state, and auditor of state by the governor.

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

House File 339, by Connors, a bill for an act relating to the penalties for violations concerning certain vehicle registration requirements.

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

House File 340, by O'Brien, a bill for an act providing for the operation of snowmobiles and all-terrain vehicles by defining public land.

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

House File 341, by Kremer, a bill for an act relating to juvenile justice by providing for notification of school officials of alcoholic beverage violations and prohibiting a juvenile from operating a motor vehicle in certain circumstances.

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

House File 342, by Baker, a bill for an act relating to child abuse provisions.

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

House File 343, by committee on judiciary, a bill for an act requiring the administrative revocation of driving privileges of persons under the age of nineteen who operate a motor vehicle with an alcohol concentration of .02 or more, denying issuance of temporary restricted licenses during the period of revocation, including the revocation under implied consent provisions, providing for civil penalties, and excluding the revocation from application of certain motor vehicle financial responsibility requirements.

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

House File 344, by committee on local government, a bill for an act relating to the determination of the annual salary of a deputy sheriff.

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

House File 345, by committee on judiciary, a bill for an act relating to the rate of interest charged on judgments and decrees.

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

House File 346, by committee on judiciary, a bill for an act relating to the verification and defendant's signature required for uniform citations and complaints.

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

House File 347, by committee on commerce and regulation, a bill for an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

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

House File 348, by Wise, a bill for an act relating to the initial procedures applicable to a probable cause finding for the emergency hospitalization of persons alleged to be seriously mentally impaired or to be chronic substance abusers.

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

House File 349, by Arnold and Halvorson, a bill for an act relating to the liability of a person owning or possessing land for certain injuries occurring on the land.

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

House File 350, by Halvorson, a bill for an act relating to the appointment of the secretary of agriculture.

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

House File 351, by Van Fossen, a bill for an act relating to the exemption of the statewide notification center and its vendors from sales, services, and use taxes and providing for the Act's effectiveness and retroactive applicability.

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

House File 352, by Baker, a bill for an act establishing a career opportunity program.

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

House File 353, by Shoultz, a bill for an act including the general election date as a paid state holiday.

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

House File 354, by Shoultz, a bill for an act relating to alternate energy rates.

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

House File 355, by Larkin, a bill for an act relating to the determination of the annual salaries of elected county officers.

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

House File 356, by Kremer, a bill for an act relating to an exception from workers' compensation coverage for employees seeking relief under the federal Americans with Disabilities Act.

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

House File 357, by Witt, Weigel, Ollie, Shoultz, and May, a bill for an act relating to snowmobiles by requiring certificates of title, providing for point of sale registration, and increasing snowmobile registration fees.

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

House File 358, by Koenigs, a bill for an act relating to voluntary guardianship petitions by persons under the age of fourteen years and providing an effective date.

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

House File 359, by Martin, a bill for an act relating to the taxation of certain retirement income received for the purposes of state individual income tax, and to the filing of claims for credit or refund under the state individual income tax by retired federal employees as a result of the unconstitutional taxation of federal pensions, and providing an applicability date.

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

House File 360, by Carroll, a bill for an act relating to the determination of the salary of the county assessors.

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

House File 361, by Cornelius, Meyer, Teig, Arnold, Klemme, Veenstra, and Drake, a bill for an act relating to the durational limitations on legislators' per diem paid during the legislative session.

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

House File 362, by committee on economic development, a bill for an act relating to the statute of limitations for products liability actions and providing immunity from products liability under certain circumstances.

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

House File 363, by committee on economic development, a bill for an act relating to the development of housing for low or moderate income families in urban renewal areas, including an applicability date provision.

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

House File 364, by Millage, a bill for an act relating to local civil rights agencies.

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

House File 365, by Larkin, a bill for an act relating to the definition of correctional officer for purposes of the protection occupation classification under the Iowa employees' retirement system.

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

House File 366, by Cohoon, a bill for an act relating to school finances by increasing the special education support services foundation level, providing an adjustment to budget enrollment for declining enrollment, providing an advance in state aid for increasing enrollment, increasing and funding an increase in the school district budget guarantee provision, providing state aid for districts with higher than average transportation costs, and making appropriations, and providing an effective and applicability date provision.

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

House File 367, by committee on human resources, a bill for an act providing for notification of certain persons receiving public assistance of tax suspension provisions.

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

House File 368, by Rants, a bill for an act relating to the state department of transportation by requiring legislative approval of certain contracts for new motor vehicle registration plates or driver's licenses.

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

House File 369, by Hurley, a bill for an act relating to reading or posting of historic documents or writings at public schools.

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

House File 370, by Larson, Nutt, Baker, McCoy, and Metcalf, a bill for an act relating to the electricity purchase or wheeling requirements for alternate energy production and small hydro facilities and providing an effective date.

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

House File 371, by Bernau, a bill for an act increasing the student membership on the state board of regents, reducing the term of student members, and including implementation and transition provisions.

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

House File 372, by Cormack and Teig, a bill for an act relating to marketing, educational, and informational expenses of the lottery.

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

House File 373, by committee on ways and means, a bill for an act relating to establishing family health accounts and a state pilot project and providing applicability and effective date provisions.

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

House File 374, by committee on education, a bill for an act relating to funding for and the name of the national center for talented and gifted education.

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

House File 375, by Meyer, a bill for an act relating to payments made by a school district under the postsecondary enrollment options law.

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

House File 376, by Burnett, a bill for an act providing an effective date for the sexually violent predator Act.

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

House File 377, by Nelson of Marshall, a bill for an act providing for a reduction in aid to a recipient of the family investment program for continued truancy by a recipient's child, establishing penalties for providing aid, support, or shelter to a runaway or truant, and including conditional and other effective date provisions.

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

House File 378, by Doderer, a bill for an act establishing a microenterprise development Act.

Read first time and referred to committee on **economic development**.

House File 379, by Cohoon, a bill for an act relating to the operation of flashing warning lamps on a school bus.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 160, a bill for an act relating to establishing a local housing development program under the Iowa finance authority, authorizing the issuance of bonds to fund the program, and authorizing a city, county, or municipal housing agency to develop, own, and manage a local housing project.

Also: That the Senate has on March 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 207, a bill for an act relating to the distribution and sale of beer, providing for the regulation of brewer and wholesaler agreements, prohibiting certain conduct, providing for the transfer of business assets, providing judicial remedies, specifying applicability, and providing for other properly related matters.

Also: That the Senate has on March 9, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 234, a bill for an act relating to the powers and duties of the department of natural resources by amending procedures for issuing and establishing fees for scientific collector's licenses or permits.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Special Order Calendar

House Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, was taken up for consideration.

The House stood at ease at 9:02 a.m., until the fall of the gavel.

The House resumed session at 10:07 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Shultz of Black Hawk offered the following amendment H-3233 filed by him and moved its adoption:

H-3233

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Title page, by striking lines 2 through 6 and
- 3 inserting the following: "the State of Iowa relating
- 4 to limiting the growth rate of taxes, revenue, and
- 5 spending of the state and local governments."

Amendment H-3233 lost.

Running of Linn asked and received unanimous consent to defer action on amendment H-3278.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McCoy of Polk, for the remainder of the day, on request of Schrader of Marion.

Shultz of Black Hawk offered the following amendment H-3232 filed by him and moved its adoption:

H-3232

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 1, by striking line 6 and inserting the
- 3 following: "STATE AND LOCAL GOVERNMENT REVENUE AND
- 4 SPENDING LIMITATION."

Roll call was requested by Schrader of Marion and Connors of Polk.

On the question "Shall amendment H-3232 be adopted?"
(H.J.R. 14)

The ayes were, 33:

Bell	Bernau	Brand	Burnett
Cataldo	Cohoon	Connors	Doderer
Drees	Fallon	Grundberg	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Moreland
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Rants	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 63:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 4:

Baker	Brammer	Ertl	McCoy
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Amendment H-3232 lost.

Speaker Corbett in the chair at 12:25 p.m.

Myers of Johnson offered amendment H-3253 filed by him as follows:

H-3253

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 1, line 7, by striking the words "and
- 3 each local government".
- 4 2. Page 1, line 9, by striking the words "Each
- 5 government's" and inserting the following: "The
- 6 state's".
- 7 3. Page 1, by striking lines 23 and 24 and
- 8 inserting the following: "effective."
- 9 4. Page 1, line 33, by striking the words "a
- 10 government's" and inserting the following: "the
- 11 state's".

- 12 5. Page 2, by striking lines 12 and 13 and
 13 inserting the following:
 14 "SEC. 3. The state revenue limit excludes state
 15 revenue transferred to local governments".
 16 6. Page 2, line 17, by striking the words "a
 17 government's" and inserting the following: "the
 18 state's".
 19 7. Page 2, line 20, by striking the words "A
 20 government's" and inserting the following: "The
 21 state's".
 22 8. Page 2, lines 21 and 22, by striking the words
 23 "that government's" and inserting the following:
 24 "the".
 25 9. Page 2, by striking lines 31 through 34 and
 26 inserting the following: "by the Governor. Each
 27 increase".
 28 10. Page 3, line 4, by striking the words "Each
 29 government's" and inserting the following: "The
 30 state's".
 31 11. Page 3, line 13, by striking the words "a
 32 government's" and inserting the following: "the
 33 state's".
 34 12. Page 3, by striking lines 21 through 31.
 35 13. Page 4, by striking lines 1 and 2 and
 36 inserting the following: "amount of the necessary net
 37 cost increase and shall decrease the state revenue
 38 limit".
 39 14. Page 4, line 6, by striking the words "or
 40 local government".
 41 15. Page 4, line 11, by striking the words "and
 42 local governments".
 43 16. Page 4, line 19, by striking the words "and
 44 local governments".
 45 17. Page 5, line 11, by striking the words
 46 "specified government" and inserting the following:
 47 "state".
 48 18. Page 5, line 15, by striking the word
 49 "government's" and inserting the following: "state".
 50 19. Page 5, by striking lines 22 and 23 and

Page 2

- 1 inserting the following:
 2 "5. If the state excludes an amount from revenue
 3 or spending under any provision of Article XIII, the
 4 state must accurately".
 5 20. By striking page 5, line 25 through page 6,
 6 line 2.
 7 21. Page 6, line 3, by striking the words "a
 8 government" and inserting the following: "the state".
 9 22. Page 6, line 7, by striking the words "each
 10 government" and inserting the following: "the state".
 11 23. Title page, line 4, by striking the words
 12 "and local governments".
 13 24. Title page, lines 5 and 6, by striking the
 14 words "and local governments".

Rants of Woodbury in the chair at 12:52 p.m.

Schrader of Marion moved to recess.

A non-record roll call was requested.

The ayes were 27, nays 57.

The motion to recess lost.

Speaker Corbett in the chair at 2:40 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-five members present, forty-five absent.

Myers of Johnson moved the adoption of amendment H-3253.

Roll call was requested by Myers of Story and Wise of Lee.

On the question "Shall amendment H-3253 be adopted?"

(H.J.R. 14)

The ayes were, 39:

Baker	Bell	Bernau	Brand
Burnett	Carroll	Cataldo	Cohoon
Connors	Coon	Dinkla	Doderer
Fallon	Grundberg	Harper	Heaton
Holveck	Jacobs	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
Moreland	Murphy	Myers	Nelson, B.
Nelson, L.	O'Brien	Ollie	Rants
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 54:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Churchill
Cormack	Cornelius	Daggett	Disney
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Houser	Huseman	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Mertz	Metcalf	Meyer
Millage	Mundie	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

Absent or not voting, 7:

Brammer	Brunkhorst	Drees	Ertl
Harrison	Hurley	McCoy	

Amendment H-3253 lost.

The following amendments were deferred by unanimous consent:

H-3244 filed by Bernau of Story.
 H-3235 filed by Doderer of Johnson.
 H-3274 filed by Bernau of Story.
 H-3275 filed by Bernau of Story.
 H-3277 filed by Bernau of Story.
 H-3271 filed by Bernau of Story.

Schrader of Marion offered the following amendment H-3284 filed by him and moved its adoption:

H-3284

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "gifts" the following: "and bequests".

Roll call was requested by Schrader of Marion and Connors of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-3284 be adopted?"
 (H.J.R. 14)

The ayes were, 31:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Rants
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 63:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main

Martin	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson, B.	Nutt
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 6:

Brammer	Doderer	Drees	Ertl
Grubbs	McCoy		

Amendment H-3284 lost.

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 14** be deferred and placed on the **Unfinished Business Calendar, Special Order March 10, 1995.**

SPECIAL ORDER ANNOUNCED

The Speaker announced that **House File 258** be placed on the **Special Order Calendar for March 20, 1995.**

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on Friday, March 10, 1995. Had I been present, I would have voted "aye" on amendment H-3253, to House Joint Resolution 14.

HARRISON of Scott

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of March, 1995: House File 179.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Sixty-five Fourth grade students from Cooper Elementary, Ft. Dodge, accompanied by Darlene Wimenger, Laura Hansen and Loreen Miller. By Cormack of Webster.

Eight students from Washington and Jefferson Junior High Schools, Dubuque. By Cornelius of Jackson, Jochum and Murphy of Dubuque.

Eighteen members of the girls basketball team from Vinton-Shellsburg, accompanied by Harold Shepard. By Brand of Benton.

Fourteen students from Bellevue, accompanied by Jack Grutz. By Cornelius of Jackson.

Seventy-five Fourth grade students from Terrace Elementary, Ankeny, accompanied by Mrs. Gronemyer, Mrs. Ruff and Mrs. Neighbor. By Lamberti of Polk.

Seventy students from South Winneshiek High School, Calmar, accompanied by Kurt Gaylor. By Weigel of Chickasaw and Gipp of Winneshiek.

Seventeen members of the Little Feathers Drill Team from Keokuk High School, accompanied by Barb Davis, Sandra Ash and Judy Peterson. By Wise of Lee.

SUBCOMMITTEE ASSIGNMENTS

House File 269

State Government: Coon, Chair; Running and Tyrrell.

House File 276

State Government: Jacobs, Chair; Connors, Disney, Gipp and Jochum.

House File 302

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House File 307

Local Government: Houser, Chair; Cohoon and Welter.

House File 309

State Government: Jacobs, Chair; Churchill, Connors, Gipp and Jochum.

House File 310

State Government: Gipp, Chair; Churchill, Connors, Jochum and Tyrrell.

House File 312

State Government: Gipp, Chair; Jacobs, Jochum, Martin and Running.

House File 314

Agriculture: Meyer, Chair; Boggess and Koenigs.

House File 315

Agriculture: Meyer, Chair; Huseman and Koenigs.

House File 317

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House File 323

State Government: Jacobs, Chair; Brammer and Drake.

House File 327

Human Resources: Hammitt, Chair; Fallon and Harrison.

House File 333

State Government: Renken, Chair; Brammer and Connors.

House File 337

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

House File 338

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

Senate File 204

State Government: Thomson, Chair; Cataldo and Ertl.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 265

Local Government: Vande Hoef, Chair; Carroll and Myers.

House Study Bill 266

Local Government: Carroll, Chair; Cohoon and Martin.

House Study Bill 272

Commerce-Regulation: Jacobs, Chair; Baker and Metcalf.

House Study Bill 273

Commerce-Regulation: Sukup, Chair; Nelson of Pottawattamie and Renken.

House Study Bill 275

Local Government: Brauns, Chair; Connors and Disney.

House Study Bill 276

Local Government: Arnold, Chair; Disney and Mertz.

House Study Bill 277

Local Government: Carroll, Chair; Hanson and Myers.

House Study Bill 279

Agriculture: Meyer, Chair; Hahn and Weigel.

House Study Bill 280

Agriculture: Vande Hoef, Chair; Huseman and Mertz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 282 Local Government

Relating to the waiver of certain state agency actions affecting city and county government.

H.S.B. 283 State Government

Relating to streamlining government activities.

H.S.B. 284 Environmental Protection

Providing limited immunity for persons responding to oil spills.

H.S.B. 285 Commerce-Regulation

Relating to open-end credit pursuant to a credit card, including the permissible over-limit or delinquency charges, the offering of credit unemployment insurance, and the time requirements for making certain payments.

H.S.B. 286 Local Government

Authorizing an increase in the amount of taxes dedicated to the reserve account by township trustees for supplies and equipment related to fire protection, emergency warning systems, and ambulance services.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 191), creating an environmental audit privilege and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1995.

COMMITTEE ON HUMAN RESOURCES

House File 197, a bill for an act relating to the expansion of the volunteer physician program to include other health care providers.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1995.

Senate File 118, a bill for an act relating to the development and implementation of a coordinated statewide trauma care delivery system and providing penalties and immunity from liability.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1995.

Committee Bill (Formerly House Study Bill 34), relating to public health issues, including certain birth certificates and licensing of athletic trainers.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1995.

COMMITTEE ON JUDICIARY

House File 215, a bill for an act to require that all inmates of the institutions under the control of the department of corrections perform hard labor, and providing transition provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3285** March 9, 1995.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 193), relating to the investment of the proceeds of bond issues and the use of earnings from the investment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1995.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 163), relating to the financing of political campaigns and by adding and changing definitions of commissioner and political committee, changing the providing for the appointment of committee personnel and the maintenance of committee funds, providing for the retention of records, establishing requirements for committee names, specifying requirements for out-of-state committee filings, prohibiting political committees from supporting a single candidate, revising filing deadlines and the contents of disclosure reports, providing for disclaimers on published materials by nonregistered entities, including federal corporations under corporate activity prohibitions, allowing candidates to donate funds to political subdivisions, providing for the establishment of ethics and campaign disclosure board staff salaries, and making other related changes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1995.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 143), relating to the joint purchasing of equipment by political subdivisions of the state.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1995.

Committee Bill (Formerly House Study Bill 197), providing for class "C" area service system roads and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1995.

RESOLUTIONS FILED

HCR 29, by Van Maanen, a concurrent resolution urging the Congress of the United States to allow retired members of the United States

Armed Forces who have a service-connected disability to concurrently receive retired pay and disability compensation.

Referred to committee on **state government**.

HCR 30, by Doderer and Millage, a concurrent resolution recognizing the Seventy-fifth Anniversary of the American Civil Liberties union and the Sixtieth Anniversary of the Iowa Civil Liberties Union.

Referred to committee on **state government**.

HCR 31, by Mertz, Eddie, Vande Hoef, May, Greig, Drees, and Branstad, a concurrent resolution in support of improvement in the wetland delineation process and a moratorium on wetlands determination until the 1995 farm bill has been passed and signed into law by the Congress and the President.

Referred to committee on **natural resources**.

HR 8, by committee on administration and rules, a house resolution relating to expenses for the daily operations of the House of Representatives.

Laid over under **Rule 25** and placed on the calendar.

AMENDMENTS FILED

H-3285	H.F.	215	Committee on Judiciary
H-3286	H.F.	288	Rants of Woodbury
H-3287	H.F.	185	Weigel of Chickasaw
H-3288	H.F.	185	Weigel of Chickasaw
H-3289	H.F.	258	Wise of Lee
			Kreiman of Davis
			Mertz of Kossuth
			Ollie of Clinton
			Witt of Black Hawk
			Koenigs of Mitchell
			Larkin of Lee
			O'Brien of Boone
			Shoultz of Black Hawk

On motion by Siegrist of Pottawattamie, the House adjourned at 4:25 p.m., until 1:00 p.m., Monday, March 13, 1995.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 13, 1995

The House met pursuant to adjournment at 1:00 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Neil Solomonson, Salem Lutheran Church, Andrew.

PLEDGE OF ALLEGIANCE

The Grant Wood All-City Drum Corps, consisting of approximately ninety students of Grant Wood, Johnson and McKinley Elementary Schools, Cedar Rapids, under the direction of Slayton Thompson, presented the Colors and led the House in the Pledge of Allegiance, and in singing "God Bless America." The Corps was also accompanied by Dr. Lew Finch, Superintendent of Schools, and thirty-five parents and chaperones.

The Journal of Friday, March 10, 1995, was approved.

PETITION FILED

By Arnold of Lucas, from one hundred forty residents of District 91 favoring the issuance of driver licenses, in rural Iowa, in the office of the County Treasurer.

INTRODUCTION OF BILLS

House Joint Resolution 16, by Doderer and Grubbs, a joint resolution making an appropriation for the construction of a women in the military service memorial.

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

House File 380, by Baker and Larson, a bill for an act relating to the annual salaries of the members of the utilities board and providing an applicability provision.

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

House File 381, by Jochum, a bill for an act requiring videos produced by the state to be captioned for deaf and hard-of-hearing persons.

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

House File 382, by Jochum, a bill for an act providing retirement benefits for members of the public safety peace officers' retirement, accident, and disability system and members of the statewide fire and police retirement system who have attained the age of fifty years, and providing effective and applicability date provisions.

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

House File 383, by Murphy and Brand, a bill for an act relating to the reimbursement of health care providers pursuant to a managed care delivery system and to the establishment of expanded provider networks under such system.

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

House File 384, by Murphy, a bill for an act relating to the reestablishment of the long-term care resident's advocate program in the office of the citizens' aide, and providing effective dates.

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

House File 385, by Teig, a bill for an act providing for the approval of construction permits relating to livestock operations.

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

House File 386, by Warnstadt, Nutt, Klemme, and Rants, a bill for an act authorizing certain cities to appoint a board of review to hear city taxpayer appeals.

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

House File 387, by Hanson, Myers, Burnett, Mascher, Bernau, and Rants, a bill for an act relating to the appointment of the student member to the state board of regents, reducing the student member's term, and providing implementation and transition provisions.

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

House File 388, by Main, a bill for an act relating to the creation of parental and family involvement policies in Iowa's public schools.

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

House File 389, by Garman, a bill for an act relating to school procedures for handling child abuse reports alleged to have been committed by an employee or agent of a public or nonpublic school.

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

House File 390, by Lamberti, a bill for an act relating to the deposit of moneys paid by a higher education institution to cooperating teachers into a scholarship fund.

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

House File 391, by Grundberg and Harper, a bill for an act requiring the department of corrections to conduct a study relating to the number and treatment of inmates with mental illness in institutions under the control of the department.

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

House File 392, by Baker, a bill for an act providing for reimbursement by the board of educational examiners for the costs of license renewal for public school teachers, making an appropriation, and providing an effective date and applicability provisions.

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

House File 393, by committee on transportation, a bill for an act relating to certain exemptions from federal motor carrier safety regulations.

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

House File 394, by committee on economic development, a bill for an act relating to the statute of limitations for medical malpractice actions regarding minors under six years of age.

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

House File 395, by committee on environmental protection, a bill for an act relating to solid waste by removing wine and alcoholic liquor from the definition of beverage in the mandatory beverage container deposit law, requesting the allocation of landfill alternative grant moneys, and making encouragement of curbside recycling a public policy of the state.

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

House File 396, by committee on commerce-regulation, a bill for an act relating to delayed deposit services businesses and providing penalties.

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

House File 397, by Harrison, Veenstra, Hammitt, Jacobs, Coon, Lamberti, Cornelius, Bradley, Boggess, Witt, Van Fossen, Huseman, Daggett, and Brand, a bill for an act making an appropriation for grants for independent living centers for persons with disabilities.

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

House File 398, by Schrader, Bernau, Moreland, Drees, May, Baker, Brand, and Larkin, a bill for an act relating to the exemption from property taxation of certain industrial machinery, equipment and computers and providing for the Act's applicability.

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

House File 399, by Schrader, Bernau, Moreland, Drees, Baker, Brand, and Larkin, a bill for an act relating to employee choice of medical care in workers' compensation.

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

House File 400, by committee on transportation, a bill for an act relating to the joint purchasing of equipment by political subdivisions of the state.

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

House File 401, by committee on human resources, a bill for an act relating to public health issues, including certain birth certificates and licensing of athletic trainers.

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

House File 402, by Grundberg, a bill for an act relating to phases I and II of the educational excellence program.

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

House File 403, by Grundberg, a bill for an act relating to the maximum amount for earnings specified for certain retirees under the Iowa public employees' retirement system, and providing effective and retroactive applicability dates.

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

House File 404, by Grundberg, a bill for an act relating to limited English proficiency programs in the public schools.

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

House File 405, by committee on natural resources, a bill for an act relating to the powers and duties of the department of natural resources by authorizing distinguishing license plates to vehicles assigned to the department of natural resources, by amending procedures for granting easements and leases by the natural resource commission, by amending procedures for issuing and establishing fees for scientific collector's licenses or permits, by authorizing the use of certain revenue to repay loans related to sewage collection and treatment plants in state parks and recreation areas, by providing a definition of resident for hunting, fishing, trapping, or taking protected species of animals, and by providing for penalties and other related matters.

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

House File 406, by committee on local government, a bill for an act relating to the investment of the proceeds of bond issues and other evidences of indebtedness and the use of earnings from the investment.

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

SENATE MESSAGES CONSIDERED

Senate File 156, by committee on small business, economic development and tourism, a bill for an act relating to corporate, franchise, and insurance premiums tax credits for entities investing in a qualified venture capital company and providing applicability provisions.

Read first time and referred to committee on **economic development**.

Senate File 160, by committee on small business, economic development and tourism, a bill for an act relating to establishing a local housing development program under the Iowa finance authority, authorizing the issuance of bonds to fund the program, and authorizing a city, county, or municipal housing agency to develop, own, and manage a local housing project.

Read first time and referred to committee on **economic development**.

Senate File 207, by committee on state government, a bill for an act relating to the distribution and sale of beer, providing for the regulation of brewer and wholesaler agreements, prohibiting certain conduct, providing for the transfer of business assets, providing judicial remedies, specifying applicability, and providing for other properly related matters.

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

Senate File 234, by committee on natural resources, environment and energy, a bill for an act relating to the powers and duties of the department of natural resources by amending procedures for issuing and establishing fees for scientific collector's licenses or permits.

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

SPECIAL PRESENTATION

Bell of Jasper presented to the House Roy Y. Y. Wu, Director General of the Taipei Economic and Cultural Office, Taipei, China, who addressed the House briefly.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story on request of Burnett of Story.

CONSIDERATION OF BILLS

Regular Calendar

Senate Joint Resolution 12, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a buffet dinner sponsored by the Des Moines Rotary Club and featuring the State Capitol restoration and providing an effective date, was taken up for consideration.

Rants of Woodbury 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.

Rule 75 was invoked.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 12)

The ayes were, 56:

Baker	Bell	Blodgett	Boguess
Brand	Brauns	Cataldo	Churchill
Cohoon	Connors	Coon	Dinkla
Disney	Drees	Ertl	Gipp
Greiner	Grubbs	Halvorson	Hammitt
Harper	Heaton	Jacobs	Jochum
Koenigs	Kremer	Lamberti	Larkin
Larson	Mascher	McCoy	Metcalf
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
Ollie	Rants	Renken	Running
Schrader	Schulte	Shoultz	Siegrist
Tyrrell	Van Fossen	Warnstadt	Weidman
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 40:

Arnold	Boddicker	Bradley	Branstad
Brunkhorst	Burnett	Carroll	Cormack
Cornelius	Daggett	Doderer	Drake
Eddie	Fallon	Garman	Greig
Gries	Grundberg	Hahn	Hanson
Harrison	Holveck	Houser	Hurley
Huseman	Klemme	Lord	Main
Martin	May	Meyer	O'Brien
Salton	Sukup	Teig	Thomson
Van Maanen	Vande Hoef	Veenstra	Weigel

Absent or not voting, 4:

Bernau	Brammer	Kreiman	Mertz
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate Joint Resolution 12** be immediately messaged to the Senate.

SPONSORS ADDED
(House File 359)

Harrison of Scott requested to be added as a sponsor of House File 359.

(House File 377)

Harrison of Scott requested to be added as a sponsor of House File 377.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Senate File 17, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

ON THE PART OF THE HOUSE:

STEVE GRUBBS, Chair
CHUCK GIPP
DON GRIES
C. ARTHUR OLLIE
PHILIP WISE

ON THE PART OF THE SENATE:

MIKE CONNOLLY, Chair
JOHN P. KIBBIE
MARY E. KRAMER
JIM LIND
MARY NEUHAUSER

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 13, 1995, he approved and transmitted to the Secretary of State the following bill:

Senate File 114, an act relating to anabolic steroids and the Iowa uniform controlled substances Act.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF GENERAL SERVICES

The Capitol Planning Commission Annual Report, pursuant to Chapter 18A, Code of Iowa.

FRIENDS OF CAPITOL HILL, INC.

The 1994 First Annual Report, pursuant to Chapter 18A.11, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 15

State Government: Churchill, Chair; Drake and Jochum.

House File 297

Judiciary: Veenstra, Chair; Moreland and Schulte.

House File 318

Transportation: Welter, Chair; Heaton and Larkin.

House File 324

State Government: Jacobs, Chair; Gipp and Witt.

House File 328

Transportation: Branstad, Chair; McCoy and Welter.

House File 339

Transportation: Eddie, Chair; Brauns and Larkin.

House File 340

Transportation: Heaton, Chair; McCoy and Salton.

House File 342

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House File 348

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

House File 350

State Government: Churchill, Chair; Drake and Jochum.

House File 353

State Government: Coon, Chair; Jacobs and Jochum.

House File 357

Transportation: Weidman, Chair; Blodgett and Main.

House File 358

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House File 365

State Government: Gipp, Chair; Jacobs and Larkin.

House File 368

Transportation: Arnold, Chair; Main and Ollie.

House File 370

Commerce-Regulation: Nutt, Chair; Holveck and Larson.

House File 372

State Government: Bradley, Chair; Disney and Jochum.

House File 377

Human Resources: Boddicker, Chair; Brand, Fallon, Harrison and Hurley.

House File 379

Transportation: Grundberg, Chair; Cohoon and Salton.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 278**

Judiciary: Schulte, Chair; Harrison and Kreiman.

House Study Bill 283

State Government: Renken, Chair; Connors and Coon.

House Study Bill 285

Commerce-Regulation: Nutt, Chair; Holveck and Sukup.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 287 Local Government**

Exempting the boards of supervisors of counties from providing general assistance to poor persons who are illegal aliens.

H.S.B. 288 Transportation

Relating to the allowable rear axle weights on compacted rubbish vehicles.

H.S.B. 289 Local Government

Relating to county veteran benefits for indigent, honorably discharged persons who served in the United States military or naval armed forces during peacetime and the indigent members of their immediate family.

H.S.B. 290 Transportation

Relating to imposing a civil penalty for certain motor vehicle license revocations, imposing a surcharge on scheduled fines and forfeitures,

and providing for the appropriation and disposition of the proceeds from the civil penalty and from the surcharge for prisons and jails.

H.S.B. 291 Human Resources

Relating to the defining of persons with mental retardation with regard to the provision of services.

H.S.B. 292 Human Resources

Relating to the notification of the auditor of a county of legal settlement of an indigent person, of the costs of care and treatment furnished by a county public hospital outside the county of legal settlement.

H.S.B. 293 Judiciary

Relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments, by providing for restrictions on distributing sexual material to minors, and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, making penalties applicable, and providing an effective date.

H.S.B. 294 Judiciary

Relating to obscenity exemptions for public libraries.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON NATURAL RESOURCES

House File 87, a bill for an act relating to the goal for the amount of Iowa's land area provided public open space protection.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3290, March 9, 1995.

AMENDMENTS FILED

H-3290	H.F.	87	Committee on Natural Resources
H-3291	H.F.	239	Vande Hoef of Osceola
H-3292	H.F.	291	Bradley of Clinton

H-3293	H.F.	336	Murphy of Dubuque
	Bell of Jasper		Cataldo of Polk
	O'Brien of Boone		Jochum of Dubuque
	Schrader of Marion		Running of Linn
	Ollie of Clinton		Larkin of Lee
	Cohoon of Des Moines		Connors of Polk
	Harper of Black Hawk		Mascher of Johnson
	Baker of Polk		Burnett of Story
	Drees of Carroll		Mundie of Webster

On motion by Siegrist of Pottawattamie, the House adjourned at 2:05 p.m. until 8:45 a.m., Tuesday, March 14, 1995.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 14, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Paul Wilcox, First United Methodist Church, Harlan.

The Journal of Monday, March 13, 1995 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 17, by Harrison, Boddicker, Halvorson, Hurley and Cornelius, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide certain rights to victims of crime.

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

House File 407, by Mundie, a bill for an act relating to farm operations within agricultural areas.

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

House File 408, by Drake, a bill for an act relating to the taxation of sales of residential service contracts under the state sales, services, and use taxes.

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

House File 409, by Jochum and Doderer, a bill for an act relating to review of child deaths and child abuse.

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

House File 410, by Harrison, a bill for an act relating to requiring persons who cannot pay criminal fines to perform community service.

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

House File 411, by Murphy, a bill for an act relating to the minimum age of an individual to whom a credit card or access device may be issued and making penalties applicable.

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

House File 412, by Kremer, a bill for an act amending the linked investments for tomorrow Act by providing that persons involved in the

production, processing, and marketing of nontraditional livestock, including the breeding or training of certain horses and dogs, are eligible for assistance.

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

House File 413, by Grundberg, a bill for an act prohibiting the use of small or young animals as awards or prizes for winning games of skill or games of chance and subjecting violators to a penalty.

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

House File 414, by Harrison, a bill for an act eliminating the restitution limit for the offense of operating a motor vehicle while intoxicated.

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

House File 415, by Harrison, a bill for an act relating to the rights of victims of criminal acts, by providing that victims receive notice of all proceedings relating to the crime and the transfer of custody of offenders charged with the crime, and giving victims the right to be informed of the progress of the investigation or prosecution and to make oral or written statements at sentencing, and removing special immunity provisions for certain persons.

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

House File 416, by Jacobs, Heaton, Vande Hoef, Nelson of Marshall, Carroll, Churchill, and Metcalf, a bill for an act relating to certain housing projects undertaken by a municipality.

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

House File 417, by Harrison, a bill for an act relating to the use of auxiliary lamps on vehicles operated on highways and providing a penalty.

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

House File 418, by Harrison, a bill for an act to require the deduction of certain costs from allowances paid to an inmate of an institution under the control of the department of corrections.

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

House File 419, by committee on transportation, a bill for an act providing for class "C" area service system roads and providing a penalty.

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

House File 420, by committee on environmental protection, a bill for an act creating an environmental audit privilege and providing penalties.

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

House File 421, by Harrison and Cornelius, a bill for an act relating to the taxation of income received from pensions, annuities, and retirement allowances for the purposes of state individual income tax and providing a retroactive applicability date.

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

House File 422, by Witt and Shoultz, a bill for an act creating an essential school repair and construction program and making appropriations.

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

House File 423, by Shoultz, a bill for an act relating to the organic nutrient management program, by providing for the allocation of moneys to support odor control projects.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on March 13, 1995, adopted the conference committee report and passed:

Senate File 17, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

Also: That the Senate has on March 13, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 266, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

JOHN F. DWYER, Secretary

HOUSE FILE 352 REREFERRED

The Speaker announced that House File 352, previously referred to committee on **education**, was rereferred to committee on **economic development**.

On motion by Siegrist of Pottawattamie, the House was recessed at 8:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Speaker Corbett in the chair.

INTRODUCTION OF BILLS

House File 424, by Koenigs, a bill for an act relating to providing coverage to a partner under a small group health benefit plan.

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

House File 425, by committee on environmental protection, a bill for an act repealing air toxics fees.

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

House File 426, by Tyrrell, a bill for an act relating to the rebuild Iowa infrastructure fund, providing an individual income tax deduction, and providing an effective date and a retroactive applicability provision.

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

House File 427, by Mundie, a bill for an act providing a penalty for violations of domestic abuse protective orders.

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

House File 428, by Houser, a bill for an act relating to the expenditure of moneys deposited in an E911 service fund.

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

House File 429, by Sukup and Jacobs, a bill for an act requiring that the state percents of growth be set every two years for the following two years for school foundation purposes and reducing the number of days for which per diem may be granted to members of the general assembly and reducing the governor's salary for each day after the required thirty days until the time the state percents of growth for school foundation purposes are finally established, and providing an effective date.

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

House File 430, by Grubbs, a bill for an act relating to rules adopted by the department of human services pertaining to child day care meals.

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

House File 431, by Harper, a bill for an act providing an annual fishing, hunting, and combined fishing and hunting license for residents

sixty years of age or older and providing an effective date and applicability provision.

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

House File 432, by committee on education, a bill for an act relating to the intervals in which general state financial aid payments are made to the community colleges and including an effective date.

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

House File 433, by Grundberg, a bill for an act making a contingent appropriation to the department of education to support programs for four-year-old at-risk children and providing for an effective date.

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

House File 434, by committee on state government, a bill for an act changing the number of state employees required to activate automatic payroll deduction for payment of professional or trade association dues or fees.

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

House File 435, by committee on natural resources, a bill for an act redesignating the historical resource development program as the resource enhancement and protection historical resource grants and loans program.

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

House File 436, by Running and Doderer, a bill for an act establishing a multistate industrial retention commission compact and providing an effective date.

Read first time and referred to committee on **economic development**.

House File 437, by committee on state government, a bill for an act relating to the financing of political campaigns and by adding and changing definitions of commissioner and political committee, changing the providing for the appointment of committee personnel and the maintenance of committee funds, providing for the retention of records, establishing requirements for committee names, specifying requirements for out-of-state committee filings, prohibiting political committees from supporting a single candidate, revising filing deadlines and the contents of disclosure reports, providing for disclaimers on published materials by nonregistered entities, including federal corporations under corporate activity prohibitions, allowing candidates to donate

funds to district political party central committees and political subdivisions, providing for the establishment of ethics and campaign disclosure board staff salaries, and making other related changes.

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

House File 438, by committee on education, a bill for an act relating to the establishment of the state percent of growth under the state school foundation formula.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 149, a bill for an act relating to the state sales tax on auxiliary attachments for self-propelled and non-self-propelled farm machinery and equipment.

Also: That the Senate has on March 14, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 140, a bill for an act to legalize the proceedings taken by the administration and board of directors of the Cedar Rapids Community School District concerning the sale of certain school district property and providing an effective date.

Also: That the Senate has on March 14, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 233, a bill for an act relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 140, by Horn, a bill for an act to legalize the proceedings taken by the administration and board of directors of the Cedar Rapids Community School District concerning the sale of certain school district property and providing an effective date.

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

Senate File 233, by committee on transportation, a bill for an act relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders.

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

Senate File 266, by committee on appropriations, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

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

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 1:45 p.m., Speaker Corbett in the chair.

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 17)**

Grubbs of Scott called up for consideration the report of the conference committee on Senate File 17 and moved the adoption of the conference committee report and the amendments contained therein as follows:

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 17**

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 17, a bill for an Act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-3026.
2. That Senate File 17, as passed by the Senate, is amended as follows:
 1. Page 1, line 4, by striking the word "four" and inserting the following: "three".
 2. Page 1, by inserting after line 5 the following:

"Sec. ____ Notwithstanding the thirty-day deadline for the enactment of the state percent of growth provided in section 257.8, subsection 1, such deadline shall not apply to the Act enacted which establishes the state percent of growth during the 1995 Session of the Seventy-sixth General Assembly."

ON THE PART OF THE HOUSE:

STEVE GRUBBS, Chair
CHUCK GIPP
DON GRIES
C. ARTHUR OLLIE
PHILIP WISE

ON THE PART OF THE SENATE:

MIKE CONNOLLY, Chair
JOHN P. KIBBIE
MARY E. KRAMER
JIM LIND
MARY NEUHAUSER

The motion prevailed and the conference committee report 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. 17)

The ayes were, 84:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohon	Connors
Coon	Cormack	Cornelius	Dinkla
Disney	Doderer	Drake	Drees
Fallon	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Warnstadt	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 13:

Boddicker	Branstad	Eddie	Ertl
Greig	Hahn	Hurley	Kremer
Meyer	Millage	Schulte	Vande Hoef
Weidman			

Absent or not voting, 3:

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

RULES SUSPENDED ON HOUSE FILE 438

Siegrist of Pottawattamie asked for unanimous consent to suspend the rules for the immediate consideration of House File 438 and Rule 31.8, relating to the timely filing of amendments to House File 438.

Ollie of Clinton rose on a point of order and invoked Rule 48.3, relating to final committee action on House Study Bill 295.

The Speaker ruled the point not well taken.

Siegrist of Pottawattamie moved to suspend the rules for the immediate consideration of House File 438 and Rule 31.8, relating to the timely filing of amendments to House File 438.

A non-record roll call was requested.

The ayes were 54, nays 25.

The motion prevailed and the rules were suspended.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill, (Formerly House Study Bill 295), relating to the establishment of the state percent of growth under the state school foundation formula.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

CONSIDERATION OF BILLS

Regular Calendar

House File 438, a bill for an act relating to the establishment of the state percent of growth under the state school foundation formula, was taken up for consideration.

Ollie of Clinton offered the following amendment H-3301, filed by Ollie of Clinton, Wise and Running from the floor, and moved its adoption:

H-3301

- 1 Amend House File 438 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 257.2, subsection 12, Code
- 5 1995, is amended to read as follows:
- 6 12. "State percent of growth" means the percent of
- 7 growth which is established by statute pursuant to
- 8 section 257.8, and which is used in determining the
- 9 allowable growth.
- 10 Sec. 2. Section 257.8, subsection 1, Code 1995, is

11 amended to read as follows:

12 1. STATE PERCENT OF GROWTH. The state percent of
 13 growth for a budget year shall be established by
 14 statute which shall be enacted within thirty days of
 15 the submission in the base year of the governor's
 16 budget under section 8.21. The establishment of the
 17 state percent of growth for a budget year shall be the
 18 only subject matter of the bill which enacts the state
 19 percent of growth for a budget year. However, if a
 20 statute to establish the state percent of growth is
 21 not enacted within the required thirty-day period, the
 22 state percent of growth is set at the percent, but not
 23 less than zero, by which the revenue estimating con-
 24 ference estimated, at its previous December meeting,
 25 the revenues to the general fund of the state will
 26 increase during the budget year over the base year.
 27 Any statute enacted subsequent to the thirty-day
 28 period set out in this subsection is null and void.

29 Sec. 3. This Act, being deemed of immediate
 30 importance, takes effect upon enactment and applies to
 31 the establishing of the state percent of growth for
 32 school budget years beginning after the effective date
 33 of this Act."

Roll call was requested by Ollie of Clinton and Schrader of Marion.

On the question "Shall amendment H-3301 be adopted?" (H.F. 438)

The ayes were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Coon	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Warnstadt
Weigel	Wise	Witt	

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton

Schulte
Teig
Van Maanen
Welter

Shoultz
Thomson
Vande Hoef
Mr. Speaker
Corbett

Siegrist
Tyrrell
Veenstra

Sukup
Van Fossen
Weidman

Absent or not voting, 3:

Brammer

Churchill

Larson

Amendment H-3301 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story, until her return, on request of Siegrist of Pottawattamie.

Shoultz of Black Hawk offered the following amendment H-3300, filed by him and Schrader from the floor, and moved its adoption:

H-3300

- 1 Amend House File 438 as follows:
- 2 1. Page 1, line 11, by striking the words "each
- 3 of the budget years" and inserting the following:
- 4 "the budget year".
- 5 2. Page 1, line 12; by striking the words and
- 6 figures "and July 1, 1997".

Amendment H-3300 lost.

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?" (H.F. 438)

The ayes were, 60:

Arnold
Bradley
Carroll
Daggett
Eddie
Greiner
Hahn
Heaton
Jacobs
Lord
Meyer
Rants
Siegrist
Tyrrell
Veenstra

Blodgett
Branstad
Churchill
Dinkla
Ertl
Gries
Halvorson
Houser
Klemme
Main
Millage
Renken
Sukup
Van Fossen
Weidman

Boddicker
Brauns
Cormack
Disney
Gipp
Grubbs
Hammitt
Hurley
Kremer
Martin
Nelson, B.
Salton
Teig
Van Maanen
Welter

Bogges
Brunkhorst
Cornelius
Drake
Greig
Grundberg
Harrison
Huseman
Lamberti
Metcalf
Nutt
Schulte
Thomson
Vande Hoef
Mr. Speaker
Corbett

The nays were, 37:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Coon	Doderer	Drees	Fallon
Hanson	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 3:

Brammer Garman Larson

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House File 438** and **Senate File 17** be immediately messaged to the Senate.

HOUSE FILE 426 REREFERRED

The Speaker announced that House File 426, previously referred to the committee on **state government** was rereferred to the committee on **ways and means**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday afternoon, March 13, 1995. Had I been present, I would have voted "nay" on Senate Joint Resolution 12.

KREIMAN of Davis

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 14, 1995, he approved and transmitted to the Secretary of State the following bill:

House File 179, an act relating to eggs and poultry by reorganizing the statutory provisions and providing for the administration of the Iowa egg council, assessments and refunds, and the repeal of certain sections, and providing an effective date.

PROOF OF PUBLICATION (Senate File 140)

Published copy of Senate File 140 and verified proof of publication of said bill in The Cedar Rapids Gazette, a daily newspaper printed and

published in Cedar Rapids, Linn County, Iowa on January 30, 1995, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PRESENTATION OF VISITORS

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

Fifteen students of the Poweshiek Area Christian Home Educators, accompanied by Margene Pierce, Neal Bortell, Denise O'Polka, Vickie Miller and Marjorie Devilder. By Carroll of Poweshiek.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 16

State Government: Houser, Chair; Jacobs and Running.

House File 233

Appropriations: Millage, Chair; Gipp and Murphy.

House File 291

Appropriations: Millage, Chair; Gipp and Moreland.

House File 311

Education: Cohoon, Chair; Gries and Nelson of Marshall.

House File 316

Education: Boddicker, Chair; Cornelius and Nelson of Pottawattamie.

House File 330

Labor and Industrial Relations: Kremer, Chair; Lord and Murphy.

House File 334

Education: Cornelius, Chair; Baker and Rants.

House File 342 Reassigned

Human Resources: Salton, Chair; Fallon, Lord, Murphy and Veenstra.

House File 352

Education: Baker, Chair; Garman and Grubbs.

House File 356

Labor and Industrial Relations: Lord, Chair; Kremer and O'Brien.

House File 366

Education: Cohoon, Chair; Cornelius and Veenstra.

House File 369

Education: Boddicker, Chair; Garman and Mascher.

House File 371

Education: Grubbs, Chair; Lord and Mascher.

House File 375

Education: Veenstra, Chair; Cohoon and Gries.

House File 378

Economic Development: Cormack, Chair; Baker and Nelson of Marshall.

House File 380

State Government: Drake, Chair; Brammer and Houser.

House File 381

State Government: Coon, Chair; Jacobs and Jochum.

House File 382

State Government: Gipp, Chair; Jacobs and Jochum.

House File 383

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House File 384

Human Resources: Martin, Chair; Ertl and Murphy.

House File 387

Education: Grubbs, Chair; Gries and Mascher.

House File 388

Education: Lord, Chair; Grundberg and Kreiman.

House File 389

Education: Garman, Chair; Baker and Boddicker.

House File 390

Education: Daggett, Chair; Kreiman and Rants.

House File 392

Education: Baker, Chair; Gries and Hanson.

House File 397

Appropriations: Millage, Chair; Gipp and Murphy.

House File 399

Labor and Industrial Relations: Boddicker, Chair; Bell and Renken.

House File 402

Education: Grundberg, Chair; Rants and Wise.

House File 403

State Government: Gipp, Chair; Jacobs and Jochum.

House File 404

Education: Grundberg, Chair; Daggett and Nelson of Pottawattamie.

House File 409

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House File 410

Judiciary: Harrison, Chair; Greiner and Kreiman.

House File 414

Judiciary: Harrison, Chair; Bell and Veenstra.

House File 415

Judiciary: Harrison, Chair; Lamberti and Moreland.

House File 418

Judiciary: Harrison, Chair; Lamberti and Moreland.

House File 433

Appropriations: Millage, Chair; Gipp and Murphy.

House Concurrent Resolution 31

Natural Resources: Branstad, Chair; Greig and Mertz.

Senate File 156

Economic Development: Teig, Chair; Brand and Drake.

Senate File 160

Economic Development: Drake, Chair; Hammitt and Nelson of Pottawattamie.

Senate File 207

State Government: Cataldo, Chair; Gipp and Martin.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 274**

Appropriations: Kremer, Chair; Cormack and Moreland.

House Study Bill 284

Environmental Protection: Bradley, Chair; Drees and Gries.

House Study Bill 288

Transportation: Weidman, Chair; Eddie and McCoy.

House Study Bill 290

Transportation: Blodgett, Chair; Eddie and Warnstadt.

House Study Bill 291

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

House Study Bill 292

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House Study Bill 293

Judiciary: Hurley, Chair; Bernau and Boddicker.

House Study Bill 294

Judiciary: Hurley, Chair; Bernau and Boddicker.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 295 Education**

Relating to the establishment of the state percent of growth under the state school foundation formula.

H.S.B. 296 Ways and Means

Relating to the assessment of certain long distance telephone companies for purposes of property taxation.

H.S.B. 297 Environmental Protection

Relating to underground storage tanks by increasing environmental protection charge limitations, changing site cleanup requirements, expanding loan guarantees and property transfer insurance, relating to prioritization, requiring a study, and providing an effective date.

H.S.B. 298 State Government

Relating to the office of secretary of state, the conduct of elections, and the registration of voters in the state and relating to corrective and technical changes to Iowa's election laws.

H.S.B. 299 State Government

Relating to ethics and campaign finance, by providing for limitations on contributions made to candidates during an election, by making changes in the definition of the term lobbyist, by making changes in personal financial disclosure requirements, and by requiring lobbyists to submit an account of all salaries, fees, and retainers paid to the lobbyist by each of their clients.

H.S.B. 300 Education

Relating to vocational education, including school-to-work planning initiatives and a waiver of vocational education rules, and making an appropriation.

H.S.B. 301 Ways and Means

Authorizing certain cities to appoint a board of review to hear city taxpayer appeals.

H.S.B. 302 Environmental Protection

Relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions.

H.S.B. 303 Economic Development

Relating to establishing a local housing development program under the Iowa finance authority, authorizing the issuance of bonds to fund the program, and authorizing a city, county, or municipal housing agency to develop, own, and manage a local housing project.

H.S.B. 304 Transportation

Relating to overweight vehicles and permits.

H.S.B. 305 State Government

Relating to the definition of political party.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Resolution, authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a reception in conjunction with the annual meeting of the National Association of State Auditors, Comptrollers, and Treasurers.

Fiscal Note is not required.

Recommended Do Pass March 13, 1995.

COMMITTEE ON COMMERCE-REGULATION

House File 238, a bill for an act relating to the joint purchase of group health benefits by multiple school districts or area education agencies pursuant to an intergovernmental agreement.

Fiscal Note is not required.

Recommended Do Pass March 13, 1995.

Committee Bill (Formerly House Study Bill 261), relating to the regulation of cemetery operators and the regulation of perpetual care cemeteries and nonperpetual care cemeteries, establishing fees and use of those fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1995.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 173), relating to the intervals in which general state financial aid payments are made to the community colleges and including an effective date.

Fiscal Note is required.

Recommended **Do Pass** March 13, 1995.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 231), repealing air toxics fees.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1995.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 121), redesignating the historical resource development program as the resource enhancement and protection historical resource grants and loans program.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1995.

COMMITTEE ON STATE GOVERNMENT

House Joint Resolution 7, a joint resolution claiming sovereignty under the Tenth Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the federal government and demanding that the federal government cease mandates that are beyond the scope of its constitutional powers.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1995.

House Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

House File 34, a bill for an act relating to the closing hour of precinct polling places.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 113), relating to certain state purchasing procedures and charges for publications involving the department of general services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 205), changing the number of state employees required to activate automatic payroll deduction for payment of professional or trade association dues or fees.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1995.

Committee Bill (Formerly House Study Bill 206), providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1995.

RESOLUTIONS FILED

HCR 32, by Running, a concurrent resolution requesting the establishment of an ongoing joint committee to further legislative quality enhancement.

Referred to committee on **state government**.

HCR 33, by Hurley, Hammitt and Garman, a concurrent resolution urging the required use of reflectorized strips on railroad cars.

Referred to committee on **transportation**.

AMENDMENTS FILED

H-3294	S.F.	93	Fallon of Polk
H-3295	H.F.	336	Houser of Pottawattamie Myers of Johnson
H-3296	H.F.	343	Coon of Warren
H-3297	H.F.	185	Ollie of Clinton Grubbs of Scott Bradley of Clinton
H-3298	H.F.	247	Halvorson of Clayton
H-3299	H.F.	277	Doderer of Johnson Jacobs of Polk
H-3302	H.F.	185	Ollie of Clinton

On motion by Siegrist of Pottawattamie, the House adjourned at 3:05 p.m., until 8:45 a.m., Wednesday, March 15, 1995.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 15, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Gary Van Heukelom, First Reformed Church, Sibley.

The Journal of Tuesday, March 14, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk, from one hundred eight citizens favoring House Concurrent Resolution 24 to reestablish funding for the Older Iowans Legislature.

By Kremer of Buchanan, from eighty-five citizens opposing the elimination of travel reimbursement for End Stage Renal Disease patients.

By Weidman of Cass from twenty-one constituents favoring extension of the rural driver's license project.

INTRODUCTION OF BILLS

House Joint Resolution 18, by Mascher, a joint resolution recognizing the fossil crinoid as the state fossil.

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

House Joint Resolution 19, by committee on administration and rules, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a reception in conjunction with the annual meeting of the National Association of State Auditors, Comptrollers, and Treasurers.

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

House File 439, by Cornelius and Harrison, a bill for an act relating to the taxation of pensions for state individual income tax purposes and providing a retroactive applicability date provision.

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

House File 440, by committee on state government, a bill for an act providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates.

Read first time and placed on the calendar.

House File 441, by Jochum and Burnett, a bill for an act relating to state foster care requirements.

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

House File 442, by Running, a bill for an act relating to personal assistance services, providing an appropriation, and providing an effective date.

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

House File 443, by Mascher, a bill for an act requiring physical examinations for public school pupils entering kindergarten.

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

ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Schrader of Marion offered the following House Memorial Resolution 1 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 1

Whereas, The Honorable Philip Davitt of Warren County, Iowa, who was a member of the Sixty-seventh, Sixty-seventh Extra, and Sixty-eighth General Assemblies, passed away October 21, 1994; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Schrader of Marion, Coon of Warren and Fallon of Polk.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Vande Hoef of Osceola offered the following House Memorial Resolution 2 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 2

Whereas, The Honorable Kenneth De Groot of Lyon County, Iowa, who was a member of the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-

second Extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra and Seventy-fourth Second Extra General Assemblies, passed away April 22, 1993; *Now Therefore,*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Vande Hoef of Osceola, Klemme of Plymouth and Branstad of Winnebago.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

Cohoon of Des Moines offered the following House Memorial Resolution 3 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 3

Whereas, The Honorable Milton Distlehorst of Des Moines County, Iowa, who was a member of the Sixty-first and Sixty-second General Assemblies, passed away April 23, 1993; *Now Therefore,*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Cohoon of Des Moines, Wise of Lee and Larkin of Lee.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Mertz of Kossuth offered the following House Memorial Resolution 4 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 4

Whereas, The Honorable Fred W. Hall of Humboldt County, Iowa, who was a member of the Fifty-seventh and Fifty-eighth General Assemblies, passed away January 29, 1994; *Now Therefore,*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Mertz of Kossuth, Eddie of Buena Vista and Branstad of Winnebago.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Daggett of Union offered the following House Memorial Resolution 5 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 5

Whereas, The Honorable Joseph G. Knock of Union County, Iowa, who was a member of the Fifty-ninth and Sixtieth General Assemblies, passed away August 22, 1994; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Daggett of Union, Boggess of Taylor and Dinkla of Guthrie.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday afternoon, March 14, 1995. Had I been present, I would have voted "aye" on House File 438.

GARMAN of Story

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

- 1995\106 Joe Nelssen, Dubuque – For his years of service to the city of Dubuque and to the Dubuque Fire Department.
- 1995\107 Gerald Steil, Dubuque – For his years of service to the city of Dubuque and to the Dubuque Fire Department.
- 1995\108 Rudy Vera, Dubuque – For his years of service to the city of Dubuque and to the Dubuque Fire Department.
- 1995\109 Jim Potter, Dubuque – For his years of service to the city of Dubuque and to the Dubuque Fire Department.
- 1995\110 Karla Haagsma, Pella – For offering the morning prayer in song and for graciously sharing her God given talent with the House of Representatives.
- 1995\111 Tricia Vander Molen, Pella – For offering the morning prayer in song and for graciously sharing her God given talent with the House of Representatives.
- 1995\112 Chad Vande Lune, Pella – For offering the morning prayer in song and for graciously sharing his God given talent with the House of

Representatives.

- 1995\113 Terry Roose, New Sharon – For offering the morning prayer in song and for graciously sharing his God given talent with the House of Representatives.
- 1995\114 Brian White, Grinnell – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\115 Morningside “Maroon Chiefs” Men’s Basketball Team, Sioux City – For winning the NCAA Division II Midwest Regional Tournament and for advancing to the Elite Eight Tournament in Louisville, Kentucky.
- 1995\116 Grant Wood All-City Drum Corps, Cedar Rapids – For their inspirational performance of patriotic enthusiasm before the Iowa House of Representatives.
- 1995\117 William Jochumsen, Cedar Falls – For receiving the Sertoma “Service to Mankind” Award for outstanding community service.
- 1995\118 Coach Dan Druivenga and the Panorama Girls Basketball Team, Panora – For participating in the 1995 Iowa Girl’s State Basketball Tournament.
- 1995\119 University of Northern Iowa Concert Chorale, Cedar Falls – For performing at Carnegie Hall.
- 1995\120 Hudson Community School Show Choir “New Edition”, Hudson – For winning 1st place in the Junior High/Middle School division at the Jefferson Show Choir Invitational.
- 1995\121 Coach Mitch Wachs, Coach Dave Therme, and the Winfield-Mt. Union Girl’s Basketball Team, Winfield and Mt. Union – For winning 1st place in the 1995 Iowa Girl’s State 1A Basketball Tournament.
- 1995\122 Coach Henry Eeckhoff, Asst. Coach Vint Bellows, and the Sibley-Ocheyedan Lady Generals Basketball Team, Sibley and Ocheyedan – For winning 2nd place in the 1995 Iowa Girl’s State 2A Basketball tournament.
- 1995\123 Florence Mennen, Cedar Falls – For celebrating her 100th birthday.
- 1995\124 Lillian Bradley, Dubuque – For celebrating her 100th birthday.
- 1995\125 Clara Hoppe, Independence – For celebrating her 100th birthday.
- 1995\126 Josh Budke, Cedar Falls – For winning 1st place in the 1995 Class 3A, 103 lb. division of the State Wrestling Tournament.
- 1995\127 Eric Hanson, Jesup – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1995\128 Jason R. Bruce, Rowley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\129 Eric James Peterson, Ft. Dodge – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\130 Terry Curtis, Sibley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\131 Margaret Gruber, Cedar Falls – For receiving a Best Community Scholarship.
- 1995\132 Jason Clayworth, Moulton – For receiving a Best Community Scholarship.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 18

State Government: Martin, Chair; Coon and Witt.

House File 262

Judiciary: Dinkla, Chair; Holveck and Nutt.

House File 270

Judiciary: Greiner, Chair; Kreiman and Schulte.

House File 281

Judiciary: Kremer, Chair; Dinkla and Kreiman.

House File 295

Judiciary: Schulte, Chair; Greiner and Shultz.

House File 296

Judiciary: Boddicker, Chair; Doderer and Millage.

House File 299

Judiciary: Boddicker, Chair; Doderer and Millage.

House File 313

Judiciary: Boddicker, Chair; Doderer and Millage.

House File 320

Judiciary: Nutt, Chair; Dinkla and Kreiman.

House File 321

Judiciary: Dinkla, Chair; Kreiman and Schulte.

House File 326

Judiciary: Harrison, Chair; Moreland and Schulte.

House File 329

Judiciary: Dinkla, Chair; Holveck and Millage.

House File 331

Local Government: Arnold, Chair; Drees and Welter.

House File 335

Local Government: Huseman, Chair; Mertz and Vande Hoef.

House File 341

Judiciary: Lamberti, Chair; Bernau, Coon, Doderer and Harrison.

House File 349

Judiciary: Kremer, Chair; Greiner and Holveck.

House File 355

Local Government: Arnold, Chair; Koenigs and Welter.

House File 360

Local Government: Carroll, Chair; Larkin and Weidman.

House File 364

Local Government: Hanson, Chair; Cohoon and Klemme.

House File 376

Judiciary: Coon, Chair; Harrison and Moreland.

House File 385

Natural Resources: Greig, Chair; Arnold and Mundie.

House File 386

Local Government: Klemme, Chair; Connors and Jacobs.

House File 391

Judiciary: Boddicker, Chair; Bernau and Millage.

House File 408

Ways and Means: Drake, Chair; Gries and Jochum.

House File 413

State Government: Coon, Chair; Jacobs and Witt.

House File 416

Local Government: Jacobs, Chair; Carroll, Connors, Myers and Vande Hoef.

House File 417

Transportation: Branstad, Chair; Grundberg and Ollie.

House File 422

Education: Grubbs, Chair; Cohoon and Gries.

House File 424

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

House File 427

Judiciary: Boddicker, Chair; Doderer and Millage.

House File 428

Local Government: Houser, Chair; Drees and Vande Hoef.

House File 430

Human Resources: Hammitt, Chair; Lord and Murphy.

House File 431

Natural Resources: Tyrrell, Chair; Cohoon and Klemme.

House File 441

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

House Concurrent Resolution 28

Judiciary: Schulte, Chair; Bell and Boddicker.

House Concurrent Resolution 32

State Government: Disney, Chair; Running and Tyrrell.

House Concurrent Resolution 33

Transportation: Nelson of Marshall, Chair; Heaton and McCoy.

Senate File 140

Judiciary: Dinkla, Chair; Greiner and Moreland.

Senate File 234

Natural Resources: Thomson, Chair; Brauns and May.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 196**

State Government: Tyrrell, Chair; Connors and Coon.

House Study Bill 281

Local Government: Disney, Chair; Brauns and Mundie.

House Study Bill 282

Local Government: Houser, Chair; Klemme and Mertz.

House Study Bill 286

Local Government: Welter, Chair; Drees and Martin.

House Study Bill 287

Local Government: Brauns, Chair; Larkin and Martin.

House Study Bill 289

Local Government: Weidman, Chair; Myers and Welter.

House Study Bill 296

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House Study Bill 297

Environmental Protection: Gipp, Chair; Bradley and Witt.

House Study Bill 298

State Government: Jacobs, Chair; Connors and Drake.

House Study Bill 299

State Government: Gipp, Chair; Connors, Jacobs, Jochum and Tyrrell.

House Study Bill 300

Education: Wise, Chair; Grundberg and Hanson.

House Study Bill 301

Ways and Means: Main, Chair; Larkin and Rants.

House Study Bill 302

Environmental Protection: Gipp, Chair; Bradley and Witt.

House Study Bill 303

Economic Development: Drake, Chair; Hammitt and Harper.

House Study Bill 304

Transportation: Arnold, Chair; Koenigs and Weidman.

House Study Bill 305

State Government: Jacobs, Chair; Gipp and Jochum.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 306 Natural Resources**

Concerning mining by applying the criterion for the reclamation of mine sites, by redefining operator and mining operations, by amending the hearing procedures, by providing for administrative actions and the assessments of penalties by the division of soil conservation for noncompliance, and establishing additional penalties.

H.S.B. 307 Judiciary

Providing for enhanced penalties for unlawful possession of controlled substances offenses and providing a conditional effective date.

H.S.B. 308 Judiciary

Relating to no-contact orders in domestic abuse cases, extending an existing penalty to certain persons, and providing a conditional effective date.

H.S.B. 309 Judiciary

Creating the offense of theft of video rental property and establishing a penalty.

H.S.B. 310 Judiciary

Relating to probate including the lien period for estates which have not been administered, the amount which may be passed to a minor without appointing a conservator, the distribution of an intestate estate to the parents, and special use trusts.

H.S.B. 311 Judiciary

Relating to making false reports to law enforcement agencies, making spurious calls to emergency 911 communications centers, or providing false information on citations and establishing penalties and providing a conditional effective date.

H.S.B. 312 Judiciary

To permit the court to require victim-offender reconciliation under certain circumstances.

H.S.B. 313 Local Government

Allowing county general fund appropriations for closure and postclosure care of a sanitary disposal project.

H.S.B. 314 Natural Resources

Relating to requirements for satisfactory completion of the hunter safety and ethics education program.

H.S.B. 315 Education

Relating to the increase in and the funding of the foundation base for purposes of the state school foundation program and the increase in the state sales, services, use and the automobile rental excise taxes and providing an effective date and applicability provisions.

H.S.B. 316 State Government

Relating to state government personnel systems, including affirmative action reports, disability programs, deferred compensation, experimental research projects, and the state training system.

H.S.B. 317 Human Resources

Relating to payment of expenses for persons with mental retardation.

H.S.B. 318 State Government

Relating to streamlining government activities.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 245, a bill for an act relating to the administration of the department of agriculture and land stewardship, providing for moneys previously appropriated to the department, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 263), providing for notification of the application of pesticides.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 280), relating to grain transactions, by providing for credit-sale contracts.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 106), 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 an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

Committee Bill, relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the commission of veterans affairs, and the governor's alliance on substance abuse.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

COMMITTEE ON ECONOMIC DEVELOPMENT

House File 230, a bill for an act relating to procedural requirements for the enforcement of certain copyrights, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3307** March 14, 1995.

Committee Bill (Formerly House Study Bill 214), establishing the Iowa hope loan program, creating an Iowa hope loan fund, allocating gaming revenues and making an appropriation, and providing for other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 246), relating to solid waste reduction and recycling goals.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

COMMITTEE ON JUDICIARY

House File 246, a bill for an act relating to civil litigation by inmates and prisoners and deductions from inmate accounts for certain expenses, including costs of litigation by inmates.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 169), relating to remedies upon the dishonoring of a financial instrument.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 170), relating to prison time served by persons convicted of a second or subsequent forcible felony, by providing for increases in the mandatory minimum terms of sentences to be served, and providing for a reduction in the amount of good and honor time that may be earned.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 236), authorizing the use of criminal contempt to enforce victim restitution orders.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

COMMITTEE ON LOCAL GOVERNMENT

House File 84, a bill for an act relating to a city's power to allow eligible electors of the city to propose or request reconsideration of a city ordinance.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 224), relating to agricultural management account moneys and county grants for private rural water well, testing, sealing, and closure.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 251), relating to the joint investment of funds of rural water districts with other political subdivisions.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 276), relating to the exclusion of century farms from economic development areas for purposes of urban renewal and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

COMMITTEE ON TECHNOLOGY

Committee Bill (Formerly House Study Bill 78), relating to the issuance of a request for proposals for the sale of the Iowa communications network.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

Committee Bill (Formerly House Study Bill 270), relating to the funding for the Iowa communications network and providing an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 61), relating to governmental control of property by allowing governmental entities to enter and test property for condemnation purposes, providing for the interest rates assessed for condemnation damages, providing for right-of-way notice filings, and concerning advertising control laws on scenic highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 235), relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass March 15, 1995.

RESOLUTION FILED

HCR 34, by Vande Hoef, Greig, Salton, Klemme, Huseman, Veenstra, Meyer, Eddie, Mundie, Branstad and Drees, a concurrent resolution urging the President and the Congress to reject any proposal to sell the power marketing administrations or their assets.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3303	H.F.	435	Branstad of Winnebago
H-3304	H.F.	395	Greiner of Washington Bradley of Clinton
H-3305	H.F.	289	Meyer of Sac
H-3306	H.F.	336	Murphy of Dubuque
H-3307	H.F.	230	Committee on Economic Development
H-3308	H.F.	185	Weigel of Chickasaw
H-3309	H.F.	258	Running of Linn
H-3310	H.F.	258	Running of Linn
H-3311	H.F.	258	Running of Linn
H-3312	H.F.	258	Running of Linn
H-3313	H.F.	258	Running of Linn
H-3314	H.F.	258	Running of Linn
H-3315	H.F.	258	Running of Linn
H-3316	H.F.	258	Running of Linn
H-3317	H.F.	258	Running of Linn
H-3318	H.F.	258	Running of Linn
H-3319	H.F.	258	Nelson of Pottawattamie Wise of Lee
H-3320	H.F.	258	Bell of Jasper Connors of Polk Wise of Lee
H-3321	H.F.	258	Nelson of Pottawattamie O'Brien of Boone Connors of Polk Cohon of Des Moines
H-3322	H.F.	258	Jochum of Dubuque Bell of Jasper

	O'Brien of Boone			Nelson of Pottawattamie
	Wise of Lee			
H-3323	H.F.	258		Nelson of Pottawattamie
				Jochum of Dubuque
				Harper of Black Hawk
				Cohon of Des Moines
H-3324	H.F.	258		Murphy of Dubuque
	O'Brien of Boone			Jochum of Dubuque
	Bell of Jasper			Moreland of Wapello
	Wise of Lee			

On motion by Siegrist of Pottawattamie, the House adjourned at 8:57 a.m., until 8:45 a.m., Thursday, March 16, 1995.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 16, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Father Eugene Murray, Holy Family Parish, Emmetsburg.

The Journal of Wednesday, March 15, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larson of Linn on request of Siegrist of Pottawattamie.

PETITION FILED

By Weidman of Cass, from two hundred sixty-six constituents favoring retention of the rural driver's license project.

ST. PATRICK'S DAY OBSERVANCE

Salton of Palo Alto presented to the House Tracey Nelson, 1995 Miss Shamrock of the St. Patrick's Day Celebration in Emmetsburg, March 11 through March 19, 1995. Tracey is a student at Emmetsburg High School and was accompanied by her parents, AnnMarie and Dick Nelson.

Also presented was "Emmetsburg Irish Dancers", a group of elementary school girls who performed an authentic Irish dance. Members of the group were: Brooke Jones, Joanne McNally, Eryn Mehan, Denise Stafford, Erin Wentzel, Margy Jo Wentzel, Rachel Lowman, Amanda Brown, Katie Orr, Melissa Jones, Kristie Rouse and Laura Fog. The dancers were coached by Kelly Van Osbree.

Presentation of Irish Dignitary

Salton of Palo Alto presented to the House, Ned O'Keeffe, T.D., from County Cork, Ireland, who is a Senator in the Dail. Mr. O'Keeffe is a member of the Fianna Fail Party and served as spokesman on Industry for five years. He is associated with many agricultural related programs in connection with his farming operation. He was accompanied by his wife Ann and is the honored guest of the Thirty-fifth Annual St. Patrick's Day Celebration in Emmetsburg.

The Sergeant-at-Arms escorted Mr. O'Keeffe to the Speaker's station where he addressed the House.

The House rose and expressed its welcome.

The following presented a short Irish program: Representatives, Mertz of Kossuth, Connors of Polk, Fallon of Polk, Boddicker of Cedar, McCoy of Polk, Garman of Story, Brunkhorst of Bremer and Dwight Dugan, Doorkeeper.

Representative Mertz, danced an Irish jig and Representative Boddicker sang "Danny Boy", both were accompanied by Representative Fallon.

INTRODUCTION OF BILLS

House File 444, by Carroll, a bill for an act relating to the assessment of certain property used as a residence for purposes of property taxation, and providing for the Act's applicability.

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

House File 445, by Baker, a bill for an act relating to empowerment zones by creating the zones and providing assistance to zones.

Read first time and referred to committee on **economic development**.

House File 446, by Holveck, a bill for an act relating to the rights of dissenting shareholders under a plan of merger involving a state bank.

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

House File 447, by committee on state government, a bill for an act relating to certain state purchasing procedures and charges for publications involving the department of general services.

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

House File 448, by committee on environmental protection, a bill for an act relating to solid waste reduction and recycling goals.

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

House File 449, by Harrison, a bill for an act relating to establishing truancy as a delinquent act in certain circumstances.

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

House File 450, by Harrison, a bill for an act relating to access by school officials to law enforcement records regarding juveniles.

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

House File 451, by Weigel, Koenigs, Drees, Mertz, Mundie and May, a bill for an act relating to transportation assistance aid to a school district and making an appropriation.

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

House File 452, by Kremer, a bill for an act relating to the Iowa occupational safety and health law by permitting recovery of certain costs and fees in proceedings under the law, delaying the imposition of certain civil penalties, and providing effective date.

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

House File 453, by Cornelius, a bill for an act relating to the issuance of handicapped registration plates.

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

House File 454, by Murphy, a bill for an act relating to fire protection by creating a fire service training and equipment fund and a fire service advisory board and making an appropriation.

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

House File 455, by Hammitt and Nelson of Pottawattamie, a bill for an act relating to the filing of complaints concerning child abuse or crimes with the board of educational examiners.

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

House File 456, by committee to agriculture, a bill for an act relating to grain transactions, by providing for credit-sale contracts.

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

House File 457, by committee on agriculture, a bill for an act providing for pesticides, by providing for notification of application and providing for the elimination of provisions relating to chemigation.

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

House File 458, by Harrison, a bill for an act relating to establishing penalties for providing aid, support, or shelter to a runaway or truant.

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

House File 459, by Harrison, a bill for an act relating to an extension of the compulsory school attendance age.

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

House File 460, by committee on transportation, a bill for an act relating to governmental control of property by allowing governmental entities to enter and test property for condemnation of property for highway purposes, providing for the interest rates assessed for condemnation damages, providing for right-of-way notice filings, and concerning advertising control laws on scenic highways.

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

House File 461, by committee on technology, a bill for an act relating to the Iowa communications network by directing the Iowa telecommunications and technology commission to conduct studies concerning the possible sale of the network, and the possible conversion of the network into a public utility.

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

House File 462, by Heaton, a bill for an act relating to financial standards for self-insured workers' compensation plans.

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

House File 463, by committee on commerce-regulation, a bill for an act relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce.

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

House File 464, by committee on local government, a bill for an act relating to the joint investment of funds of rural water districts with other political subdivisions.

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

House File 465, by committee on local government, a bill for an act relating to agricultural management account moneys and county grants for private rural water well, testing, sealing, and closure.

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

House File 466, by committee on local government, a bill for an act relating to the exclusion of century farms from economic development areas for purposes of urban renewal and providing for the Act's applicability.

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

House File 467, by Burnett, Witt, Mascher, Shoultz and Holveck, a bill for an act establishing a biological diversity program and making an appropriation.

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

House File 468, by Running, a bill for an act providing for economic development grants for educational institutions and making an appropriation.

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

ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Coon of Warren offered the following House Memorial Resolution 6 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 6

Whereas, The Honorable James I. Middleswart of Warren County, Iowa, who was a member of the Sixty-second, Sixty-third, Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-seventh Extra General Assemblies, passed away August 5, 1993; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Coon of Warren, Connors of Polk and Doderer of Johnson

ADOPTION OF HOUSE MEMORIAL RESOLUTION 7

Drake of Pottawattamie offered the following House Memorial Resolution 7 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 7

Whereas, The Honorable Alfred Nielsen of Shelby County, Iowa, who was a member of the Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, and Sixty-fourth General Assemblies, passed away December 4, 1994; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Drake of Pottawattamie, Drees of Carroll and Gries of Crawford.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 8

Wise of Lee offered the following House Memorial Resolution 8 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 8

Whereas, The Honorable Carroll Redfern of Lee County, Iowa, who was a member of the Sixty-first and Sixty-second General Assemblies, passed away September 7, 1993; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Wise of Lee, Larkin of Lee and Heaton of Henry.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 9

Welter of Jones offered the following House Memorial Resolution 9 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 9

Whereas, The Honorable C.F. Frank Shimanek of Jones County, Iowa, who was a member of the Forty-eighth, Forty-ninth, Fiftieth General Assemblies, passed away July 31, 1994; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Welter of Jones, Boddicker of Cedar and Schulte of Linn.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 10

Dinkla of Guthrie offered the following House Memorial Resolution 10 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 10

Whereas, The Honorable Virgil E. Smith of Madison County, Iowa, who was a member of the Fifty-second General Assembly, passed away November 13, 1993; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the

House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Dinkla of Guthrie, Lord of Dallas and Drake of Pottawattamie.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:20 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty members present, forty absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story on request of Brand of Benton.

INTRODUCTION OF BILLS

House File 469, by Jochum, a bill for an act relating to the consideration of a history of domestic abuse within a family by a court in determining custody or visitation rights.

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

House File 470, by committee on local government, a bill for an act relating to the assessment of certain public improvement costs to abutting property at the request of the property owner.

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

House File 471, by committee on judiciary, a bill for an act relating to prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for changes in the mandatory minimum terms of sentences to be served, by permitting the imposition of up to ninety days of the total sentence in a county jail in addition to any terms of probation, and providing for a reduction in the amount of good and honor time that may be earned by forcible felons.

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

House File 472, by committee on economic development, a bill for an act establishing the Iowa hope loan program, creating an Iowa hope loan fund, allocating gaming revenues and making an appropriation, and providing for other properly related matters.

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

House File 473, by committee on ways and means, a bill for an act relating to the exemption from the state sales, services, and use taxes for computers sold or leased to insurance companies.

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

House File 474, by committee on appropriations, a bill for an act making an appropriation to the community grant fund for juvenile crime prevention programs.

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

House File 475, by committee on state government, a bill for an act relating to the state archivist's office.

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

House File 476, by committee on state government, a bill for an act eliminating the appeal period for the awarding of contracts by the purchasing division of the department of general services.

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

House File 477, by committee on state government, a bill for an act requiring that a publication whose standards are incorporated by reference in agency rulemaking be purchased and provided by the agency to the administrative rules coordinator for deposit in the state law library.

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

House File 478, by committee on environmental protection, a bill for an act providing limited immunity for persons responding to oil spills.

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

House File 479, by committee on local government, a bill for an act relating to the duties of the county treasurer and providing effective and applicability dates.

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

House File 480, by committee on ways and means, a bill for an act relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, and providing effective and applicability dates.

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

House File 481, 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 an effective and retroactive applicability date.

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

SPECIAL ORDER ANNOUNCED

The Speaker announced that **House File 166** has been placed on the **special order calendar for March 29, 1995**.

CONSIDERATION OF BILLS

Regular Calendar

House File 139, a bill for an act relating to the disclosure of the methods used by insurance companies and nonprofit health service corporations to determine the usual and customary fees for dental care benefit coverages, with report of committee recommending passage, was taken up for consideration.

Blodgett 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. 139)

The ayes were, 93:

Arnold	Baker	Bell	Blodgett
Boddicker	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton

Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none:

Absent or not voting, 7:

Bernau	Bogges	Brammer	Jochum
Larson	Schrader	Shoultz	

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

Appropriations Calendar

House File 186, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 186)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Saltón	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef

Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none:

Absent or not voting, 8:

Bernau	Bogges	Brammer	Grundberg
Jochum	Larson	Schrader	Shoultz

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

Regular Calendar

House File 187, a bill for an act to provide conformity to the definition of travel trailers, was taken up for consideration.

SENATE FILE 158 SUBSTITUTED FOR HOUSE FILE 187

Nelson of Marshall asked and received unanimous consent to substitute Senate File 158 for House File 187.

Senate File 158, a bill for an act to provide conformity to the definition of travel trailers, was taken up for consideration.

Nelson 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. 158)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schulte

Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none:

Absent or not voting, 8:

Bernau	Bogges	Brammer	Jochum
Larson	Nelson, B.	Schrader	Shultz

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

HOUSE FILE 187 WITHDRAWN

Nelson of Marshall asked and received unanimous consent to withdraw House File 187 from further consideration by the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 14, 1995. Had I been present, I would have voted "aye" on House File 438, "nay" on amendment H-3301 to House File 438, and "aye" on Senate File 17.

LARSON of Linn

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this sixteenth day of March, 1995: House File 149

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

A report to evaluate and complete a cost benefit analysis concerning the use of video conferencing by the area education agencies (AEAs), pursuant to Chapter 1184.25, 1994 Acts of the Seventy-fifth General Assembly.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\133 Jennifer Mich, Oskaloosa – For receiving a Best Community Scholarship.

1995\134 Ryan Danks, Pella – For receiving a Best Community Scholarship.

1995\135 Jodi Lanphier, New Sharon – For receiving a Best Community Scholarship.

1995\136 Stephanie Martin, Des Moines – For receiving a Best Community Scholarship.

1995\137 Brian Vos, Pella – For receiving a Best Community Scholarship.

SUBCOMMITTEE ASSIGNMENTS

House File 86

Environmental Protection: Greiner, Chair; Drees and Hahn.

House File 352

Economic Development: Nelson of Marshall, Chair; Baker and Cornelius.

House File 407

Agriculture: Greig, Chair; Huseman and Mundie.

House File 412

Agriculture: Klemme, Chair; Fallon and Main.

House File 423

Agriculture: Hahn, Chair; Boggess and Drees.

House File 429

Education: Veenstra, Chair; Cohoon and Cornelius.

House File 436

Economic Development: Cormack, Chair; Cornelius and Warnstadt.

House File 443

Education: Grubbs, Chair; Gries and Mascher.

House File 453

Transportation: Salton, Chair; Carroll and Cohoon.

House File 467

Environmental Protection: Greiner, Chair; Drees and Hahn.

Senate File 206

Education: Grubbs, Chair; Hanson and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 306**

Natural Resources: Klemme, Chair; Cornelius and O'Brien.

House Study Bill 307

Judiciary: Veenstra, Chair; Harrison and Moreland.

House Study Bill 308

Judiciary: Boddicker, Chair; Doderer and Millage.

House Study Bill 309

Judiciary: Millage, Chair; Moreland and Veenstra.

House Study Bill 310

Judiciary: Dinkla, Chair; Moreland and Nutt.

House Study Bill 311

Judiciary: Kremer, Chair; Bell and Schulte.

House Study Bill 312

Judiciary: Hurley, Chair; Harrison and Kreiman.

House Study Bill 313

Local Government: Welter, Chair; Disney and Mertz.

House Study Bill 314

Natural Resources: Garman, Chair; Branstad and O'Brien.

House Study Bill 315

Education: Grubbs, Chair; Gries and Ollie.

House Study Bill 316

State Government: Tyrrell, Chair; Connors and Coon.

House Study Bill 317

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

House Study Bill 318

State Government: Renken, Chair; Connors and Coon.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 166, a bill for an act relating to procedures and criteria for recovery by private property owners due to inverse condemnation of real property by state government action and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3327** and placed on **Special Order Calendar for March 29, 1995, March 15, 1995.**

House File 193, a bill for an act providing that animals classified as ostriches, rheas, and emus are considered livestock.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3326** March 14, 1995.

Committee Bill (Formerly House Study Bill 279), relating to restrictions on persons eligible to hold agricultural land.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

COMMITTEE ON APPROPRIATIONS

Committee Bill, appropriating funds to the department of economic development, the Wallace technology transfer foundation, the public employment relations board, and the department of employment services and providing an immediate effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 274), making an appropriation to the community grant fund for juvenile crime prevention programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 201), relating to the relationship between a licensed real estate salesperson or broker and the parties to a transaction and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 219), relating to electronic transfer of funds and establishing certain requirements for full-function point-of-sale terminals and electronic funds transfer facilities owned by a national card association, and establishing a civil penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 272), relating to abandoned property subject to control by the treasurer of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 273), relating to the payment of patronage dividends by cooperative associations which are public utilities.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 60, a bill for an act relating to establishing a linked investment program for speculative building development.

Fiscal Note is required.

Recommended **Do Pass** March 15, 1995.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 226), relating to solid waste by removing penalties for failure to meet waste reduction and recycling goals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 284), providing limited immunity for persons responding to oil spills.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 302), relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

COMMITTEE ON HUMAN RESOURCES

House File 337, a bill for an act to amend the criteria necessary to establish that a person is seriously mentally impaired for purposes of involuntary hospitalization.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 182), relating to activities of the department of human services, including provisions involving the state hospitals and other institutions, commitments of persons with mental retardation, and the department's public housing unit.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 232), relating to the regulation and licensure of physician assistants and advanced registered nurse practitioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 308, a bill for an act relating to the election of workers' compensation coverage by a limited liability company member.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

House File 330, a bill for an act relating to eligibility requirements for workers' compensation.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

COMMITTEE ON LOCAL GOVERNMENT

House File 174, a bill for an act relating to notice for vacating and closing roads.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

House File 177, a bill for an act relating to the applicability of the special valuation provisions for certain wind energy conversion property and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

House File 222, a bill for an act relating to the establishment of home development districts.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 185), relating to the assessment of certain public improvement costs to abutting property at the request of the property owner.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 189), relating to landlord remedies for tenant noncompliance with a rental agreement.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 265), relating to the duties of the county treasurer and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

COMMITTEE ON NATURAL RESOURCES

House Concurrent Resolution 31, a concurrent resolution in support of improvement in the wetland delineation process and a moratorium on wetlands determination until the 1995 farm bill has been passed and signed into law by the Congress and the President.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** March 15, 1995.

COMMITTEE ON STATE GOVERNMENT

Committee Bill, (Formerly House File 72), to limit the frequency of referendums held on a proposal to operate gambling games on excursion gambling boats or to operate gambling games at licensed pari-mutuel racetrack enclosures and providing an effective date and retroactive applicability.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 43), eliminating the appeal period for the awarding of contracts by the purchasing division of the department of general services.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 47), requiring that a publication whose standards are incorporated by reference in agency rulemaking be purchased and provided by the agency to the administrative rules coordinator for deposit in the state law library.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 176), relating to the state archivist's office.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 146), relating to motor vehicle and highway regulation by the state department of transportation concerning retention of records and documents, registration plates and stickers, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, motorcycle license requirements, leased motor vehicles, proof of financial responsibility, charges for handicapped identification devices, single state registration for motor carriers, commodity base state registration, other technical changes, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 15, 1995.

Committee Bill (Formerly House Study Bill 198), relating to motor carrier certification by establishing a motor carrier education course, requiring a compliance review, and imposing fees.

Fiscal Note is not required.

Recommended Amend and Do Pass March 15, 1995.

Committee Bill (Formerly House Study Bill 227), relating to a motor vehicle owner's liability for damages caused by the driver.

Fiscal Note is not required.

Recommended Amend and Do Pass March 15, 1995.

RESOLUTION FILED

HCR 35, by Weigel, Koenigs, Drees, Mertz and Fallon, a concurrent resolution to request that the United States Congress provide funds to increase the reimbursement levels to Iowa hospitals and health care providers.

Referred to committee on state government.

AMENDMENTS FILED

H-3325	H.F.	306	Blodgett of Cerro Gordo
H-3326	H.F.	193	Committee on Agriculture
H-3327	H.F.	166	Committee on Agriculture
H-3328	H.F.	258	Fallon of Polk
H-3329	H.F.	258	Fallon of Polk
H-3330	H.F.	258	Fallon of Polk
H-3331	H.F.	258	Fallon of Polk
H-3332	H.F.	288	Grundberg of Polk
H-3333	H.F.	258	Sukup of Franklin

On motion by Siegrist of Pottawattamie, the House adjourned at 1:37 p.m., until 10:00 a.m., Friday, March 17, 1995.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 17, 1995

The House met pursuant to adjournment at 10:08 a.m., Siegrist of Pottawattamie in the chair.

Prayer was offered by the Honorable Jerry Main, state representative from Jefferson County.

The Journal of Thursday, March 16, 1995 was approved.

PETITION FILED

By Brunkhorst of Bremer, from forty-nine citizens favoring House File 153 and Senate File 131, removing "accredited schools and any educational program" from the Iowa obscenity code exemption.

INTRODUCTION OF BILLS

House File 482, by committee on technology, a bill for an act relating to the funding for the Iowa communications network and providing an appropriation.

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

House File 483, by committee on human resources, a bill for an act relating to activities of the department of human services, including provisions involving the state hospital-schools and other institutions, commitments of persons with mental retardation, and the department's public housing unit.

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

House File 484, by committee on judiciary, a bill for an act authorizing the use of criminal contempt to enforce victim restitution orders.

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

House File 485, by committee on judiciary, a bill for an act relating to remedies upon the dishonoring of a financial instrument and providing penalties.

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

House File 486, by committee on commerce-regulation, a bill for an act relating to the regulation of cemetery operators and the regulation of perpetual care cemeteries and nonperpetual care cemeteries, establishing fees and use of those fees, and providing penalties.

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

House File 487, by committee on state government, a bill for an act relating to streamlining government activities.

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

House File 488, by committee on local government, a bill for an act relating to city sewer or water utility connections.

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

House File 489, by committee on local government, a bill for an act authorizing an increase in the amount of taxes dedicated to the reserve account by township trustees for supplies and equipment related to fire protection, emergency warning systems, and ambulance services.

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

House File 490, by committee on judiciary, a bill for an act relating to limited liability companies.

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

ADOPTION OF HOUSE MEMORIAL RESOLUTION 11

Weigel of Chickasaw offered the following House Memorial Resolution 11 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 11

Whereas, The Honorable Vincent B. Steffen of Chickasaw County, Iowa, who was a member of the Sixtieth, Sixty-first, and Sixty-second General Assemblies, passed away July 10, 1994; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Weigel of Chickasaw, Koenigs of Mitchell and Doderer of Johnson.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 12

Gipp of Winneshiek offered the following House Memorial Resolution 12 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 12

Whereas, The Honorable Semor C. Tofte of Winneshiek County, Iowa, who was a member of the Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra and Seventieth General Assemblies, passed away November 21, 1994; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Gipp of Winneshiek, Halvorson of Clayton and Weigel of Chickasaw.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 13

Mertz of Kossuth offered the following House Memorial Resolution 13 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 13

Whereas, The Honorable Percie Ellen Van Alstine of Humboldt County, Iowa, who was a member of the Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies, passed away February 5, 1994; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Mertz of Kossuth, Eddie of Buena Vista and Branstad of Winnebago.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 15, 1995, and is on file in the office of the Chief Clerk:

March 13, 1995

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

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

This listing includes 150 claims of general nature that were denied by the State Appeal Board at the February 23, 1995 meeting. This supplements our filing of February 2, 1995.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Michael L. Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 76TH GENERAL ASSEMBLY
MARCH, 1995

<u>Claim</u>	<u>Full Name</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G930387	Marlin Avenarius	Dubuque, IA	MVF Refund	\$58.00
G940312	Prairie Valley Comm- unity School District	Gowrie, IA	Sales Tax Refund	\$830.50
G940500	Dean B. Deuell	Allison, IA	MVF Refund	\$104.20
G940649	Vis Auto Sales Inc.	Hull, IA	License Refund	\$54.00
G940659	Rachelle L. Breen	Warrenville, IL	License Refund	\$109.50
G940692	Laura Hammel	Sherrill, IA	License Refund	\$71.00
G940706	Louis Michael Roe	Wellman, IA	Tax Credit	\$108.00
G950012	Mathy Construction Company	Onalaska, WI	Fuel Tax Refund	\$9,924.07
G950201	Virgil Rice	Lime Springs, IA	Professional Services	\$1,225.41
G950270	Joy M. Boren	Altoona, IA	Income Tax Refund	\$2,917.00
G950275	John Anderson	Glenwood, IA	Income Tax Refund	\$1,123.00
G950276	Lyle J. Sorensen	Sioux City, IA	Income Tax Refund	\$51.00
G950285	Robert and Adra Coghan	Mt. Pleasant, IA	Income Tax Refund	\$1,126.00
G950287	E. Laverne and Virginia D. Adair	Burlington, IA	Income Tax Refund	\$799.00
G950289	Joseph R. Songer	Ames, IA	Income Tax Refund	\$3,659.00
G950318	Lonnie and Margaret Adkins	Churdan, IA	Income Tax Refund	\$2,747.00
G950334	Herbert W. Boles	Glenwood, IA	Income Tax Refund	\$291.00
G950335	Herbert W. Boles	Glenwood, IA	Income Tax Refund	\$354.00
G950336	Herbert W. Boles	Glenwood, IA	Income Tax Refund	\$505.00
G950339	John Warren Scott	Knoxville, IA	Income Tax Refund	\$684.24
G950340	John Warren Scott	Knoxville, IA	Income Tax Refund	\$684.24
G950341	John Warren Scott	Knoxville, IA	Income Tax Refund	\$684.24
G950351	Lester Kleinendorst	Newton, IA	Income Tax Refund	\$1,042.00
G950362	Dorothy Siebels	Lisbon, IA	Income Tax Refund	\$359.00

<u>Claim</u>	<u>Full Name</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950363	Family Service Agency	Cedar Rapids, IA	Rehab Treatment	\$55.66
G950364	Donald A. Steffen	Marcus, IA	Income Tax Refund	\$822.35
G950369	Donald J. Pecinousley	Cresco, IA	Income Tax Refund	\$588.00
G950375	Leila D. Leigan	Des Moines, IA	Income Tax Refund	\$304.88
G950394	Mabel Nelson	Des Moines, IA	Income Tax Refund	\$1,607.00
G950397	Thelma K. Buntenbach	Knoxville, IA	Income Tax Refund	\$301.99
G950398	Thelma K. Buntenbach	Knoxville, IA	Income Tax Refund	\$177.40
G950399	Thelma K. Buntenbach	Knoxville, IA	Income Tax Refund	\$408.70
G950422	Cletus and Marjorie	Clear Lake, IA	Income Tax Refund	\$2,051.00
G950451	Dean E. Smith	Delhi, IA	Income Tax Refund	\$585.00
G950452	Dean E. Smith	Delhi, IA	Income Tax Refund	\$296.00
G950453	Doran Edward Gross	Des Moines, IA	Income Tax Refund	\$748.12
G950454	Arlene Warmbier	Algona, IA	Income Tax Refund	\$840.00
G950472	Jack S. Simpson	Odebolt, IA	Income Tax Refund	\$548.00
G950478	Chester Norland c/o Gayle Riessen	Spencer, IA	Income Tax Refund	\$3,196.00
G950479	Leland Swafford	Muscatine, IA	Income Tax Refund	\$160.00
G950482	Leland D. Swafford	Muscatine, IA	Income Tax Refund	\$5.00
G950484	Leland D. Swafford	Muscatine, IA	Income Tax Refund	\$76.00
G950485	Robert and Dorothy Martenson	Danville, IA	Income Tax Refund	\$3,107.00
G950489	Kenneth O. Root	Milford, IA	Income Tax Refund	\$534.00
G950490	Lois H. Seger	Tipton, IA	Income Tax Refund	\$940.44
G950505	Stanley T. Curtis	Cedar Rapids, IA	Income Tax Refund	\$1,213.00
G950506	Stanley T. Curtis	Cedar Rapids, IA	Income Tax Refund	\$728.00
G950508	Dwight and Gloria Kenagy	Sioux City, IA	Income Tax Refund	\$1,487.00
G950520	Arnold D. Robinette	LeMars, IA	Income Tax Refund	\$190.00
G950521	Rosemary Robinette	LeMars, IA	Income Tax Refund	\$87.00
G950522	Rosemary Robinette	LeMars, IA	Income Tax Refund	\$192.00

<u>Claim</u>	<u>Full Name</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950531	John Trusty	Cresco, IA	Income Tax Refund	\$353.00
G950534	Calvin C. Peterson	Cresco, IA	Income Tax Refund	\$2,495.00
G950535	Carl M. Little	Ames, IA	Income Tax Refund	\$280.00
G950541	Mary L. Gogg	Nashua, IA	Income Tax Refund	\$1,280.00
G950544	Harold Fowler	Smithland, IA	Income Tax Refund	\$344.00
G950545	Glen Miner	Rose Hill, IA	Income Tax Refund	\$326.00
G950554	Herbert Paul McMullen	Riverton, IA	Income Tax Refund	\$2,123.00
G950558	Theresa Barnett	Council Bluffs, IA	Income Tax Refund	\$606.00
G950567	William E. Plantage	Sioux Center, IA	Income Tax Refund	\$1,608.00
G950569	Lloyd D. Gregory	Boone, IA	Income Tax Refund	\$2,946.00
G950574	Robert C. Ruffcorn	Missouri Valley, IA	Income Tax Refund	\$1,766.00
G950575	Doran E. Gross	Des Moines, IA	Income Tax Refund	\$1,110.00
G950576	Raymond J. Kieffer	Estherville, IA	Income Tax Refund	\$92.00
G950577	Doran E. Gross	Des Moines, IA	Income Tax Refund	\$756.17
G950596	Clara G. Melvin	Des Moines, IA	Income Tax Refund	\$490.00
G950597	Clara G. Melvin	Des Moines, IA	Income Tax Refund	\$541.00
G950614	Winifred M. Carlson	West Des Moines, IA	Income Tax Refund	\$915.49
G950625	Wendell and Margaret Smith	Mount Pleasant, IA	Income Tax Refund	\$3,221.00
G950626	Mary O. Morris	Cresco, IA	Income Tax Refund	\$761.00
G950628	Lois Christine Sasseen	Fairfield, IA	Income Tax Refund	\$2,455.46
G950629	B. Maude Hillyer	Knoxville, IA	Income Tax Refund	\$1,085.00
G950631	Grace A. Knox	Elma, IA	Income Tax Refund	\$536.00
G950632	Grace A Knox	Elma, IA	Income Tax Refund	\$494.00
G950640	Donald & Kathleen Muffley	Council Bluffs, IA	Income Tax Refund	\$383.00
G950641	Donald & Kathleen Muffley	Council Bluffs, IA	Income Tax Refund	\$512.00

<u>Claim</u>	<u>Full Name</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950642	Donald and Kathleen Muffley	Council Bluffs, IA	Income Tax Refund	\$497.00
G950643	Donald and Kathleen Muffley	Council Bluffs, IA	Income Tax Refund	\$487.00
G950648	Francis D. Smith	Cleghorn, IA	Income Tax Refund	\$1,494.00
G950661	Arnold and Mary Skoda	Cresco, IA	Income Tax Refund	\$503.00
G950710	Alternative Treatment Associates	Postville, IA	Family Centered Therapy	\$357.68
G950711	Alternative Treatment Associates	Postville, IA	Family Centered Therapy	\$89.42
G950713	Jerry Smit	Lester, IA	Income Tax Refund	\$492.00
G950722	Ricardo C. Macasa	Mesa, AZ	Income Tax Refund	\$2,300.25
G950726	Francis Lee Hand	Missouri Valley, IA	Income Tax Refund	\$1,628.00
G950728	Norman L. Rebitzke	Red Oak, IA	Income Tax Refund	\$2,055.00
G950741	Johnson County Ambulance	Iowa City, IA	Ambulance Service	\$1,111.48
G950756	Richard and Joyce Parker	Davenport, IA	Income Tax Refund	\$651.00
G950758	Elmer Jensen	Newell, IA	Income Tax Refund	\$638.00
G950763	Gilmore Larson	Hawarden, IA	Income Tax Refund	\$629.00
G950776	Alfred W. Gaede	Tripoli, IA	Income Tax Refund	\$5,716.00
G950783	Broadlawns Medical Center	Des Moines, IA	Medical Fees	\$99.00
G950788	Alice L. Brayton	Denmark, IA	Income Tax Refund	\$2,009.00
G950789	Floyd W. Brayton	Denmark, IA	Income Tax Refund	\$2,009.00
G950809	Louis R. Flattery	Knoxville, IA	Income Tax Refund	\$206.00
G950810	Louis R. Flattery	Knoxville, IA	Income Tax Refund	\$2,355.00
G950811	Louis R. Flattery	Knoxville, IA	Income Tax Refund	\$115.00
G950818	Russell Swenson	Cedar Rapids, IA	Income Tax Refund	\$1,951.00

<u>Claim</u>	<u>Full Name</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G950820	Sebird Bingham	Chariton, IA	Income Tax Refund	\$132.00
G950821	Donald C. Burwell	Glenwood, IA	Income Tax Refund	\$1,762.00
G950823	Dorothy Wilson	Des Moines, IA	Income Tax Refund	\$834.00
G950848	Lucille Keil	Bellvue, IA	Income Tax Refund	\$342.00
G950849	Maxine E. Spurgeon	Wausau, WI	Income Tax Refund	\$1,767.00
G950851	Clifford Yaley	Wever, IA	Income Tax Refund	\$994.00
G950852	Helen M. Jungjohan	Davenport, IA	Income Tax Refund	\$278.00
G950853	Helen M. Jungjohan	Davenport, IA	Income Tax Refund	\$466.00
G950854	Edward and Edna Ackerman	Atlantic, IA	Income Tax Refund	\$1,926.00
G950855	Duane G. Breon	Kiron, IA	Income Tax Refund	\$3,087.00
G950859	Thorndset Pharmacy	Lakefield, MN	Outdated Invoice	\$106.87
G950875	Boys and Girls Home Residential Treatment Centers Inc	Sioux City, IA	Purchase of Service	\$386.76
G951040	Florence B. Corcoran	Spirit Lake, IA	Income Tax Refund	\$2,714.00
G951052	Lutheran Social Service of Iowa	Des Moines, IA	Purchase of Service	\$95.94
G951075	Lutheran Social Service of Iowa	Des Moines, IA	Purchase of Service	\$663.09
G951076	Lutheran Social Service of Iowa	Des Moines, IA	Purchase of Service	\$1,162.46
G951078	Lutheran Social Service of Iowa	Des Moines, IA	Purchase of Service	\$540.12
G951125	Rita B. Demmer	Peosta, IA	Income Tax Refund	Undetermined
G951147	Raymond E. Nelson	Farley, IA	Income Tax Refund	\$2,850.00
G951162	Frances Momyer	Knoxville, IA	Income Tax Refund	\$1,263.00
G951181	Jack Nichols	Knoxville, IA	Income Tax Refund	\$301.00
G951206	Roland and Dolores Labrie	Hiwasse, AR	Income Tax Refund	\$1,069.19
G951212	Louise H. Johnson	Des Moines, IA	Income Tax Refund	\$1,169.00
G951215	Maurice Lampe by Arlene Lampe	West Point, IA	Income Tax Refund	\$411.00

<u>Claim</u>	<u>Full Name</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G951224	Merlyn D. Christensen	Dell Rapids, SD	Income Tax Refund	\$3,672.75
G951237	Franklin Fleeman	Columbia, IA	Income Tax Refund	\$33.00
G951242	Walter J and Maxine M. Kassing	Davenport, IA	Income Tax Refund	\$1,754.00
G951243	Kenneth K. Jorgensen	Mason City, IA	Income Tax Refund	\$2,213.00
G951257	Hazel Kubicek	Burlington, IA	Income Tax Refund	\$2,611.00
G951258	Alice M. Lynch	Davenport, IA	Income Tax Refund	\$1,990.00
G951259	Virginia Torrey Kayser	Sun City, AZ	Income Tax Refund	\$4,184.00
G951260	Robert and Mary Branson	Panora, IA	Income Tax Refund	\$663.00
G951261	Robert and Mary Branson	Panora, IA	Income Tax Refund	\$790.00
G951262	Robert and Mary Branson	Panora, IA	Income Tax Refund	\$165.00
G951276	Peter Gambaiani	Waverly, IA	Income Tax Refund	\$5,613.07
G951279	George M. Dunshee	Chariton, IA	Income Tax Refund	\$358.70
G951280	George M. Dunshee	Chariton, IA	Income Tax Refund	\$335.00
G951281	George M. Dunshee	Chariton, IA	Income Tax Refund	\$376.00
G951282	George M. Dunshee	Chariton, IA	Income Tax Refund	\$339.00
G951289	Ronald Glen Bell	Fairfield, IA	Income Tax Refund	\$4,483.00
G951294	Jensvold Motor Company	Emmetsburg, IA	Outdated Invoice	\$80.73
G951513	Four Oaks Inc.	Cedar Rapids, IA	Provider Services	\$60.60
G951802	Families, Inc.	West Branch, IA	Provider Services	\$99.52
G951803	Families, Inc.	West Branch, IA	Provider Services	\$98.52
G951806	Families, Inc.	West Branch, IA	Provider Services	\$563.88
G951808	Families, Inc.	West Branch, IA	Provider Services	\$227.28
G951809	Families, Inc.	West Branch, IA	Provider Services	\$262.72
G951810	Families, Inc.	West Branch, IA	Provider Services	\$1,741.69
G951813	Families, Inc.	West Branch, IA	Provider Services	\$142.80

<u>Claim</u>	<u>Full Name</u>	<u>City and State</u>	<u>Type</u>	<u>Amount</u>
G951814	Families, Inc.	West Branch, IA	Provider Services	\$150.91
G951815	Families, Inc.	West Branch, IA	Provider Services	\$197.04
G951820	Families, Inc.	West Branch, IA	Provider Services	\$164.20

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 1995, he approved and transmitted to the Secretary of State the following bill:

Senate Joint Resolution 12, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a buffet dinner sponsored by the Des Moines Rotary Club and featuring the State Capitol restoration 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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

House File 111, a bill for an act exempting from regulation certain homeowners' association swimming pools.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3335 March 15, 1995.

House File 370, a bill for an act relating to the electricity purchase or wheeling requirements for alternate energy production and small hydro facilities and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3334 March 16, 1995.

Committee Bill (Formerly House Study Bill 285), relating to open-end credit pursuant to a credit card, including the permissible over-limit or delinquency charges, the offering of credit unemployment insurance, and the time requirements for making certain payments.

Fiscal Note is not required.

Recommended Amend and Do Pass March 16, 1995.

COMMITTEE ON EDUCATION

House File 334, a bill for an act relating to the hearing and election provisions of the instructional support program of school districts.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

House File 387, a bill for an act relating to the appointment of the student member to the state board of regents, reducing the student member's term, and providing implementation and transition provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

House File 404, a bill for an act relating to limited English proficiency programs in the public schools.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3338** March 15, 1995.

House File 455, a bill for an act relating to the filing of complaints concerning child abuse or crimes with the board of educational examiners.

Fiscal Note is required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 242), extending the periods in which a school or school district may apply to the department of education to waive the requirement that the school or school district provide an articulated sequential elementary-secondary guidance program and the requirement that the school or school district provide a media services program.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 244), relating to the appropriation of additional state aid to school districts based upon the number of at-risk pupils enrolled in the school district and providing effective and applicability date provisions.

Fiscal Note is required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 245), relating to a reduction in aid to a recipient of the family investment program for continued truancy by a recipient's child and establishing a penalty for providing aid, support, or shelter to a runaway or truant, and providing effective date and conditional effectiveness provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 247), relating to motorcycle education and providing an effective date and a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

COMMITTEE ON HUMAN RESOURCES

House File 430, a bill for an act relating to rules adopted by the department of human services pertaining to child day care meals.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 210), relating to the family investment program and related human services programs by requiring the department of human services to apply for certain federal waivers and providing applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 213), relating to the statistical reporting of terminations of pregnancy and establishing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 317), relating to payment of expenses for persons with mental retardation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

COMMITTEE ON JUDICIARY

House File 135, a bill for an act relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3337** March 15, 1995.

House File 160, a bill for an act relating to imposing a prison and jail surcharge on scheduled fines and forfeitures and providing for the appropriation and disposition of the proceeds from the surcharge for prisons and jails.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3336** March 14, 1995.

Committee Bill (Formerly House File 292), relating to sexual abuse of a minor and making an existing penalty effective.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1995.

Committee Bill (Formerly House Study Bill 256), relating to limited liability companies.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

COMMITTEE ON LOCAL GOVERNMENT

House File 88, a bill for an act relating to the purchase of voting machines and electronic voting systems by a county.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

House File 231, a bill for an act relating to notice requirements required for work involving drainage and levee districts and water districts.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

House File 386, a bill for an act authorizing certain cities to appoint a board of review to hear city taxpayer appeals.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

House File 416, a bill for an act relating to certain housing projects undertaken by a municipality.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

House File 428, a bill for an act relating to the expenditure of moneys deposited in an E911 service fund.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 194), relating to city sewer or water utility connections.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 281), providing for drug testing of public safety employees and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 282), relating to the waiver of certain state agency actions affecting city and county government.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 286), authorizing an increase in the amount of taxes dedicated to the reserve account by township trustees for supplies and equipment related to fire protection, emergency warning systems, and ambulance services.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 298), relating to the office of secretary of state, the conduct of elections, and the registration of voters in the state and relating to corrective and technical changes to Iowa's election laws.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 316), relating to state government personnel systems, including affirmative action reports, disability programs, deferred compensation, experimental research projects, and the state training system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 318), relating to streamlining government activities.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

AMENDMENTS FILED

H-3334	H.F.	370	Committee on Commerce- Regulation
H-3335	H.F.	111	Committee on Commerce- Regulation
H-3336	H.F.	160	Committee on Judiciary
H-3337	H.F.	135	Committee on Judiciary
H-3338	H.F.	404	Committee on Education
H-3339	H.F.	336	Hammitt of Harrison

On motion by Corbett of Linn, the House adjourned at 10:11 a.m., until 1:00 p.m., Monday, March 20, 1995.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 20, 1995

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Charles B. Hawkins, Regular Baptist Church, Mt. Ayr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Third Grade Cadet Corps of the Des Moines Christian Reformed Church. The members are: Brian Smit, Allen Bakker, Adam Tidman, Tad Delude and Adam Farrel. Mark Bakker is the Cadet Counselor.

The Journal of Friday, March 17, 1995 was approved.

INTRODUCTION OF BILLS

House File 491, by Murphy, a bill for an act relating to the office of the state long-term care ombudsman, specifying the duties of the ombudsman, providing for local ombudsman entities, and providing a penalty.

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

House File 492, by committee on local government, a bill for an act relating to landlord remedies for tenant noncompliance with a rental agreement and acts constituting a clear and present danger.

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

House File 493, by committee on local government, a bill for an act providing for drug testing of public safety employees and making penalties applicable.

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

House File 494, by committee on state government, a bill for an act relating to the office of secretary of state, the conduct of elections, and the registration of voters in the state and relating to corrective and technical changes to Iowa's election laws.

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

House File 495, by committee on local government, a bill for an act relating to the waiver of certain state agency actions affecting city and county government.

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

House File 496, by committee on human resources, a bill for an act relating to the regulation and payment of physician assistants and advanced registered nurse practitioners.

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

House File 497, by Kremer, a bill for an act relating to the recapture tax on property maintained as a fruit-tree or forest reservation for which a property tax exemption was granted and providing effective and applicability date provisions.

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

House File 498, by committee on environmental protection, a bill for an act relating to the twenty-five percent waste reduction and recycling goal.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larson of Linn on request of Siegrist of Pottawattamie; Moreland of Wapello on request of Cataldo of Polk.

CONSIDERATION OF BILLS

Regular Calendar

House File 36, a bill for an act relating to public water supply system fees, with report of committee recommending passage, was taken up for consideration.

Gries of Crawford offered the following amendment H-3118 filed by him and Vande Hoef and moved its adoption:

H-3118

- 1 Amend House File 36 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 384.38, subsection 3, Code
- 5 1995, is amended to read as follows:
- 6 3. A city may establish, by ordinance after notice
- 7 and a public hearing consistent with the requirements
- 8 of section 384.50, one or more districts and schedules
- 9 of fees for the connection of property to the city
- 10 sewer or water utility. Each person whose property
- 11 will be served by connecting to the city sewer or
- 12 water utility shall pay a connection fee to the city.
- 13 The ordinance shall be certified by the city and
- 14 recorded in the office of the county recorder of the
- 15 county in which a district is located. The connection

16 fees are due and payable when a utility connection
 17 application is filed with the city. A connection fee
 18 shall not exceed the equitable part of the total
 19 original cost to the city of extending the utility to
 20 the properties within the district, less any part of
 21 the cost which has been previously assessed or paid to
 22 the city under this division IV. All fees collected
 23 under this subsection shall be paid to the city
 24 treasurer. The moneys collected as fees shall only be
 25 used for the purposes of operating the utility, or to
 26 pay debt service on obligations issued to finance
 27 improvements or extensions to the utility. This
 28 subsection shall not be construed to require a city to
 29 establish a special assessment district when
 30 connection to the city sewer or water utility is
 31 requested by the person whose property may be served
 32 by the connection."
 33 2. By renumbering as necessary.

Amendment H-3118 was adopted.

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

On the question "Shall the bill pass?" (H.F. 36)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Main	Martin
Mascher	May	Mertz	Metcalf
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Larson	McCoy	Meyer
Moreland	Nutt	Van Fossen	

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

House File 252, a bill for an act relating to the regulation of real estate brokers and salespersons, was taken up for consideration.

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

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

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Larson	Meyer	Moreland
Van Fossen			

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

House File 113, a bill for an act relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals, with report of committee recommending passage, was taken up for consideration.

Cornelius 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. 113)

The ayes were, 89:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Van Maanen, Presiding			

The nays were, 6:

Branstad	Doderer	Drake	Fallon
Harper	Witt		

Absent or not voting, 5:

Brammer	Larson	Meyer	Moreland
Van Fossen			

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

House File 257, a bill for an act relating to the administration of trusts and estates by corporate fiduciaries, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 257)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Corbett, Spkr.	Larson	Meyer
Moreland	Van Fossen		

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 36, 113, 252, and 257.**

House File 154, a bill for an act relating to the exemption of certain dentists and dental hygienists from state licensing requirements, was taken up for consideration.

Bradley 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. 154)

The ayes were, 95:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Fossen	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Baker	Brammer	Larson	Meyer
Moreland			

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 154** be immediately messaged to the Senate.

Special Order Calendar

House File 258, a bill for an act relating to drug testing of certain employees and applicants for employment, providing for employer defenses, and making penalties applicable, was taken up for consideration.

The House stood at ease at 1:55 p.m., until the fall of the gavel.

The House resumed session at 3:42 p.m., Speaker Pro Tempore Van Maanen of Marion in the chair.

Schrader of Marion asked and received unanimous consent to take up out of order amendment H-3323.

Nelson of Pottawattamie offered amendment H-3323 filed by Nelson of Pottawattamie, et. al., as follows:

H-3323

- 1 Amend House File 258 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 730.5, subsection 1, Code
- 5 1995, is amended to read as follows:
- 6 1. As used in this section, unless the context
- 7 otherwise requires:
- 8 a. "drug Drug test" means any blood, urine,
- 9 saliva, chemical, or skin tissue test conducted for
- 10 the purpose of detecting the presence of a chemical
- 11 substance in an individual.
- 12 b. "Preemployment" means that period of time
- 13 between when a bona fide offer of employment is made
- 14 and when employment begins.
- 15 Sec. 2. Section 730.5, subsection 3, paragraph c,
- 16 Code 1995, is amended to read as follows:
- 17 c. The test sample withdrawn from the employee is
- 18 analyzed by a laboratory or testing facility that has
- 19 been approved under rules adopted by the department of
- 20 public health. The laboratory or testing facility
- 21 shall report to the employer only the presence of
- 22 alcohol or illegal controlled substances in any test
- 23 sample. The rules adopted by the department of public
- 24 health shall provide for all of the following:

- 25 (1) The initial screening test may utilize
26 immunoassay, thin layer, high performance liquid or
27 gas chromatography, or an equivalent technology. If
28 the initial test utilizes immunoassay, the test kit
29 must meet the requirements of the United States food
30 and drug administration.
- 31 (2) Samples which have tested positive by initial
32 testing, with the exception of alcohol, shall be
33 confirmed by gas chromatography-mass spectrometry or
34 by a scientifically equivalent technique approved by
35 the department.
- 36 (3) All initial positive drug test results with
37 the exception of alcohol shall be confirmed by gas
38 chromatography-mass spectrometry or an equivalent test
39 approved by the department before being reported as
40 positive or negative.
- 41 (4) All initial positive test results for alcohol
42 shall be confirmed by gas chromatography, or a test
43 that is recognized by the department as an equivalent
44 test before being reported as positive or negative.
- 45 (5) Preliminary reports for drugs other than
46 alcohol shall not be issued in the absence of
47 confirmation by gas chromatography-mass spectrometry
48 or a scientifically equivalent test approved by the
49 department.
- 50 (6) Complete chain of custody procedures shall be

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- 1 used for referred specimens. When sample volumes
2 permit, it is recommended that only an aliquot of the
3 original specimen be sent to a reference laboratory.
- 4 Sec. 3. Section 730.5, subsection 7, Code 1995, is
5 amended to read as follows:
- 6 7. A drug test conducted as a part of a physical
7 examination performed as a part of a preemployment
8 physical or as a part of a regularly scheduled
9 physical is only permissible. In addition to drug
10 testing permitted by subsection 3, drug testing of an
11 employee or applicant for employment shall also be
12 permitted under the following circumstances:
- 13 a. For a preemployment physical, the employer
14 shall include notice that a drug test will be part of
15 a preemployment physical in any notice or
16 advertisement soliciting applicants for employment or
17 in the application for employment, and an applicant
18 for employment shall be personally informed of the
19 requirement for a drug test at the first interview.
- 20 b. For a regularly scheduled physical, the
21 employer shall give notice that a drug test will be
22 part of the physical at least thirty days prior to the
23 date the physical is scheduled.
- 24 c. An employer may require an employee, as a
25 condition of employment, to undergo drug testing if

26 that employee has been referred by the employer for
 27 substance abuse evaluation pursuant to subsection 3,
 28 paragraph "f", and treatment, if recommended by the
 29 evaluation. The employee may be required to undergo
 30 drug testing without prior notice, but in no case
 31 shall more than two tests be conducted in the twelve-
 32 month period following the employee's completion of
 33 substance abuse treatment if the treatment was
 34 recommended by the evaluation. No drug test shall be
 35 required of an employee by an employer during drug
 36 treatment of the employee, if such testing would
 37 duplicate testing of the employee conducted in the
 38 course of treatment and the employee has waived
 39 confidentiality as to the employer of the results of
 40 such testing. No employer shall require an employee
 41 to submit to drug testing under this paragraph if more
 42 than six months have elapsed since the employee
 43 successfully completed drug treatment and the employee
 44 has not had a drug test indicating the presence of
 45 alcohol or an illegal controlled substance during that
 46 six-month period.

47 Drug testing conducted under this subsection shall
 48 conform to the requirements of subsection 3,
 49 paragraphs "c", "d", "e", and "f"; however, paragraph
 50 "f" shall not apply to drug tests conducted as a part

Page 3

- 1 of a preemployment physical.
- 2 Sec. 4. EMPLOYMENT DRUG TESTING STUDY. The
- 3 legislative council is requested to establish a study
- 4 committee on drug testing of employees and applicants
- 5 for employment."
- 6 2. Title page, line 2, by striking the words
- 7 "employer defenses" and inserting the following: "a
- 8 study of employment drug testing".

Fallon of Polk offered the following amendment H-3328, to amend-
 ment H-3323 filed by him and moved its adoption:

H-3328

- 1 Amend the amendment, H-3323, to House File 258 as
- 2 follows:
- 3 1. Page 1, by inserting after line 3 the
- 4 following:
- 5 ""Section 1. Section 2.43, Code 1995, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The pastor of the day
- 8 for the general assembly shall submit to a drug test
- 9 conducted pursuant to the requirements of section
- 10 730.5, subsection 3, paragraphs "c" and "d", on the
- 11 date the pastor is the pastor of the day. Failure to
- 12 submit to a drug test as required by this section or a

13 test indicating the presence of alcohol or a
 14 controlled substance shall result in the pastor of the
 15 day being denied compensation for being pastor of the
 16 day. The results of the drug test shall be a public
 17 record."

18 2. Page 3, by inserting after line 5 the
 19 following:

20 "_. Title page, line 1, by inserting after the
 21 word "employees" the following: ", pastors,""

22 3. By renumbering as necessary.

Amendment H-3328 lost.

Fallon of Polk offered the following amendment H-3331, to amend-
 ment H-3323, filed by him and moved its adoption:

H-3331

1 Amend the amendment, H-3323, to House File 258 as
 2 follows:

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

5 ""Section 1. NEW SECTION. 2.40A GENERAL ASSEMBLY
 6 — DRUG TESTING.

7 On the first session day during every week the
 8 general assembly is in session, the chief clerk of the
 9 house and the secretary of the senate shall each
 10 select, by random drawing, the names of ten members of
 11 their respective chambers for purposes of submission
 12 to a drug test. The members selected shall submit to
 13 a drug test conducted pursuant to the requirements of
 14 section 730.5, subsection 3, paragraphs "c" and "d".
 15 The results of the drug test shall be a public
 16 record."

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

19 "_. Title page, line 1, by inserting after the
 20 word "employees" the following: ", public
 21 officials,""

22 3. By renumbering as necessary.

Amendment H-3331 lost.

Nelson of Pottawattamie moved the adoption of amendment
 H-3323.

Roll call was requested by Nelson of Pottawattamie and Running of
 Linn.

On the question "Shall amendment H-3323 be adopted?" (H.F. 258)

The ayes were, 34:

Baker
 Burnett

Bell
 Cataldo

Bernau
 Cohoon

Brand
 Connors

Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Lord	Main	Martin	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 2:

Brammer Larson

Amendment H-3323 lost.

Wise of Lee asked and received unanimous consent to defer amendment H-3289.

Running of Linn asked and received unanimous consent to defer amendment H-3318.

Jochum of Dubuque offered amendment H-3322 filed by Jochum, et. al., as follows:

H-3322

- 1 Amend House File 258 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 730.5, Code 1995, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 730.5 DRUG TESTING OF EMPLOYEES OR APPLICANTS
- 8 REGULATED.
- 9 1. As used in this section, unless the context
- 10 otherwise requires:

11 a. "Alcohol" means ethyl alcohol, hydrated oxide
12 of ethyl, or spirits of wine, from whatever source or
13 by whatever process produced.

14 b. "Chain of custody" means the methodology of
15 tracking specified materials, specimens, or substances
16 for the purpose of maintaining control and
17 accountability from initial collection to final
18 disposition for all such materials, specimens, or
19 substances and providing for accountability at each
20 stage in handling, testing, and storing materials,
21 specimens, or substances and reporting test results.

22 c. "Confirmation test", "confirmed test", or
23 "confirmed substance abuse test" means a second
24 analytical procedure used to identify the presence of
25 a specific drug or metabolite in a specimen. The
26 confirmation test must be different in scientific
27 principle from that of the initial test procedure.
28 This confirmation method must be capable of providing
29 requisite specificity, sensitivity, and quantitative
30 accuracy.

31 d. "Drug" or "drugs" means amphetamines,
32 cannabinoids, cocaine, phencyclidine, opiates,
33 barbiturates, benzodiazepines, methadone,
34 methaqualene, propoxyphene, or a metabolite of any
35 such substances.

36 e. "Employee" means any person who works for
37 salary, wages, or other remuneration for an employer,
38 including those working part-time or as leased
39 employees. "Employee" also means employee as defined
40 in section 85.61 and includes the employer, and any
41 chief executive officer, president, vice president,
42 supervisor, manager, and officer of the employer.

43 f. "Employee assistance program (EAP)" means a
44 program designed to assist in the identification and
45 resolution of job performance problems associated with
46 employees impaired by personal concerns. A minimum
47 level of core services must include consultation and
48 training; professional, confidential, appropriate, and
49 timely problem assessment services; short-term problem
50 resolution; referrals for appropriate diagnosis,

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1 treatment, and assistance; follow-up and monitoring;
2 employee education; and quality assurance.

3 g. "Employer" means a person or entity that is
4 subject to the provisions of this section.

5 h. "Initial test" means a sensitive, rapid, and
6 reliable procedure to identify negative and
7 presumptive positive specimens. All initial tests
8 shall use an immunoassay procedure or an equivalent
9 procedure or shall use a more accurate scientifically
10 accepted method approved by the federal department of
11 health and human services national laboratory

12 certification program or the college of American
13 pathologists as such more accurate technology becomes
14 available in a cost-effective form.

15 i. "Job applicant" means a person who has applied
16 for a position and been offered employment subject to
17 passing a substance abuse test. A job applicant may
18 have begun work pending the results of the substance
19 abuse test.

20 j. "Manufacture", "sale", "distribution",
21 "solicitation", "possession with intent to sell or
22 distribute", and "use" shall have the same meaning as
23 those terms are used in chapter 124.

24 k. "Medical review officer" means a licensed
25 physician trained in the field of alcohol and other
26 drug testing who provides medical assessment of
27 positive test results, requests reanalysis if
28 necessary, and makes a determination whether or not
29 alcohol or other drug use has occurred.

30 l. "Nonprescription medication" means a drug or
31 medication authorized pursuant to federal or state law
32 for general distribution and use without a
33 prescription in the treatment of human disease,
34 ailments, or injuries.

35 m. "Prescription medication" means a drug or
36 medication lawfully prescribed by a physician for an
37 individual and taken by the individual only in
38 accordance with such prescription.

39 n. "Reasonable suspicion testing" means substance
40 abuse testing based on evidence that an employee is
41 using or has used alcohol or other drugs in violation
42 of the employer's policy drawn from specific objective
43 and articulable facts and reasonable inferences drawn
44 from those facts in light of experience. Among other
45 things, such facts and inferences may be based upon,
46 but not limited to, any one of the following:

47 (1) Observable phenomena while at work, such as
48 direct observation of alcohol or other drug use or
49 abuse or of the physical symptoms or manifestations of
50 being impaired due to alcohol or other drug use.

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1 (2) Abnormal conduct or erratic behavior while at
2 work or a significant deterioration in work
3 performance.

4 (3) A report of alcohol or other drug use provided
5 by a reliable and credible source.

6 (4) Evidence that an individual has tampered with
7 any substance abuse test during the employee's
8 employment with the current employer.

9 (5) Evidence that an employee has caused or
10 contributed to an accident while at work.

11 (6) Evidence that an employee has manufactured,
12 sold, distributed, solicited, possessed, used, or

13 transferred drugs while working or while on the
14 employer's premises or while operating the employer's
15 vehicle, machinery, or equipment.

16 o. "Rehabilitation program" means an established
17 program capable of providing expert identification,
18 assessment, and resolution of employee alcohol and
19 other drug abuse in a confidential and timely manner.
20 This service shall in all cases be provided by persons
21 certified as health professionals by the department of
22 public health to provide alcohol and other drug
23 rehabilitative services.

24 p. "Specimen" means urine, blood, breath, hair,
25 tissue, or other such sample of the human body capable
26 of revealing the presence of alcohol or other drugs or
27 their metabolites. Such tests must meet the
28 department of public health standards for scientific
29 and technical accuracy and afford the opportunity for
30 strict forensic chain of custody procedures.

31 q. "Substance" means alcohol or other drugs.

32 r. "Substance abuse test" or "test" means any
33 chemical, biological, or physical instrumental
34 analysis administered for the purpose of determining
35 the presence or absence of alcohol and other drugs or
36 their metabolites.

37 s. "Threshold detection level" means the level at
38 which the presence of alcohol or other drugs can be
39 reasonably expected to be detected by an initial and
40 confirmatory test performed by a laboratory meeting
41 the standards specified in this section. The
42 threshold detection level indicates the level at which
43 a valid conclusion can be drawn that the alcohol or
44 other drugs are present in the employee's specimen.

45 2. It is lawful for an employer to test employees
46 , or prospective employees for the presence of alcohol
47 or other drugs, in accordance with the provisions of
48 this section, as a condition of continued employment
49 or hiring. However, in order to qualify for
50 protection from litigation regarding certain legal

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1 claims for acting in good faith on the results of a
2 substance abuse test, employers must implement and
3 maintain a comprehensive drug-free workplace program
4 and adhere to the procedural safeguards that demand
5 accuracy and fairness as included in this section.

6 3. a. A comprehensive drug-free workplace program
7 must contain the following elements:

8 (1) Written policy statement as provided in
9 subsection 4.

10 (2) Employee assistance programs or rehabilitation
11 resources, in accordance with subsection 5.

12 (3) Employee education as provided in subsection
13 6.

- 14 (4) Supervisor training in accordance with
15 subsection 7.
- 16 (5) Substance abuse testing as provided in
17 subsection 8.
- 18 b. In addition to the requirements of paragraph
19 "a" of this subsection, a comprehensive drug-free
20 workplace program must be implemented in compliance
21 with the confidentiality standards provided in
22 subsection 9.
- 23 4. A drug-free workplace must provide a written
24 policy statement on substance abuse, including
25 testing.
- 26 a. At least one time, prior to testing, and each
27 year thereafter, all employees and job applicants for
28 employment must be given a notice of testing. In
29 addition, all employees must be given a written policy
30 statement from the employer that contains:
- 31 (1) A general statement of the employer's policy
32 on substance abuse, including testing, that shall do
33 all of the following:
- 34 (a) Notify employees that the unlawful
35 manufacture, sale, distribution, possession, or use of
36 alcohol or other drugs is prohibited in the person's
37 workplace.
- 38 (b) Identify the types of testing to which an
39 employee or job applicant may be required to submit,
40 including the basis used to determine when such
41 testing will be required.
- 42 (c) Identify the actions the employer may take
43 against an employee or job applicant on the basis of a
44 positive confirmed test result.
- 45 (2) A statement advising an employee or job
46 applicant of the existence of this section.
- 47 (3) A general statement concerning
48 confidentiality.
- 49 (4) A statement advising the employee of the
50 consequences of a refusal to submit to a substance

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- 1 abuse test.
- 2 (5) A statement advising an employee of the
3 employee assistance program, external employee
4 assistance program, or the employer's resource file of
5 employee assistance programs and other persons,
6 entities, or organizations designed to assist
7 employees with personal or behavioral problems.
- 8 (6) A statement that an employee or job applicant
9 who receives a positive confirmed test result may
10 contest or explain the result to the employer within
11 seven working days after written notification of the
12 positive test result.
- 13 (7) A statement informing an employee of the
14 provisions of the federal Drug-Free Workplace Act, if

15 applicable to the employer.

16 b. An employer not having a substance abuse
17 testing program shall ensure that at least sixty
18 calendar days elapse between a general notice to all
19 employees that a substance abuse testing program is
20 being implemented and the beginning of the actual
21 testing. An employer having a substance abuse testing
22 program in place prior to the enactment of this
23 legislation shall not be required to provide a sixty-
24 day notice period.

25 c. An employer shall include notice of substance
26 abuse testing on vacancy announcements for those
27 positions for which testing is required. Notices of
28 the employer's substance abuse testing policy must
29 also be posted in appropriate and conspicuous
30 locations on the employer's premises, and copies of
31 the policy must be made available for inspection by
32 the employees or job applicants of the employer during
33 regular business hours in the employer's personnel
34 office or other suitable locations.

35 5. In order for an employer's workplace to qualify
36 for the provisions of subsection 2, the following must
37 be met:

38 a. If an employer has an employee assistance
39 program, the employer must inform the employee of the
40 benefits and services of the employee assistance
41 program. An employer shall post notice of the
42 employee assistance program in conspicuous places and
43 explore alternative routine and reinforcing means of
44 publicizing such services. In addition, the employer
45 must provide the employee with notice of the policies
46 and procedures regarding access to and utilization of
47 the program.

48 b. If an employer does not have an employee
49 assistance program, the employer must maintain a
50 resource file of employee assistance services

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1 providers, alcohol and other drug abuse programs
2 certified by the department of public health, mental
3 health providers, and other persons, entities, or
4 organizations available to assist employees with
5 personal or behavioral problems. The employer shall
6 provide all employees information about the existence
7 of the resource file and a summary of the information
8 contained within the resource file. The summary
9 should contain, but need not be limited to, all
10 information necessary to access the services listed in
11 the resource file. In addition, the employer shall
12 post in conspicuous places a listing of multiple
13 employee assistance providers in the area.

14 6. An employer must provide all employees with an
15 education program on alcohol and other drug abuse

16 prior to instituting a drug-free workplace program
17 under this section. Also, an employer must provide
18 all employees with an annual education program on
19 alcohol and other drug abuse, in general, and its
20 effects on the workplace, specifically. An education
21 program for a minimum of one hour should include, but
22 is not limited to, the following information:

23 a. The explanation of the disease of addiction for
24 alcohol and other drugs.

25 b. The effects and dangers of the commonly abused
26 substances in the workplace.

27 c. The company's policies and procedures regarding
28 alcohol and other drug use or abuse in the workplace
29 and how employees who wish to obtain substance abuse
30 treatment can do so.

31 7. In order to qualify for the provisions of
32 subsection 2, and in addition to the education program
33 provided in subsection 6, an employer must provide all
34 supervisory personnel a minimum of two hours of
35 training prior to the institution of a drug-free
36 workplace program under this section, and each year
37 thereafter, which should include, but is not limited
38 to, the following:

39 a. Recognition of evidence of employee alcohol and
40 other drug abuse.

41 b. Documentation and corroboration of employee
42 alcohol and other drug abuse.

43 c. Referral of alcohol and other drug-abusing
44 employees to the proper treatment providers.

45 d. Recognition of the benefits of referring
46 alcohol and other drug-abusing employees to treatment
47 programs, in terms of employee health and safety and
48 company savings.

49 e. Explanation of any employee health insurance or
50 health maintenance organization coverage for alcohol

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1 and other drug problems.

2 8. In order to qualify for the provisions of
3 subsection 2:

4 a. All testing conducted by an employer shall be
5 in conformity with the standards and procedures
6 established in this section and all applicable rules
7 adopted pursuant thereto. This section does not
8 establish a legal duty for employers to conduct drug
9 tests of employees or job applicants. However, if an
10 employer fails to maintain a drug-free workplace
11 program in accordance with the standards, procedures,
12 and rules established in or pursuant to this section,
13 the employer shall not qualify for protection from
14 litigation regarding certain legal claims for acting
15 in good faith on the results of a confirmed substance
16 abuse test, as provided in subsection 2.

17 b. An employer is required to conduct the
18 following types of tests in order to qualify for the
19 provisions of subsection 2:

20 (1) An employer must require job applicants to
21 submit to a substance abuse test after extending an
22 offer of employment and may use a refusal to submit or
23 a positive confirmed test as a basis for not hiring
24 the job applicant.

25 (2) An employer must require an employee to submit
26 to reasonable suspicion testing.

27 (3) An employer must require an employee to submit
28 to a substance abuse test if the test is conducted as
29 part of a routinely scheduled employee fitness-for-
30 duty medical examination that is part of the
31 employer's established policy or that is scheduled
32 routinely for all members of an employment classi-
33 fication or group.

34 (4) If the employee in the course of employment
35 enters an employee assistance program or
36 rehabilitation program as a result of a positive test
37 or if the employee has been mandatorily referred to an
38 employee assistance program as a result of a positive
39 test, the employer must require the employee to submit
40 to a substance abuse test as a follow-up to such
41 program. However, if an employee voluntarily entered
42 the program, follow-up testing is not required. If
43 follow-up testing is conducted, the frequency of such
44 testing shall be after completion of the program and
45 advance notice of the testing date shall not be given
46 to the employee and shall be conducted no more than
47 four times in the first year following completion of
48 the program and no more than three times in the second
49 year following completion of the program.

50 (5) If the employee has caused or contributed to

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1 an accident during the course of employment, the
2 employer must conduct post-accident testing.

3 c. Nothing in this section shall prohibit an
4 employer from conducting lawful testing of employees.

5 d. All specimen collection and testing under this
6 subsection shall be performed in accordance with the
7 following procedures:

8 (1) A specimen shall be collected in accordance
9 with the specimen collection procedures described in
10 regulations approved by the federal department of
11 health and human services, the college of American
12 pathologists, or the United States department of
13 transportation regulations for alcohol testing.

14 (2) A specimen shall be collected with due regard
15 to the privacy of the individual providing the
16 specimen, and in a manner reasonably calculated to
17 prevent substitution or contamination of the specimen.

18 (3) Specimen collection, storage, and
19 transportation to the testing site shall be performed
20 in a manner that will reasonably preclude specimen
21 contamination or adulteration.

22 (4) An employee or prospective employee shall have
23 an opportunity to provide notification of any
24 information that may be considered as relevant to the
25 test, including identification of currently or
26 recently used prescriptions or nonprescription drugs,
27 or other relevant medical information. This may be
28 accomplished by providing procedures for review by a
29 qualified medical professional in the case of a sample
30 that tests "positive" in a confirmatory test.

31 (5) Each initial and confirmation test conducted
32 under this section, not including the taking or
33 collecting of a specimen to be tested, shall be
34 conducted by a laboratory certified by the federal
35 department of health and human services' national
36 laboratory certification program or the college of
37 American pathologists as described in paragraph (e) of
38 this subsection, or, for alcohol, handled in
39 accordance with United States department of
40 transportation regulations relating to alcohol
41 testing.

42 (6) A specimen for a test may be taken or
43 collected by any of the following persons:

44 (a) A physician, a physician's assistant, a
45 registered professional nurse, a licensed practical
46 nurse, a nurse practitioner, or a certified paramedic
47 who is present at the scene of an accident for the
48 purpose of rendering emergency medical service or
49 treatment.

50 (b) A qualified person certified or employed by a

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1 laboratory certified by the federal department of
2 health and human services' national laboratory
3 certification program.

4 (c) A qualified person certified or employed by a
5 specimen collection company.

6 (7) Within seven working days after receipt of a
7 positive confirmed test result from the laboratory, an
8 employer shall inform an employee or job applicant in
9 writing of such positive test result, the consequences
10 of such results, and the options available to the
11 employee or job applicant.

12 (8) The employer shall provide to the employee or
13 job applicant, upon request, a copy of the test
14 results.

15 (9) An initial test having a positive result must
16 be verified by a confirmation test, or it shall be
17 certified as a negative result.

18 (10) An employer who performs drug testing or

19 specimen collection shall use chain of custody
20 procedures to ensure proper recordkeeping, handling,
21 labeling, and identification of all specimens to be
22 tested.

23 (11) An employer shall pay the cost of all initial
24 and confirmation substance abuse tests that the
25 employer requires of job applicants or employees.

26 (12) An employee or job applicant shall pay the
27 cost of any additional tests that the employee or job
28 applicant requests.

29 (13) If test is conducted based on reasonable
30 suspicion, the employer shall promptly detail in
31 writing the circumstances that formed the basis of the
32 determination that reasonable suspicion existed to
33 warrant the testing. A copy of this documentation
34 shall be given to the employee and the original
35 documentation shall be kept confidential by the
36 employer pursuant to subsection 9 and retained by the
37 employer for at least one year, or maintained
38 throughout the duration of any legal proceedings
39 resulting from the testing.

40 e. No laboratory may analyze initial or
41 confirmation drug specimens unless:

42 (1) The laboratory is approved by the national
43 laboratory certification program or the college of
44 American pathologists.

45 (2) The laboratory has written procedures to
46 ensure the chain of custody.

47 (3) The laboratory follows proper quality control
48 procedures including, but not limited to:

49 (a) The use of internal quality controls including
50 the use of samples of known concentrations that are

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1 used to check the performance and calibration of
2 testing equipment, and periodic use of blind samples
3 for overall accuracy.

4 (b) An internal review and certification process
5 for substance abuse test results, conducted by a
6 person qualified to perform that function in the
7 testing laboratory.

8 (c) Security measures implemented by the testing
9 laboratory to preclude adulteration of specimens and
10 test results.

11 (d) Other necessary and proper actions taken to
12 ensure reliable and accurate test results.

13 f. A laboratory shall disclose to the employer a
14 written test result report within seven working days
15 after receipt of the sample. All laboratory reports
16 of a substance abuse test result shall, at a minimum,
17 state:

18 (1) The name and address of the laboratory that
19 performed the test and the positive identification of

20 the person tested.

21 (2) Positive results on confirmation tests only,
22 or negative results, as applicable.

23 (3) A list of the drugs for which the drug
24 analyses were conducted.

25 (4) The type of tests conducted for both initial
26 and confirmation tests and the minimum cutoff levels
27 to establish a positive substance abuse test result.

28 No report shall disclose the presence or absence of
29 any drug other than a specific drug and its
30 metabolites listed pursuant to this section.

31 g. Laboratories shall provide technical assistance
32 to the employer, employee, or job applicant for the
33 purpose of interpreting any positive confirmed test
34 results which could have been caused by prescription
35 or nonprescription medication taken by the employee or
36 job applicant.

37 h. All positive initial tests shall be confirmed
38 using the gas chromatography/mass spectrometry method
39 or an equivalent or more accurate and scientifically
40 accepted method approved by the national laboratory
41 certification program or the college of American
42 pathologists as such technology becomes available in a
43 cost-effective form.

44 9. a. All information, interviews, reports,
45 statements, memoranda, and test results, written or
46 otherwise, received by the employer through a
47 substance abuse testing program are confidential
48 communications as they pertain to the employee only
49 and may not be used or received in evidence, obtained
50 in discovery, or disclosed in any public or private

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1 proceedings, except in accordance with this section.

2 b. Employers, laboratories, medical review
3 officers, and their agents who receive or have access
4 to information concerning test results shall keep all
5 information confidential. Release of such information
6 under any other circumstances shall be solely pursuant
7 to a written consent form signed voluntarily by the
8 person tested, unless such release is compelled by an
9 agency of the state or a court of competent
10 jurisdiction or unless deemed appropriate by a pro-
11 fessional or occupational licensing board in a related
12 disciplinary proceeding. The consent form must
13 contain at a minimum:

14 (1) The name of the person who is authorized to
15 obtain the information.

16 (2) The purpose of the disclosure.

17 (3) The precise information to be disclosed.

18 (4) The duration of the consent.

19 (5) The signature of the person authorizing
20 release of the information.

21 c. Nothing in this section shall be construed to
22 call for actions that may violate federal or state
23 confidentiality statutes for employee assistance
24 professionals and alcohol and other drug abuse
25 counseling or treatment providers.

26 d. Information on test results shall not be
27 released or used in any criminal proceeding against
28 the employee or job applicant. Information released
29 contrary to this subsection shall be inadmissible as
30 evidence in any such criminal proceeding.

31 e. Nothing contained in this section shall be
32 construed to prohibit the employer, agent of the
33 employer, or laboratory conducting a test from having
34 access to employee test information when consulting
35 with legal counsel in connection with actions related
36 to this section or when the information is relevant to
37 its defense in a civil or administrative matter.

38 10. Upon receipt of a confirmed "positive"
39 substance abuse test result that indicates a violation
40 of the employer's written policy, or upon the refusal
41 of an employee or prospective employee to provide a
42 testing sample, an employer may use that confirmed
43 test result or test refusal as a valid basis for
44 rehabilitative or disciplinary actions, which may
45 include, among other actions, any of the following:

46 a. A requirement that the employee enroll in an
47 employee assistance program, or an employer-provided
48 or approved rehabilitation, treatment, or a counseling
49 program certified by the department of public health
50 as discussed in subsection 5. These may include

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1 additional substance abuse testing, participation in
2 which may be a condition of continued employment, and
3 the costs of which may or may not be covered by the
4 employer's health plan or policies.

5 b. Suspension of the employee, with or without
6 pay, for a designated period of time.

7 c. Termination of employment.

8 d. Refusal to hire a prospective employee.

9 e. Other action in conformance with the employer's
10 written policy and procedures, including any
11 applicable collective bargaining agreement provisions.

12 11. a. Nothing in this section shall be construed
13 to prevent an employer from establishing reasonable
14 work rules relating to employee manufacture, sale,
15 distribution, possession, or use of drugs, including
16 convictions for drug-related offenses, and taking
17 action based upon a violation of any of those rules.

18 b. Nothing in this section shall be construed to
19 prohibit an employer from conducting medical screening
20 or other tests required, permitted, or not disallowed
21 by any statute, rule, or regulation for the purpose of
22 monitoring exposure of employees to lead, asbestos, or
23 other toxic or unhealthy materials in the workplace or

24 in the performance of job responsibilities. Such
25 screening or tests shall be limited to any rule or
26 regulation issued pursuant thereto, unless prior
27 written consent of the employee is obtained for other
28 tests.

29 12. a. Employers shall not have a legal duty to
30 request or require an employee or applicant for
31 employment to undergo drug testing as authorized in
32 this section. A cause of action shall not arise in
33 favor of any person based upon the failure of an
34 employer to establish a program or policy on substance
35 abuse prevention, to implement drug or alcohol
36 testing, to request or require any employee or
37 applicant for employment to submit to a drug test, or
38 to require drug testing as permitted by this section.

39 b. Except as otherwise provided in paragraph "c",
40 a cause of action shall not arise against an employer
41 for any of the following:

42 (1) Actions taken by the employer in good faith
43 based upon the results of a drug test indicating the
44 presence of alcohol or a controlled substance. An
45 employer does not act in good faith if the employer
46 knew or clearly should have known that the drug test
47 result indicating the presence of alcohol or a
48 controlled substance was in error and the employer
49 ignores the correct result in a willful and reckless
50 manner.

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1 (2) Actions taken, or not taken, by an employer
2 based upon a reported negative or inconclusive test
3 result, whether the test result is correct or
4 incorrect.

5 (3) Failure to test for, or if tested for, failure
6 to detect alcohol or any specific controlled
7 substance, or any medical condition, including any
8 mental or physical disorder or condition.

9 (4) Not establishing, or if established,
10 terminating or suspending, a substance abuse
11 prevention or drug testing program or policy.

12 c. Except for a cause of action specifically
13 provided by this section, a separate cause of action
14 for defamation, libel, slander, damage to reputation,
15 or other similar cause of action shall not arise
16 against an employer, including an individual who is an
17 agent or employee of the employer, which has
18 established or is maintaining a program of drug
19 testing in accordance with this section unless all of
20 the following apply:

21 (1) Except as specifically authorized by this
22 section, the employer discloses the test results to a
23 person other than an authorized employee, agent, or
24 representative of the employer, the tested employee or
25 the tested applicant for employment, or an authorized

26 agent or representative of the tested employee or
27 applicant.

28 (2) The test results disclosed incorrectly
29 indicate the presence of alcohol or a controlled
30 substance.

31 (3) The employer negligently or intentionally
32 discloses the results.

33 d. For the purposes of this section, the results
34 of a drug test conducted in compliance with this
35 section are presumed to be valid.

36 13. No physician-patient relationship is created
37 between an employee or job applicant and an employer,
38 medical review officer, or substance abuse testing
39 laboratory performing or evaluating a substance abuse
40 test solely by the establishment, implementation, or
41 administration of a substance abuse testing program.

42 14. Nothing in this section shall be construed to
43 infringe on, contradict, preempt, or otherwise
44 conflict with the valid provisions of any existing
45 collective bargaining agreement, or to otherwise
46 abridge or infringe on the rights and responsibilities
47 of all parties in the collective bargaining process to
48 negotiate to agreement on any collective bargaining
49 agreement provision. Such contract provisions are
50 fully valid and enforceable, notwithstanding the

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1 provisions of this section."

Fallon of Polk asked and received unanimous consent to withdraw the following amendments, to amendment H-3322, filed by him on March 16, 1995: H-3329 and H-3330.

Schrader of Marion offered the following amendment H-3348, to amendment H-3322, filed by him from the floor and moved its adoption:

H-3348

1 Amend the amendment, H-3322, to House File 258 as
2 follows:

3 1. Page 4, by inserting after line 22 the
4 following:

5 "c. In addition to the requirements of paragraph
6 "a", an employer shall, in order to maintain a
7 comprehensive drug-free workplace program that
8 qualifies for the protections of this section, submit
9 a report annually to the Iowa department of public
10 health documenting the number of tests conducted, the
11 results of the tests conducted, and the direct costs
12 associated with the testing."

13 2. By renumbering as necessary.

Amendment H-3348 was adopted.

Schrader of Marion offered the following amendment H-3346, to amendment H-3322, filed by him from the floor and moved its adoption:

H-3346

- 1 Amend the amendment, H-3322, to House File 258 as
- 2 follows:
- 3 1. Page 6, by inserting after line 13 the
- 4 following:
- 5 "c. Any employer with fifty or more employees must
- 6 have an employee assistance program."

A non-record roll call was requested.

The ayes were 35, nays 60.

Amendment H-3346 lost.

Siegrist of Pottawattamie offered amendment H-3347, to amendment H-3322, filed by him from the floor as follows:

H-3347

- 1 Amend the amendment, H-3322, to House File 258 as
- 2 follows:
- 3 1. Page 7, line 17, by striking the words "is
- 4 required to conduct" and inserting the following:
- 5 "must conduct at least one of".
- 6 2. Page 7, line 20, by striking the word "must"
- 7 and inserting the following: "may".
- 8 3. Page 7, line 24, by inserting after the word
- 9 "applicant." the following: "An employer may request
- 10 or require a particular job applicant to submit to a
- 11 substance abuse test pursuant to this subparagraph
- 12 only if that employer requests or requires the same
- 13 test of all job applicants or entering employees in
- 14 the same job category."
- 15 4. Page 7, line 25, by striking the word "must"
- 16 and inserting the following: "may".
- 17 5. Page 7, line 27, by striking the word "must"
- 18 and inserting the following: "may".
- 19 6. Page 8, line 1, by inserting after the word
- 20 "employment," the following: "which accident results
- 21 in a personal injury requiring medical treatment away
- 22 from the workplace or in damage to property, including
- 23 equipment, in an amount reasonably estimated at the
- 24 time of the accident to exceed one thousand dollars".
- 25 7. Page 8, line 2, by striking the word "must"
- 26 and inserting the following: "may".
- 27 8. Page 11, by inserting after line 37 the
- 28 following:
- 29 "f. Notwithstanding the provisions of this
- 30 section, information on a confirmed positive substance
- 31 abuse test result may be used under any of the

32 following circumstances:

- 33 (1) In an arbitration or other proceeding pursuant
34 to a collective bargaining agreement, an
35 administrative hearing or proceeding under chapter 85,
36 96, or 216 or other applicable state or local law, or
37 in a judicial proceeding, provided that the
38 information is relevant to and concerns the specific
39 tested employee or applicant for employment involved
40 in the arbitration, hearing, or proceeding.
41 (2) The information may be disclosed to any
42 federal agency or other unit of the federal government
43 as required by federal law, regulation, or order, or
44 in accordance with compliance requirements of a
45 contract with the federal government.
46 (3) The information may be disclosed to a
47 substance abuse treatment facility for the purpose of
48 evaluation or treatment of the employee."

The following amendment H-3353, to amendment H-3347, to amendment H-3322, filed by Holveck of Polk from the floor, was adopted by unanimous consent:

H-3353

- 1 Amend the amendment, H-3347, to amendment H-3322,
2 to House File 258 as follows:
3 1. Page 1, line 33, by striking the word "an"
4 and inserting the word "grievance".
5 2. Page 1, line 40, by inserting after the word
6 "the" the word "grievance".

Division of amendment H-3347, as amended, to amendment H-3322, was requested as follows:

- Lines 3 through 5, division A.
Lines 6, 7, 15, 16, 17, 18, 25 and 26, division B.
Lines 8 through 14, division C.
Lines 19 through 24, division D.
Lines 27 through 48, division E.

Sukup of Franklin moved the adoption of amendment H-3347A, to amendment H-3322.

A non-record roll call was requested.

The ayes were 58, nays 22.

Amendment H-3347A was adopted.

On motion by Sukup of Franklin, amendment H-3347B, to amendment H-3322, was adopted.

On motion by Sukup of Franklin, amendment H-3347C, to amendment H-3322, was adopted.

On motion by Sukup of Franklin, amendment H-3347D, to amendment H-3322, was adopted.

Sukup of Franklin moved the adoption of amendment H-3347E, to amendment H-3322.

Roll call was requested by Running of Linn and Schrader of Marion.

On the question "Shall amendment H-3347E, to amendment H-3322, be adopted?" (H.F. 258)

The ayes were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Lord
Main	Martin	Metcalf	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

The nays were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

Absent or not voting, 4:

Brammer	Eddie	Larson	Meyer
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Amendment H-3347E was adopted.

Jochum of Dubuque moved the adoption of amendment H-3322, as amended.

A non-record roll call was requested.

The ayes were 78, nays 7.

Amendment H-3322, as amended, was adopted, placing the following amendments out of order:

H-3225, filed by O'Brien of Boone on March 6, 1995.

H-3333, to amendment H-3225, filed by Sukup of Franklin on March 16, 1995.

H-3289, previously deferred, filed by Wise of Lee, et. al., on March 10, 1995.

H-3309, filed by Running of Linn on March 15, 1995.

H-3310, filed by Running of Linn on March 15, 1995.

H-3311, filed by Running of Linn on March 15, 1995.

H-3312, filed by Running of Linn on March 15, 1995.

H-3313, filed by Running of Linn on March 15, 1995.

H-3314, filed by Running of Linn on March 15, 1995.

H-3315, filed by Running of Linn on March 15, 1995.

H-3316, filed by Running of Linn on March 15, 1995.

H-3317, filed by Running of Linn on March 15, 1995.

H-3318, previously deferred, filed by Running of Linn on March 15, 1995.

H-3319, filed by Nelson of Pottawattamie and Wise of Lee on March 15, 1995.

H-3320, filed by Bell of Jasper, et. al., on March 15, 1995.

H-3321, filed by Nelson, et. al., on March 15, 1995.

H-3324, filed by Murphy of Dubuque, et. al., on March 15, 1995.

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

On the question "Shall the bill pass?" (H.F. 258)

The ayes were, 77:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley,	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Coon	Corbett, Spkr.	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit	Hanson

Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kremer	Lamberti	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Myers	Nelson, B.
Nutt	O'Brien	Rants	Renken
Salton	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 21:

Baker	Bernau	Brand	Cataldo
Cohoon	Connors	Cormack	Doderer
Drees	Fallon	Harper	Holveck
Kreiman	Larkin	Moreland	Murphy
Nelson, L.	Ollie	Running	Schrader
Weigel			

Absent or not voting, 2:

Brammer Larson

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 258** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday, March 16, and Monday, March 20, 1995. Had I been present, I would have voted "aye" on House Files 36, 113, 139, 154, 186, 252, 257, and Senate File 158.

LARSON of Linn

I was temporarily absent from the House chamber on March 20, 1995. Had I been present, I would have voted "aye" on House Files 36, 113, 252 and 257.

VAN FOSSEN of Scott

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 20, 1995, he approved and transmitted to the Secretary of State the following bill:

House File 149, an act relating to the state sales tax on auxiliary attachments for self-propelled and non-self-propelled farm machinery and equipment.

PRESENTATION OF VISITORS

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

Seven sixth and seventh grade talented and gifted students from Aurelia Community School, Aurelia, accompanied by Polli Connors and Patricia Barret. By Huseman of Cherokee.

CERTIFICATE OF RECOGNITION

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\138 Stephanie Germann, LeMars - For calling 911 and saving her mother's life.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE-REGULATION

Committee Bill (Formerly House Study Bill 59), relating to authorization of price regulation for utilities providing communications services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 300), relating to vocational education, including school-to-work planning initiatives and a waiver of vocational education rules, and making an appropriation.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 16, 1995.

COMMITTEE ON JUDICIARY

House File 50, a bill for an act relating to prohibit the unintentional nonconsensual termination of a pregnancy and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

House File 176, a bill for an act relating to open alcoholic beverage container violations and driving records and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

House File 329, a bill for an act relating to an award of attorney fees in an action to enforce a mechanic's lien.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

COMMITTEE ON TRANSPORTATION

House File 340, a bill for an act providing for the operation of snowmobiles and all-terrain vehicles by defining public land.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House File 59), relating to silver or bronze star motor vehicle registration plates and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 37), relating to peace officer status for state department of transportation employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 228), relating to secondary road right-of-way.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 269), relating to implements of husbandry, concerning the definition of implements of husbandry and weight restrictions for certain implements of husbandry.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 290), relating to imposing a civil penalty for certain motor vehicle license revocations, imposing a surcharge on scheduled fines and forfeitures, and providing for the appropriation and disposition of the proceeds from the civil penalty and from the surcharge for prisons and jails.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

AMENDMENTS FILED

H-3340	H.F.	288	Nelson of Pottawattamie
H-3341	H.F.	212	Carroll of Poweshiek
H-3342	H.F.	473	Ollie of Clinton Nelson of Pottawattamie
H-3343	H.F.	121	Nelson of Marshall
H-3344	S.F.	118	Churchill of Polk
H-3345	H.F.	457	Weigel of Chickasaw
H-3349	H.F.	343	Mundie of Webster
H-3350	H.F.	447	Larkin of Lee Drake of Pottawattamie
H-3351	H.F.	336	Murphy of Dubuque
H-3352	H.F.	336	Murphy of Dubuque Cataldo of Polk Jochum of Dubuque Running of Linn Larkin of Lee Connors of Polk Mascher of Johnson Burnett of Story Mundie of Webster
			Bell of Jasper
			O'Brien of Boone
			Schrader of Marion
			Ollie of Clinton
			Cohoon of Des Moines
			Harper of Black Hawk
			Baker of Polk
			Drees of Carroll
H-3354	H.F.	405	Brauns of Muscatine
H-3355	H.F.	288	Kreiman of Davis
H-3356	H.F.	288	Kreiman of Davis
H-3357	H.F.	471	Hurley of Fayette
H-3358	H.F.	288	Kreiman of Davis
H-3359	H.F.	288	Kreiman of Davis
H-3360	H.F.	288	Nelson of Pottawattamie
H-3361	H.F.	215	Larkin of Lee
H-3362	H.F.	288	Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 6:00 p.m., until 8:45 a.m., Tuesday, March 21, 1995.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 21, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

A song of prayer "The Blessed Son of God" was offered by the University of Northern Iowa Concert Chorale. The members of the Chorale were: Robin Heldt, Tom Davies, Sara VanOverbeke, Paul Carstensen and John Pauly, all of Ankeny; Hillary Kirkpatrick of Urbandale. The Director was Dr. Bruce Chamberlain.

The Journal of Monday, March 20, 1995 was approved.

PETITION FILED

The following petition was received and placed on file:

By Weidman of Cass, from sixty-three constituents favoring an extension of the driver licence pilot project.

INTRODUCTION OF BILLS

House File 499, by committee on commerce-regulation, a bill for an act relating to abandoned property subject to control by the treasurer of state.

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

House File 500, by Running, a bill for an act relating to the office of the state long-term care ombudsman, and providing a penalty.

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

House File 501, by committee on transportation, a bill for an act relating to implements of husbandry, concerning the definition of implements of husbandry and weight restrictions for certain implements of husbandry.

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

House File 502, by committee on human resources, a bill for an act relating to the family investment program and related human services programs by requiring the department of human services to apply for certain federal waivers and providing applicability provisions.

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

House File 503, by committee on commerce-regulation, a bill for an act relating to the payment of patronage dividends by cooperative associations which are public utilities.

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

House File 504, by committee on transportation, a bill for an act relating to a motor vehicle owner's liability for damages caused by the driver.

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

House File 505, by committee on human resources, a bill for an act relating to payment of expenses for persons with mental retardation.

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

House File 506, by Ollie, a bill for an act relating to the procedure for changing the use of revenues from a local option sales and services tax and providing an effective date.

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

House File 507, by committee on state government, a bill for an act relating to state government personnel systems, including affirmative action reports, disability programs, deferred compensation, experimental research projects, the state training system, and health insurance contracts for public employees.

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

House File 508, by committee on environmental protection, a bill for an act relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions.

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

House File 509, by committee on transportation, a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning retention of records and documents, registration plates and stickers, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, reporting accidents, flashing blue lights, flashing warning lamps on a school bus,

motorcycle license requirements, leased motor vehicles, proof of financial responsibility, charges for handicapped identification devices, single state registration for motor carriers, commodity base state registration, other technical changes, and providing an effective date.

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

House File 510, by committee on transportation, a bill for an act relating to peace officer status for state department of transportation employees and transfer of motor vehicle enforcement officers.

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

House File 511, by committee on commerce-regulation, a bill for an act relating to open-end credit pursuant to a credit card, including the permissible over-limit or delinquency charges, the offering of credit unemployment insurance, and the time requirements for making certain payments.

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

House File 512, by committee on appropriations, a bill for an act appropriating funds to the department of economic development, the Wallace technology transfer foundation, the public employment relations board, and the department of employment services and providing an immediate effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 141, a bill for an act relating to notice for vacating and closing roads.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 174, a bill for an act relating to health facilities under the purview of the department of inspections and appeals.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 202, a bill for an act relating to public health issues, including certain birth certificates and licensing of athletic trainers.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 223, a bill for an act providing for notification of certain persons receiving public assistance of tax suspension provisions.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 236, a bill for an act relating to salvage and wrecked motor vehicles.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 247, a bill for an act relating to plastic garbage can liners with recycled content.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 258, a bill for an act relating to the adoption of uniform fees to be charged an attorney for duplicate health care provider records.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 271, a bill for an act relating to the authorization of a bank office where a state bank may maintain its management and bookkeeping functions.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 272, a bill for an act relating to the validity of a notarial act by an officer, director, or shareholder of a corporation and providing for retroactive application.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 274, a bill for an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 285, a bill for an act relating to asbestos removal by providing for accreditation of training programs and requiring training for certain asbestos abatement workers.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 286, a bill for an act concerning workers' compensation by providing for the computing of gross weekly earnings for volunteer ambulance drivers, emergency medical technician trainees, and seasonal workers, and relating to judicial review of workers' compensation contested cases.

Also: That the Senate has on March 20, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 298, a bill for an act relating to implements of husbandry, concerning the definition of implements of husbandry and weight restrictions for certain implements of husbandry.

CONSIDERATION OF BILLS

Regular Calendar

House File 212, a bill for an act relating to the delegation of authority to an administrative agency of a city, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-3341 filed by him and moved its adoption:

H-3341

- 1 Amend House File 212 as follows:
- 2 1. Page 1, line 10, by striking the word "not"
- 3 and inserting the following: "not".
- 4 2. Page 1, by striking line 13 and inserting the
- 5 following: "388, except that the council may delegate
- 6 to an administrative agency established for the
- 7 purpose of operating an airport any of its powers and
- 8 duties prescribed in division V of chapter 384, and
- 9 the council may delegate to an".

Amendment H-3341 was adopted.

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

On the question "Shall the bill pass?" (H.F. 212)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammit	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shultz	Siegrist	Sukup	Teig
Thomson	Tyrrrel	Van Fossen	Van Maanen

Vande Hoef
Weigel
Mr. Speaker
Corbett

Veenstra
Welter

Warnstadt
Wise

Weidman
Witt

The nays were, none.

Absent or not voting, 3:

Boddicker

Brammer

Grundberg

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

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 212** be immediately messaged to the Senate.

House File 215, a bill for an act to require that all inmates of the institutions under the control of the department of corrections perform hard labor, and providing transition provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Harrison of Scott offered amendment H-3285 filed by the committee on judiciary as follows:

H-3285

- 1 Amend House File 215 as follows:
- 2 1. Page 1, line 12, by striking the words "Hard
- 3 labor may include any" and inserting the following:
- 4 "Substantially equivalent hard labor programs shall be
- 5 available to both male and female inmates. Hard labor
- 6 programs may include any appropriate treatment or
- 7 education programs, any".
- 8 2. Page 1, line 13, by striking the words
- 9 "required and shall," and inserting the following:
- 10 "required, and shall".
- 11 3. Page 1, line 15, by striking the word "skill"
- 12 and inserting the following: "skills".
- 13 4. Page 1, line 27, by inserting after the word
- 14 "physical" the following: "or mental".
- 15 5. Page 1, line 28, by striking the words "at
- 16 least forty hours each week" and inserting the
- 17 following: "a period of time which shall average, as
- 18 nearly as is possible, forty hours each week".
- 19 6. Page 2, line 2, by striking the word "risk"
- 20 and inserting the following: "status".
- 21 7. Page 2, line 11, by inserting after the word
- 22 "plan" the following: "in consultation with state and

- 23 local agencies and members of the private sector.”
- 24 8. Page 2, line 14, by striking the words “the
25 labor” and inserting the following: “hard labor”.
- 26 9. Page 2, line 15, by striking the word “risk”
27 and inserting the following: “status”.
- 28 10. Page 2, line 24, by striking the words “work
29 program.” and inserting the following: “hard labor
30 program.”
- 31 11. Page 2, line 28, by inserting after the word
32 “public.” the following: “The department shall submit
33 reports to the general assembly on January 1, 1996,
34 and January 1, 1997, outlining the progress made
35 towards implementation of this Act. The department
36 shall also file a copy of the completed plan with the
37 general assembly on July 1, 1997.”
- 38 12. By numbering and renumbering as necessary.

Harrison of Scott offered amendment H-3364, to the committee amendment H-3285, filed by him from the floor as follows:

H-3364

- 1 Amend the amendment, H-3285, to House File 215, as
2 follows:
- 3 1. Page 1, by striking lines 2 through 12 and
4 inserting the following:
5 “ Page 1, by striking lines 12 through 15 and
6 inserting the following: “determined by the director.
7 Substantially equivalent hard labor programs shall be
8 available to both male and female inmates. When an
9 inmate of an institution is working outside”.”
- 10 2. Page 1, by inserting after line 12 the
11 following:
12 “ Page 1, line 18, by inserting after the
13 word “institution.” the following: “Inmates
14 performing hard labor on chain gangs may be attired in
15 brightly colored uniforms that readily identify them
16 as inmates of correctional institutions. The
17 employment of inmates in hard labor shall not displace
18 employed workers, shall not be applied to skills,
19 crafts, or trades in which a local surplus of labor
20 exists, and shall not impair existing contracts for
21 employment or services.””
- 22 3. Page 1, by striking lines 13 through 18 and
23 inserting the following:
24 “ Page 1, by striking lines 27 and 28 and
25 inserting the following: “physical or mental labor
26 which is performed for a period of time which shall
27 average, as nearly as possible, forty hours each week,
28 and may include useful and productive work,
29 educational or treatment programs, chain gangs, menial
30 labor, any training necessary to perform any work
31 required, and, if possible, work providing an inmate
32 with marketable vocational skills. “Hard labor”
33 does”.”
- 34 4. By renumbering as necessary.

Harrison of Scott asked and received unanimous consent to defer action on amendment H-3364, to the committee amendment H-3285.

Larkin of Lee asked and received unanimous consent to withdraw amendment H-3361, to the committee amendment H-3285, filed by him on March 20, 1995.

Larkin of Lee offered amendment H-3365; to the committee amendment H-3285, filed by him from the floor as follows:

H-3365

- 1 Amend the amendment, H-3285, to House File 215 as
- 2 follows:
- 3 1. Page 1, by striking lines 21 through 27 and
- 4 inserting the following:
- 5 " Page 2, by striking lines 9 through 20 and
- 6 inserting the following: "implement section 904.701,
- 7 unless a copy of a plan for implementation of the
- 8 requirements of section 904.701, has been submitted to
- 9 and approved by the general assembly. The plan shall
- 10 include a".
- 11 2. By numbering and renumbering as necessary.

Speaker pro tempore Van Maanen of Marion in the chair at 10:19 a.m.

Larkin of Lee moved the adoption of amendment H-3365, to the committee amendment H-3285.

A non-record roll call was requested.

The ayes were 32, nays 54.

Amendment H-3365 lost.

Harrison of Scott offered amendment H-3368, to the committee amendment H-3285, filed by him and Witt from the floor. Division was requested as follows:

H-3368

- 1 Amend the amendment, H-3285, to House File 215, as
- 2 follows:

H-3368A

- 3 1. Page 1, by striking lines 2 through 12 and
- 4 inserting the following:
- 5 " Page 1, by striking lines 12 through 15 and
- 6 inserting the following: "determined by the director.
- 7 Substantially equivalent hard labor programs shall be
- 8 available to both male and female inmates. When an
- 9 inmate of an institution is working outside".

H-3368B

10 2. Page 1, by inserting after line 12 the
11 following:

12 "_. Page 1, line 18, by inserting after the
13 word "institution." the following: "Inmates
14 performing hard labor may be attired in brightly
15 colored uniforms that readily identify them as inmates
16 of correctional institutions. The employment of
17 inmates in hard labor shall not displace employed
18 workers, shall not be applied to skills, crafts, or
19 trades in which a local surplus of labor exists, and
20 shall not impair existing contracts for employment or
21 services."

22 3. Page 1, by striking lines 13 through 18 and
23 inserting the following:

24 "_. Page 1, by striking lines 27 and 28 and
25 inserting the following: "physical or mental labor
26 which is performed for a period of time which shall
27 average, as nearly as possible, forty hours each week,
28 and may include useful and productive work,
29 educational or treatment programs, highly secured work
30 groups, menial labor, any training necessary to
31 perform any work required, and, if possible, work
32 providing an inmate with marketable vocational skills.
33 "Hard labor" does"."

34 4. By renumbering as necessary.

On motion by Harrison of Scott, amendment H-3368A, to the committee amendment H-3285, was adopted.

The House resumed consideration of amendment H-3368B, to the committee amendment H-3285.

On motion by Connors of Polk, the following amendment H-3373, to amendment H-3368B, to the committee amendment H-3285, filed by him from the floor, was adopted by unanimous consent:

H-3373

- 1 Amend the amendment, H-3368, to amendment H-3285,
- 2 to House File 215, as follows:
- 3 Page 1, line 29, by inserting before the word
- 4 "highly" the word "including".

On motion by Harrison of Scott, amendment H-3368B, as amended, to the committee amendment H-3285, was adopted.

With the adoption of amendments H-3368A and H-3368B, as amended, amendment H-3364, to the committee amendment H-3285, previously deferred, was out of order.

On motion by Harrison of Scott, the committee amendment H-3285, as amended, was adopted.

Harrison 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. 215)

The ayes were, 97:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen			
Presiding			

The nays were, 2:

Bernau Fallon

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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 215** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:10 p.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened at 2:15 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

INTRODUCTION OF BILLS

House File 513, by committee on judiciary, a bill for an act relating to sexual abuse of a minor and providing penalties.

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

House File 514, by committee on transportation, a bill for an act relating to Iowa motor vehicle registration plates, by providing for special United States armed forces retired plates, and special silver and bronze star plates, providing for special registration plates with distinguishing processed emblems, providing for required plate specifications, making penalties applicable, and providing an effective date.

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

House File 515, by committee on commerce-regulation, a bill for an act relating to the relationship between a licensed real estate salesperson or broker and the parties to a transaction and providing an effective date.

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

House File 516, by committee on transportation, a bill for an act relating to imposing a civil penalty for certain motor vehicle license revocations, imposing a surcharge on scheduled fines and forfeitures, and providing for the appropriation and disposition of the proceeds from the civil penalty and from the surcharge for prisons and jails.

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

House File 517, by committee on transportation, a bill for an act relating to motor carrier certification by establishing a motor carrier education course, requiring a compliance review, and imposing fees.

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

House File 518, by committee on commerce-regulation, a bill for an act relating to authorization of price regulation for utilities providing communications services.

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

House File 519, by committee on agriculture, a bill for an act providing for the regulation of animal feeding operations, fees, the expenditure of moneys, penalties, and an effective date.

Read first time and placed on the **special order calendar Monday, April 3, 1995.**

SENATE MESSAGES CONSIDERED

Senate File 141, by Giannetto, a bill for an act relating to notice for vacating and closing roads.

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

Senate File 174, by committee on human resources, a bill for an act relating to health facilities under the purview of the department of inspections and appeals.

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

Senate File 202, by committee on human resources, a bill for an act relating to public health issues, including certain birth certificates and licensing of athletic trainers.

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

Senate File 223, by committee on human resources, a bill for an act providing for notification of certain persons receiving public assistance of tax suspension provisions.

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

Senate File 236, by committee on transportation, a bill for an act relating to salvage and wrecked motor vehicles.

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

Senate File 247, by committee on natural resources, environment and energy, a bill for an act relating to plastic garbage can liners with recycled content.

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

Senate File 258, by committee on judiciary, a bill for an act relating to the adoption of uniform fees to be charged an attorney for duplicate health care provider records.

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

Senate File 271, by committee on commerce, a bill for an act relating to the authorization of a bank office where a state bank may maintain its management and bookkeeping functions.

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

Senate File 272, by committee on commerce, a bill for an act relating to the validity of a notarial act by an officer, director, or shareholder of a corporation and providing for retroactive application.

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

Senate File 274, by committee on commerce, a bill for an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Read first time and **passed on file.**

Senate File 285, by committee on business and labor relations, a bill for an act relating to asbestos removal by providing for accreditation of training programs and requiring training for certain asbestos abatement workers.

Read first time and referred to committee on **labor and industrial relations.**

Senate File 286, by committee on business and labor relations, a bill for an act concerning workers' compensation by providing for the computing of gross weekly earnings for volunteer ambulance drivers, emergency medical technician trainees, and seasonal workers, and relating to judicial review of workers' compensation contested cases.

Read first time and referred to committee on **labor and industrial relations.**

Senate File 298, by committee on transportation, a bill for an act relating to implements of husbandry, concerning the definition of implements of husbandry and weight restrictions for certain implements of husbandry.

Read first time and **passed on file.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 214, a bill for an act to provide greater protection for consumers who purchase or lease motor vehicles and providing effective dates.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 215, a bill for an act relating to agricultural management account moneys and county grants for private rural water well, testing, sealing, and closure.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 225, a bill for an act eliminating requirements for competitive bids regarding the printing of election ballots.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 226, a bill for an act relating to the disposition of valueless mobile homes, modular homes, and manufactured homes.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 227, a bill for an act providing for the compilation and dissemination of jail population reports.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 228, a bill for an act relating to the statewide notification center by providing that the center is subject to the open meetings and public records law, requiring certain financial information to be reported, establishing an audit requirement, and providing a penalty.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 239, a bill for an act relating to the provision of mediation in dissolution of marriage proceedings.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 278, a bill for an act providing that animals classified as ostriches, rheas, and emus are considered livestock.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 280, a bill for an act authorizing townships to provide emergency medical services.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 311, a bill for an act relating to symbols indicating medical directives on a validation document for license renewal by mail and on a driver's license or nonoperator's identification card.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 314, a bill for an act relating to enrollment in another district of an expelled or suspended student and providing an effective date.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 315, a bill for an act relating to mental health and developmental disabilities assistance by extending a moratorium on the number of intermediate care facility for the mentally retarded beds and requiring certain reporting activities of the state-county management committee, and providing an effective date.

Also: That the Senate has on March 21, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 320, a bill for an act relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce.

Also: That the Senate has on March 21, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 24, a concurrent resolution recognizing the Seventy-fifth Anniversary of the American Civil Liberties Union and the Sixtieth Anniversary of the Iowa Civil Liberties Union.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 288, a bill for an act relating to authorizing school districts to adopt a dress code policy, the expulsion of a student for bringing a weapon to school, an exemption in the definition of assault, eliminating the twenty-four hour notice to students of a periodic inspection of students' lockers, giving access to certain juvenile court records to a designated school representative, and providing an effective date, was taken up for consideration.

The House stood at ease at 2:35 p.m., until the fall of the gavel.

The House resumed session at 3:40 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Kreiman of Davis offered amendment H-3355 filed by him as follows:

H-3355

- 1 Amend House File 288 as follows:
- 2 1. Page 1, by striking lines 14 through 21.
- 3 2. By renumbering as necessary.

Kreiman of Davis offered the following amendment H-3377, to amendment H-3355, filed by him from the floor and moved its adoption:

H-3377

- 1 Amend the amendment, H-3355, to House File 288 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 232.147, subsection 2, Code
- 8 1995, is amended by adding the following new
- 9 unnumbered paragraph:
- 10 NEW UNNUMBERED PARAGRAPH. Other information
- 11 maintained by a juvenile court officer in cases
- 12 alleging delinquency may be disclosed by the juvenile
- 13 court officer to the designated representative of a
- 14 public school or accredited nonpublic school at which
- 15 the child is enrolled, to the extent that the school
- 16 requires the information to fulfill its obligation to
- 17 the student and to the extent the disclosure of the
- 18 information would be in the best interest of the child
- 19 as determined by the juvenile court officer."
- 20 2. By renumbering as necessary.

Amendment H-3377 was adopted.

Kremer of Buchanan offered the following amendment H-3382, to amendment H-3355, filed by him and Martin from the floor and moved its adoption:

H-3382

1 Amend the amendment, H-3355, to House File 288 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 123.47B, Code 1995, is amended
8 to read as follows:

9 123.47B PARENTAL AND SCHOOL NOTIFICATION —
10 PERSONS UNDER EIGHTEEN YEARS OF AGE.

11 A peace officer shall make a reasonable effort to
12 identify a person under the age of eighteen discovered
13 to be in possession of alcoholic liquor, wine, or beer
14 in violation of section 123.47 and if the person is
15 not referred to juvenile court, the law enforcement
16 agency of which the peace officer is an employee shall
17 make a reasonable attempt to notify the person's
18 custodial parent or legal guardian of such possession,
19 whether or not the person is arrested or a citation is
20 issued pursuant to section 805.16, unless the officer
21 has reasonable grounds to believe that such
22 notification is not in the best interests of the
23 person or will endanger that person. If the person is
24 taken into custody, the peace officer shall make a
25 reasonable effort to identify the elementary or
26 secondary school the person attends, if any, and to
27 notify the superintendent of the school district or
28 the superintendent's designee, or the authorities in
29 charge of the nonpublic school of the taking into
30 custody. A juvenile court officer may also notify the
31 superintendent of the school district or the
32 superintendent's designee, or the authorities in
33 charge of the nonpublic school of the taking into
34 custody. A reasonable attempt to notify the person
35 includes but is not limited to a telephone call or
36 notice by first class mail.

37 Sec. 2. Section 232.29, Code 1995, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 3. The person performing the
40 duties of intake officer shall notify the
41 superintendent of the school district or the
42 superintendent's designee, or the authorities in
43 charge of the nonpublic school which the child
44 attends, of any informal adjustment regarding the
45 child for an act which would be an indictable offense
46 if committed by an adult."

47 2. Page 1, by inserting after line 2 the

48 following:

49 “_ . Title page, line 1, by inserting after the
50 words “relating to” the following: “juvenile justice

Page 2

- 1 by providing for notification of school officials of
- 2 alcoholic beverage violations,”
- 3 3. By renumbering as necessary.

Amendment H-3382 was adopted.

On motion by Kreiman of Davis amendment H-3355, as amended, was adopted, placing out of order amendment H-3363 filed by Kremer of Buchanan and Martin from the floor.

Grundberg of Polk offered the following amendment H-3332 filed by her and moved its adoption:

H-3332

- 1 Amend House File 288 as follows:
- 2 1. Page 2, by striking lines 5 through 8 and
- 3 inserting the following:
- 4 “3. If the district adopts a policy for the entire
- 5 school district, the specific attire selected shall be
- 6 determined by a committee composed of representatives
- 7 from the district’s administrative staff,
- 8 instructional staff, and parents and legal guardians
- 9 of students enrolled in the district. If the district
- 10 adopts a policy for an individual school, the specific
- 11 attire shall be selected by a committee composed of
- 12 the individual school’s administration,
- 13 representatives from the school’s instructional staff,
- 14 and parents and legal guardians of students enrolled
- 15 in the school. A”.

Amendment H-3332 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3362 filed by him on March 20, 1995.

Nelson of Pottawattamie offered the following amendment H-3360 filed by her and moved its adoption:

H-3360

- 1 Amend House File 288 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 “organization” the following: “, exempt from federal
- 4 income taxation under section 501(c)(3) of the
- 5 Internal Revenue Code,”.
- 6 2. By renumbering as necessary.

Amendment H-3360 was adopted.

Nelson of Pottawattamie offered amendment H-3340 filed by her as follows:

H-3340

- 1 Amend House File 288 as follows:
- 2 1. Page 2, line 32, by inserting after the word
- 3 "school" the following: "which receives federal
- 4 funds".

Nelson of Pottawattamie offered the following amendment H-3369, to amendment H-3340, filed by her from the floor and moved its adoption:

H-3369

- 1 Amend amendment, H-3340, to House File 288 as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "receives" the following: "services supported by".

Amendment H-3369 was adopted.

Nelson of Pottawattamie asked and received unanimous consent to withdraw amendment H-3372, to amendment H-3340, filed by her from the floor.

On motion by Nelson of Pottawattamie, amendment H-3340, as amended, was adopted.

Rants of Woodbury offered the following amendment H-3286 filed by him and moved its adoption:

H-3286

- 1 Amend House File 288 as follows:
- 2 1. Page 3, line 3, by inserting after the word
- 3 "basis." the following: "If the child is under the
- 4 custody or guardianship of the department of human
- 5 services or under the jurisdiction of the juvenile
- 6 court, the school district shall provide alternative
- 7 educational services to the student."

Amendment H-3286 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3356 filed by him on March 20, 1995.

Kreiman of Davis offered the following amendment H-3358 filed by him and moved its adoption:

H-3358

- 1 Amend House File 288 as follows:
- 2 1. Page 4, line 1, by inserting after the word
- 3 "lockers" the following: "or a randomly selected
- 4 number of school lockers".
- 5 2. By renumbering as necessary.

Amendment H-3358 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3359 filed by him on March 20, 1995.

Gries of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 288)

The ayes were, 96:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 2:

Fallon Holveck

Absent or not voting, 2:

Bell 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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 288** be immediately messaged to the Senate.

House File 471, a bill for an act relating to prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for changes in the mandatory minimum terms of sentences to be served, by permitting the imposition of up to ninety days of the total sentence in a county jail in addition to any terms of probation, and providing for a reduction in the amount of good and honor time that may be earned by forcible felons, was taken up for consideration.

Hurley of Fayette offered amendment H-3357 filed by him as follows:

H-3357

- 1 Amend House File 471 as follows:
- 2 1. Page 2, line 6, by striking the word "A" and
- 3 inserting the following: "If the person is ordered to
- 4 serve up to ninety days in jail the costs of the
- 5 person's confinement shall be borne by the state.
- 6 However, a".
- 7 2. Page 5, by striking lines 4 and 5.

Hurley of Fayette offered amendment H-3366, to amendment H-3357, filed by him from the floor and requested division as follows:

H-3366

- 1 Amend the amendment, H-3357, to House File 471 as
- 2 follows:

H-3366A

- 3 1. Page 1, line 4, by inserting after the word
- 4 "jail" the following: "twenty-five dollars per day
- 5 of".
- 6 2. Page 1, by inserting after line 6 the
- 7 following:
- 8 "Page 3, line 25, by inserting after the
- 9 word "jail" the following: "twenty-five dollars per
- 10 day of".

H-3366B

- 11 3. Page 1, by striking line 7.
- 12 4. By renumbering as necessary.

Hurley of Fayette moved the adoption of amendment H-3366A, to amendment H-3357.

A non-record roll call was requested.

The ayes were 57, nays 24.

Amendment H-3366A was adopted.

Millage of Scott asked and received unanimous consent to defer action on amendment H-3367, to amendment H-3357.

Millage of Scott offered the following amendment H-3388, to amendment H-3357, filed by him from the floor and moved its adoption:

H-3388

- 1 Amend the amendment, H-3357, to House File 471, as
- 2 follows:
- 3 1. Page 1, by striking line 7 and inserting the
- 4 following:
- 5 "_. Page 5, by striking lines 4 and 5 and
- 6 inserting the following:
- 7 "Sec. __. APPLICABILITY OF WAIVER TO CURRENT
- 8 INMATES. An inmate currently serving time for an
- 9 offense under section 1 of this Act may be eligible
- 10 for a waiver of the mandatory minimum term of
- 11 confinement if the inmate files an application with
- 12 the court which sentenced the inmate to the term of
- 13 incarceration and the court determines that the
- 14 minimum term should be waived."
- 15 2. By numbering and renumbering as necessary.

Amendment H-3388 was adopted, placing out of order amendment H-3367, to amendment H-3357, filed by Millage of Scott and Kreiman from the floor.

Hurley of Fayette asked and received unanimous consent to withdraw amendment H-3366B, to amendment H-3357, filed by him.

On motion by Hurley, amendment H-3357, as amended, was adopted.

Hurley of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 471)

The ayes were, 97:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogess	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cphoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett.	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig

Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bell

Bradley

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 471** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 20, 1995. Had I been present, I would have voted "aye" on House File 258, and amendment H-3347E to H-3322 to House File 258, and "nay" on amendment H-3323 to House File 258.

LARSON of Linn

I was temporarily absent from the House chamber on March 20, 1995. Had I been present, I would have voted "aye" on House File 36.

MEYER of Sac

I was necessarily absent from the House chamber on March 20, 1995. Had I been present, I would have voted "aye" on House Files 36, 113, 154, 252 and 257.

MORELAND of Wapello

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Four students from Walnut Community School, Walnut, accompanied by Gloria Myers and Glenna Thompson. By Drake of Pottawattamie.

Twenty-three students from Graceland College, Lamoni, accompanied by Bill Russell. By Daggett of Union.

Fifty fifth grade students from Nevada Middle School, Nevada, accompanied by Rhonda Braley and Pat Sullivan. By Garman of Story.

Fifty ninth grade students from Southeast Polk High School, Runnells, accompanied by Bob O'Brien and Jerry Waage. By Disney of Polk.

Sixty-five eighth grade students from Wall Lake View Auburn Middle School, Wall Lake, accompanied by Bruce Stevens. By Meyer of Sac.

Twenty fifth grade students from Lakeview Elementary, Centerville, accompanied by Kim Walker. By Kreiman of Davis.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\139 Scott Burright, Grinnell – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1995\140 Mildred "Millie" Smutzer, Davenport – For being chosen Irish Mother of the Year.

1995\141 Leo Driscoll, Dubuque – For celebrating his 100th birthday.

1995\142 Mary Carew, Dubuque – For outstanding volunteer service in education to St. Joseph The Worker School and the State of Iowa.

1995\143 Coach Mitch Osborn and the Pomeroy-Palmer Knights Boy's Basketball Team of Pomeroy-Palmer Community Schools – For winning 2nd place in the Class 1A 1995 Boy's State Basketball Tournament.

- 1995\144 Gilbert High School Boy's Basketball Team, Gilbert Community School – For winning 2nd place in the Class 2A 1995 Boy's State Basketball Tournament.
- 1995\145 Coach Keith Mayer and the Green Devils Boy's Basketball Team, Osage Community School – For winning 1st place in the Class 2A 1995 Boy's State Basketball Tournament.
- 1995\146 Coaches Mike Koelker, Jeff McGohan, and the Winfield-Mt. Union Boy's Basketball Team, Winfield-Mt. Union Community Schools – For winning 1st place in the Class 1A 1995 Boy's State Basketball Tournament.

SUBCOMMITTEE ASSIGNMENTS

House File 442

Appropriations: Millage, Chair; Gipp and Murphy.

House File 451

Appropriations: Millage, Chair; Gipp and Murphy.

House File 468

Appropriations: Millage, Chair; Gipp and Murphy.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 319 Ways and Means

Relating to the definition of business income for purposes of the state corporate income tax and providing effective and applicability date provisions.

H.S.B. 320 Ways and Means

Relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, establishing a loan loss reserve program, and providing an employee development grant.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 50.1 Revised), providing for the regulation of animal feeding operations, providing for fees, the expenditure of moneys, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

COMMITTEE ON APPROPRIATIONS

Committee Bill, an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass March 21, 1995.

COMMITTEE ON JUDICIARY

House File 16, a bill for an act relating to certain minors' rights to object to voluntary commitment and providing for surrogate decision making by parents, legal guardians, or other legal representatives under certain circumstances.

Fiscal Note is not required.

Recommended Do Pass March 16, 1995.

House File 270, a bill for an act relating to recognizing out-of-state law enforcement training for certification purposes in Iowa.

Fiscal Note is not required.

Recommended Do Pass March 16, 1995.

House File 281, a bill for an act relating to the radio-based communications system transmission of communicable disease information relative to persons being sought or assisted by certain persons in an emergency situation and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3383 March 16, 1995.

House File 294, a bill for an act relating to establishing a presumption against joint custody in marriage dissolution proceedings where a finding of domestic abuse is made by the court.

Fiscal Note is not required.

Committee Action: Failed to Pass March 16, 1995.

House File 326, a bill for an act authorizing wage assignments to collect criminal fines.

Fiscal Note is not required.

Recommended Do Pass March 16, 1995.

Committee Bill (Formerly House Study Bill 149), relating to the establishment of minimum standards for the training of telecommunicators.

Fiscal Note is not required.

Recommended Do Pass March 16, 1995.

Committee Bill (Formerly House Study Bill 216), relating to the exemption for attorneys who have provided abstract services under the title guaranty program.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 254), relating to juvenile justice, including providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, eliminating the notice required for students before certain locker searches, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, and enhancing or establishing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 257), relating to structured fines, establishing a civil penalty and surcharge, providing for the distribution of fines, and establishing effective and repeal dates.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 278), relating to child support collection, including the establishment of the amount of child support required by certain parents who are nineteen years of age or younger, provisions relating to the suspension, revocation, nonissuance, and nonrenewal of certain licenses for failure to pay support, and implementation provisions.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 310), relating to probate including the lien period for estates which have not been administered, the amount which may be passed to a minor without appointing a conservator, the distribution of an intestate estate to the parents, and special use trusts.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

Committee Bill (Formerly House Study Bill 312), to permit the court to require victim-offender reconciliation under certain circumstances.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 156), repealing the state inheritance tax, providing for the phase out of the tax, and providing an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1995.

AMENDMENTS FILED

H-3370

H.F.

291

Bradley of Clinton

H-3371	H.F.	463	Nutt of Woodbury
H-3374	H.F.	220	Grundberg of Polk
H-3375	H.F.	174	Carroll of Poweshiek Koenigs of Mitchell Nelson of Marshall
H-3376	H.F.	163	Weigel of Chickasaw
H-3378	H.F.	466	Vande Hoef of Osceola
H-3379	H.F.	336	Houser of Pottawattamie Myers of Johnson
H-3380	H.F.	373	Halvorson of Clayton
H-3381	H.F.	163	Weigel of Chickasaw
H-3383	H.F.	281	Committee on Judiciary
H-3384	H.F.	494	Jacobs of Polk
H-3385	H.F.	197	Schulte of Linn
H-3386	H.F.	492	Vande Hoef of Osceola
H-3387	H.F.	448	Shoultz of Black Hawk
H-3389	H.F.	336	Murphy of Dubuque
H-3390	H.F.	362	Moreland of Wapello Dinkla of Guthrie Lamberti of Polk
H-3391	H.F.	362	Moreland of Wapello Dinkla of Guthrie
H-3392	H.F.	362	Moreland of Wapello Wise of Lee
H-3393	H.F.	362	Moreland of Wapello Kreiman of Davis Holveck of Polk
H-3394	H.F.	362	Moreland of Wapello Kreiman of Davis Holveck of Polk
H-3395	H.F.	362	Moreland of Wapello Kreiman of Davis Holveck of Polk
H-3396	H.F.	362	Dinkla of Guthrie Moreland of Wapello
H-3397	H.F.	362	Moreland of Wapello Kreiman of Davis Holveck of Polk
H-3398	H.F.	362	Moreland of Wapello Kreiman of Davis Holveck of Polk
H-3399	H.F.	362	Moreland of Wapello Kreiman of Davis Holveck of Polk

H-3400	H.F.	457	Weigel of Chickasaw
H-3401	H.F.	289	Shoultz of Black Hawk
H-3402	H.F.	362	Moreland of Wapello
			Kreiman of Davis
			Holveck of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 5:15 p.m., until 8:45 a.m., Wednesday, March 22, 1995.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 22, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend David O'Rourke, Denmark Congregational United Church of Christ, Denmark.

The Journal of Tuesday, March 22, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper, for March 22, 23, 24, on request of Schrader of Marion.

PETITION FILED

The following petition was received and placed on file:

By Cohoon of Des Moines, from one hundred seventy-nine constituents of District 100 favoring Senate File 121, relating to the taxation of pensions, annuities and retirement allowances received, for the state individual income tax and providing a retroactive applicability date.

INTRODUCTION OF BILLS

House File 520, by committee on commerce-regulation, a bill for an act relating to electronic transfer of funds and establishing certain requirements for full-function point-of-sale terminals and electronic funds transfer facilities maintained or operated by a national card association, establishing a civil penalty, and providing an effective date.

Read first time and placed on the **calendar**.

House File 521, by committee on agriculture, a bill for an act relating to restrictions on persons eligible to hold agricultural land, and providing penalties.

Read first time and placed on the **calendar**.

House File 522, by committee on human resources, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing penalties.

Read first time and placed on the **calendar**.

House File 523, by committee on judiciary, a bill for an act relating to the establishment of minimum standards for the training of telecommunicators.

Read first time and placed on the **calendar**.

House File 524, by committee on judiciary, a bill for an act relating to the exemption for attorneys who have provided abstract services under the title guaranty program.

Read first time and placed on the **calendar**.

House File 525, by committee on judiciary, a bill for an act relating to structured fines, establishing a civil penalty and surcharge, providing for the distribution of fines, and establishing effective and repeal dates.

Read first time and placed on the **calendar**.

House File 526, by committee on judiciary, a bill for an act to permit the court to require victim-offender reconciliation under certain circumstances.

Read first time and placed on the **calendar**.

House File 527, by committee on judiciary, a bill for an act relating to probate including the lien period for estates which have not been administered, the amount which may be passed to a minor without appointing a conservator, the distribution of an intestate estate to the parents, and special use trusts.

Read first time and placed on the **calendar**.

House File 528, by committee on judiciary, a bill for an act relating to criminal and juvenile justice, including providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, eliminating the notice required for students before certain locker searches, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties.

Read first time and placed on the **calendar**.

House File 529, by Harper, a bill for an act relating to sales taxation of certain institutions of the arts by providing certain refunds and exemptions.

Read first time and referred to committee on **ways and means**.

House File 530, by committee on appropriations, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the commission of veterans affairs, and the governor's alliance on substance abuse.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate File 214, by Connolly, a bill for an act to provide greater protection for consumers who purchase or lease motor vehicles and providing effective dates.

Read first time and referred to committee on **transportation**.

Senate File 215, by Black, a bill for an act relating to agricultural management account moneys and county grants for private rural water well, testing, sealing, and closure.

Read first time and **passed on file**.

Senate File 225, by committee on local government, a bill for an act eliminating requirements for competitive bids regarding the printing of election ballots.

Read first time and referred to committee on **local government**.

Senate File 226, by committee on local government, a bill for an act relating to the disposition of valueless mobile homes, modular homes, and manufactured homes.

Read first time and referred to committee on **local government**.

Senate File 227, by committee on local government, a bill for an act providing for the compilation and dissemination of jail population reports.

Read first time and referred to committee on **local government**.

Senate File 228, by committee on local government, a bill for an act relating to the statewide notification center by providing that the center is subject to the open meetings and public records law, requiring certain financial information to be reported, establishing an audit requirement, and providing a penalty.

Read first time and referred to committee on **local government**.

Senate File 239, by Hansen, a bill for an act relating to the provision of mediation in dissolution of marriage proceedings.

Read first time and referred to committee on **judiciary**.

Senate File 278, by Black, a bill for an act providing that animals classified as ostriches, rheas, and emus are considered livestock.

Read first time and **passed on file**.

Senate File 280, by committee on local government, a bill for an act authorizing townships to provide emergency medical services.

Read first time and referred to committee on **local government**.

Senate File 311, by Tinsman, Kramer, Boettger, and Kibbie, a bill for an act relating to symbols indicating medical directives on a validation document for license renewal by mail and on a driver's license or nonoperator's identification card.

Read first time and referred to committee on **transportation**.

Senate File 314, by Fink, a bill for an act relating to enrollment in another district of an expelled or suspended student and providing an effective date.

Read first time and referred to committee on **education**.

Senate File 315, by Tinsman and Sorensen, a bill for an act relating to mental health and developmental disabilities assistance by extending a moratorium on the number of intermediate care facility for the mentally retarded beds and requiring certain reporting activities of the state-county management committee, and providing an effective date.

Read first time and referred to committee on **human resources**.

Senate File 320, by committee on commerce, a bill for an act relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce.

Read first time and **passed on file**.

CONSIDERATION OF BILLS

Regular Calendar

House File 420, a bill for an act creating an environmental audit privilege and providing penalties, was taken up for consideration.

Rants of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 420)

The ayes were, 97:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Bell	Brammer	Welter
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 217, a bill for an act relating to education requirements for nurses, was taken up for consideration.

Thomson 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. 217)

The ayes were, 94:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boguess	Bradley	Brand
Brauns	Burnett	Carroll	Cataldo

Churchill	Cohon	Connors	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker Corbett		

The nays were, 3:

Branstad	Brunkhorst	Kremer
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Absent or not voting, 3:

Bell	Brammer	Larson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 170, a bill for an act relating to exempting employees of the state fair authority from the state merit personnel system, with report of committee recommending passage, was taken up for consideration.

Disney 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. 170)

The ayes were, 96:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Fallon

Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 1:

Doderer

Absent or not voting, 3:

Bell

Brammer

Hurley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 170, 217 and 420.**

House File 277, a bill for an act concerning health care coverage availability to unemployed individuals, was taken up for consideration.

Doderer of Johnson offered the following amendment H-3299 filed by her and Jacobs and moved its adoption:

H-3299

- 1 Amend House File 277 as follows:
- 2 1. Page 1, by striking lines 2 through 8 and
- 3 inserting the following: "amended by striking the
- 4 subsection."

Amendment H-3299 was adopted.

Jacobs 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. 277)

The ayes were, 98:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Bell Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 103, a bill for an act relating to the liability of persons involved in domesticated animal activities, with report of committee recommending passage, was taken up for consideration.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 103)

The ayes were, 95:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Cataldo	Churchill	Cohoon	Connors

Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 2:

Doderer Holveck

Absent or not voting, 3:

Bell Brammer Carroll

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 103 and 277.**

Gipp of Winneshiek in the chair at 9:46 a.m.

House File 289, a bill for an act relating to solid waste tonnage fees, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-3401 filed by him and moved its adoption:

H-3401

- 1 Amend House File 289 as follows:
- 2 1. Page 2, line 28, by striking the word "grant"
- 3 and inserting the following: "financial assistance".
- 4 2. Page 3, line 28, by striking the words
- 5 "landfill alternative grants" and inserting the
- 6 following: "~~landfill alternative grants~~ funding
- 7 alternatives to landfills".

- 8 3. Page 3, line 29, by striking the figure "(2)"
 9 and inserting the following: "(1)".
 10 4. Page 4, line 29, by striking the words
 11 "landfill alternative grants" and inserting the
 12 following: "landfill alternative grants funding
 13 alternatives to landfills".
 14 5. Page 4, line 31, by striking the figure "(2)"
 15 and inserting the following: "(1)".
 16 6. Page 5, lines 4 and 5, by striking the words
 17 "landfill alternative grants" and inserting the
 18 following: "funding alternatives to landfills
 19 pursuant to section 455E.11, subsection 2, paragraph
 20 "a", subparagraph (1)".

Amendment H-3401 was adopted.

Meyer of Sac offered the following amendment H-3305 filed by him and moved its adoption:

H-3305

- 1 Amend House File 289 as follows:
 2 1. Page 3, line 7, by striking the word "may" and
 3 inserting the following: "shall".

Amendment H-3305 was adopted.

Meyer of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 289)

The ayes were, 96:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Geig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Renken	Running

Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Gipp, Presiding

The nays were, none.

Absent or not voting, 4:

Bell Brammer Carroll Rants

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 10:00 a.m., until the fall of the gavel.

The House resumed session at 10:10 a.m., Gipp of Winneshiek in the chair.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 289** be immediately messaged to the Senate.

HOUSE FILES REFERRED

The Speaker announced that the following bills presently on the **calendar** were referred as follows:

House File 160, to committee on **ways and means**.

House File 472, to committee on **appropriations**.

House File 516, to committee on **appropriations**.

Appropriations Calendar

House File 336, a bill for an act making an appropriation to the department of human services for medical assistance for certain minors with mental retardation, and providing applicability and effective date provisions, was taken up for consideration.

The House stood at ease at 10:13 a.m., until the fall of the gavel.

The House resumed session at 11:27 a.m., Speaker Corbett in the chair.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:29 a.m., until 1:00 p.m.

(House File 336 pending at recess)

AFTERNOON SESSION

The House reconvened at 1:15 p.m., Rants of Woodbury in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

BUSINESS PENDING AT RECESS

Appropriations Calendar

The House resumed consideration of **House File 336**, a bill for an act making an appropriation to the department of human services for medical assistance for certain minors with mental retardation, and providing applicability and effective date provisions, pending at recess.

Hammitt of Harrison offered amendment H-3339 filed by her as follows:

H-3339

1 Amend House File 336 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. MEDICAL ASSISTANCE COSTS FOR SERVICES

5 TO MINORS WITH MENTAL RETARDATION. There is

6 appropriated from the general fund of the state to the

7 department of human services for the fiscal year

8 beginning July 1, 1995, and ending June 30, 1996, the

9 following amount, or so much thereof as is necessary,

10 to be used for the purposes designated:

11 To for the nonfederal share of the costs of services

12 provided to minors with mental retardation under

13 medical assistance in accordance with the provisions

14 of section 249A.12, subsection 4:

15 \$ 6,600,000

16 Sec. 2. Section 123.38, unnumbered paragraph 2,

17 Code 1995, is amended to read as follows:

18 Any licensee or permittee, or the licensee's or

19 permittee's executor or administrator, or any person

20 duly appointed by the court to take charge of and

21 administer the property or assets of the licensee or

22 permittee for the benefit of the licensee's or

23 permittee's creditors, may voluntarily surrender a

24 license or permit to the division. When a license or

25 permit is surrendered the division shall notify the

26 local authority, and the division or the local

27 authority shall refund to the person surrendering the

28 license or permit, a proportionate amount of the fee

29 received by the division or the local authority for

30 the license or permit as follows: If a license or
31 permit is surrendered during the first three months of
32 the period for which it was issued, the refund shall
33 be three-fourths of the amount of the fee; if
34 surrendered more than three months but not more than
35 six months after issuance, the refund shall be one-
36 half of the amount of the fee; if surrendered more
37 than six months but not more than nine months after
38 issuance, the refund shall be one-fourth of the amount
39 of the fee. No refund shall be made, however, for any
40 special liquor permit, nor for a liquor control
41 license, wine permit, or beer permit surrendered more
42 than nine months after issuance. For purposes of this
43 paragraph, any portion of license or permit fees used
44 for the purposes authorized in section 331.424,
45 subsection 1, paragraphs "a", and "b", "c", "d", "e",
46 "f", "g", and "h", and in section 331.438A, shall not
47 be deemed received either by the division or by a
48 local authority. No refund shall be made to any
49 licensee or permittee, upon the surrender of the
50 license or permit, if there is at the time of

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1 surrender, a complaint filed with the division or
2 local authority, charging the licensee or permittee
3 with a violation of this chapter. If upon a hearing
4 on a complaint the license or permit is not revoked or
5 suspended, then the licensee or permittee is eligible,
6 upon surrender of the license or permit, to receive a
7 refund as provided in this section; but if the license
8 or permit is revoked or suspended upon hearing the
9 licensee or permittee is not eligible for the refund
10 of any portion of the license or permit fee.

11 Sec. 3. Section 218.99, Code 1995, is amended to
12 read as follows:

13 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'
14 PERSONAL ACCOUNTS.

15 The administrator of a division of the department
16 of human services in control of a state institution
17 shall direct the business manager of each institution
18 under the administrator's jurisdiction which is
19 mentioned in section 331.424, subsection 1, paragraphs
20 "a" through "g" and "b" and for which services are
21 paid under section 331.438A to quarterly inform the
22 auditor of the county of legal settlement of any
23 patient or resident who has an amount in excess of two
24 hundred dollars on account in the patients' personal
25 deposit fund and the amount on deposit. The
26 administrators shall direct the business manager to
27 further notify the auditor of the county at least
28 fifteen days before the release of funds in excess of
29 two hundred dollars or upon the death of the patient
30 or resident. If the patient or resident has no county

31 of legal settlement, notice shall be made to the
32 director of the department of human services and the
33 administrator of the division of the department in
34 control of the institution involved.

35 Sec. 4. Section 222.60, Code 1995, is amended to
36 read as follows:

37 222.60 COSTS PAID BY COUNTY OR STATE.

38 All necessary and legal expenses for the cost of
39 admission or commitment or for the treatment,
40 training, instruction, care, habilitation, support and
41 transportation of patients, as provided for in the
42 county management plan provisions implemented pursuant
43 to section 331.439, subsection 1, in a state hospital-
44 school for ~~the mentally-retarded~~ persons with mental
45 retardation, or in a special unit, or any public or
46 private facility within or without the state, approved
47 by the director of the department of human services,
48 shall be paid by either:

49 1. The county in which ~~such person~~ the patient has
50 legal settlement as defined in section 252.16.

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1 2. The state when ~~such person~~ the patient has no
2 legal settlement or when ~~such~~ legal settlement is
3 unknown.

4 Sec. 5. Section 225C.4, subsection 2, paragraph b,
5 Code 1995, is amended to read as follows:

6 b. Establish mental health and mental retardation
7 services for all institutions under the control of the
8 director of human services and establish an autism
9 unit, following mutual planning with and consultation
10 from the medical director of the state psychiatric
11 hospital, at an institution or a facility administered
12 by the administrator to provide psychiatric and
13 related services and other specific programs to meet
14 the needs of autistic persons ~~as defined in section~~
15 ~~331.424, subsection 1,~~ and to furnish appropriate
16 diagnostic evaluation services.

17 Sec. 6. Section 331.301, subsection 12, Code 1995,
18 is amended to read as follows:

19 12. The board of supervisors may credit funds to a
20 reserve for the purposes authorized by subsection 11
21 of this section; section 331.424, subsection 1,
22 paragraph "f"; and section 331.441, subsection 2,
23 paragraph "b". Moneys credited to the reserve, and
24 interest earned on such moneys, shall remain in the
25 reserve until expended for purposes authorized by
26 subsection 11 of this section; section 331.424,
27 subsection 1, paragraph "f"; or section 331.441,
28 subsection 2, paragraph "b".

29 Sec. 7. Section 331.424, subsection 1, Code 1995,
30 is amended to read as follows:

31 1. For general county services, an amount

32 sufficient to pay the charges for the following:

33 a. To the extent that the county is obligated by
34 statute to pay the charges for:

35 ~~(1) Care and treatment of patients by a state
36 mental health institute.~~

37 ~~—(2) Care and treatment of patients by either of
38 the state hospital schools or by any other facility
39 established under chapter 222 and diagnostic
40 evaluation under section 222.31.~~

41 ~~—(3) Care and treatment of patients under chapter
42 225.~~

43 (4) (1) Care and treatment of persons at the
44 alcoholic treatment center at Oakdale. However, the
45 county may require that an admission to the center
46 shall be reported to the board by the center within
47 five days as a condition of the payment of county
48 funds for that admission.

49 (5) (2) Care of children admitted or committed to
50 the Iowa juvenile home at Toledo.

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1 (6) (3) Clothing, transportation, medical, or
2 other services provided persons attending the Iowa
3 braille and sight saving school, the Iowa school for
4 the deaf, or the state hospital-school for severely
5 handicapped children at Iowa City, for which the
6 county becomes obligated to pay pursuant to sections
7 263.12, 269.2, and 270.4 through 270.7.

8 ~~b. To the extent that the board deems it advisable
9 to pay, the charges for professional evaluation,
10 treatment, training, habilitation, and care of persons
11 who are mentally retarded, autistic persons, or
12 persons who are afflicted by any other developmental
13 disability, at a suitable public or private facility
14 providing inpatient or outpatient care in the county.~~
15 As used in this paragraph:

16 ~~—(1) "Developmental disability" has the meaning
17 assigned that term by 42 U.S.C. sec. 6001(7) (1976),
18 Supp. II, 1978, and Supp. III, 1979.~~

19 ~~—(2) "Autistic persons" means persons, regardless
20 of age, with severe communication and behavior
21 disorders that became manifest during the early stages
22 of childhood development and that are characterized by
23 a severely disabling inability to understand,
24 communicate, learn, and participate in social
25 relationships. "Autistic persons" includes but is not
26 limited to those persons afflicted by infantile
27 autism, profound aphasia, and childhood psychosis.~~

28 ~~c. Care and treatment of persons placed in the
29 county hospital, county care facility, a health care
30 facility as defined in section 135C.1, subsection 6,
31 or any other public or private facility, which
32 placement is in lieu of admission or commitment to or~~

33 is upon discharge, removal, or transfer from a state
34 mental health institute, hospital school, or other
35 facility established pursuant to chapter 222.
36 ~~d. Amounts budgeted by the board for the cost of~~
37 ~~establishment and initial operation of a community~~
38 ~~mental health center in the manner and subject to the~~
39 ~~limitations provided by state law.~~
40 ~~e. h. Foster care and related services provided~~
41 ~~under court order to a child who is under the~~
42 ~~jurisdiction of the juvenile court, including court-~~
43 ~~ordered costs for a guardian ad litem under section~~
44 ~~232.71.~~
45 ~~f. The care, admission, commitment, and~~
46 ~~transportation of mentally ill patients in state~~
47 ~~hospitals, to the extent that expenses for these~~
48 ~~services are required to be paid by the county,~~
49 ~~including compensation for the advocate appointed~~
50 ~~under section 229.19.~~

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1 ~~g. Amounts budgeted by the board for mental health~~
2 ~~services or mental retardation services furnished to~~
3 ~~persons on either an outpatient or inpatient basis, to~~
4 ~~a school or other public agency, or to the community~~
5 ~~at large, by a community mental health center or other~~
6 ~~suitable facility located in or reasonably near the~~
7 ~~county, provided that services meet the standards of~~
8 ~~the mental health and developmental disabilities~~
9 ~~commission created in section 225C.5 and are~~
10 ~~consistent with the annual plan for services approved~~
11 ~~by the board.~~
12 ~~h. Reimbursement on behalf of mentally retarded~~
13 ~~persons under section 240A.12.~~
14 ~~i. c. Elections, and voter registration pursuant~~
15 ~~to chapter 48A.~~
16 ~~j. d. Employee benefits under chapters 96, 97B,~~
17 ~~and 97C, which are associated with salaries for~~
18 ~~general county services.~~
19 ~~k. e. Joint county and city building authorities~~
20 ~~established under section 346.27, as provided in~~
21 ~~subsection 22 of that section.~~
22 ~~l. f. Tort liability insurance, property~~
23 ~~insurance, and any other insurance that may be~~
24 ~~necessary in the operation of the county, costs of a~~
25 ~~self-insurance program, costs of a local government~~
26 ~~risk pool, and amounts payable under any insurance~~
27 ~~agreements to provide or procure such insurance, self-~~
28 ~~insurance program, or local government risk pool.~~
29 ~~m. g. The maintenance and operation of the courts,~~
30 ~~including but not limited to the salary and expenses~~
31 ~~of the clerk of the district court and other employees~~
32 ~~of the clerk's office, and bailiffs, court costs if~~
33 ~~the prosecution fails or if the costs cannot be~~

34 collected from the person liable, costs and expenses
35 of prosecution under section 189A.17, salaries and
36 expenses of juvenile court officers under chapter 602,
37 court-ordered costs in domestic abuse cases under
38 section 236.5, the county's expense for confinement of
39 prisoners under chapter 356A, temporary assistance to
40 the county attorney, county contributions to a
41 retirement system for bailiffs, reimbursement for
42 judicial magistrates under section 602.6501, claims
43 filed under section 622.93, interpreters' fees under
44 section 622B.7, uniform citation and complaint
45 supplies under section 805.6, and costs of prosecution
46 under section 815.13.
47 n. h. Court-ordered costs of conciliation
48 procedures under section 598.16.
49 e. i. Establishment and maintenance of a joint
50 county indigent defense fund pursuant to an agreement

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1 under section 28E.19.
2 p. i. The maintenance and operation of a local
3 emergency management agency established pursuant to
4 chapter 29C.
5 The board may require a public or private facility,
6 as a condition of receiving payment from county funds
7 for services it has provided, to furnish the board
8 with a statement of the income, assets, and legal
9 residence including township and county of each person
10 who has received services from that facility for which
11 payment has been made from county funds under
12 paragraphs "a" through "h" and "b". However, the
13 facility shall not disclose to anyone the name or
14 street or route address of a person receiving services
15 for which commitment is not required, without first
16 obtaining that person's written permission.
17 Parents or other persons may voluntarily reimburse
18 the county or state for the reasonable cost of caring
19 for a patient or an inmate in a county or state
20 facility.
21 Sec. 8. Section 331.424, Code 1995, is amended by
22 adding the following new subsection:
23 NEW SUBSECTION. 1A. The maximum amount of
24 property tax dollars which may be certified by a
25 county for taxes levied under subsection 1 and payable
26 in the fiscal year beginning July 1, 1996, and
27 succeeding fiscal years shall not exceed the amount of
28 property tax dollars certified by the county for taxes
29 payable in the fiscal year beginning July 1, 1995,
30 minus an adjustment for the amounts levied by the
31 county under subsection 1 for mental health, mental
32 retardation, and developmental disabilities services
33 in the fiscal year beginning July 1, 1995. The
34 adjustment and maximum amount which may be levied by

35 the county shall be determined by the county auditor,
36 subject to the approval of the department of
37 management. A county which disagrees with the
38 adjustment and maximum amount proposed for the county
39 by the department of management may appeal the
40 determination to the state appeal board created in
41 section 24.26 which shall make a final determination.

42 Sec. 9. Section 331.426, subsection 1, Code 1995,
43 is amended by adding the following new paragraph:
44 NEW PARAGRAPH. h. An unusual need for a service
45 or cost paid from levies under section 331.424,
46 subsection 1, which would cause the total expenditures
47 of services and costs paid from those levies to exceed
48 the maximum levies authorized under section 331.424,
49 subsection 1A.

50 Sec. 10. Section 331.438, subsection 1, paragraph

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1 b, Code 1995, is amended to read as follows:

2 b. "State payment" means the payment made by the
3 state under section 331.438A to a county determined to
4 be eligible for the payment in accordance with section
5 331.439. ~~Except as modified based upon the actual~~
6 ~~amount of the appropriation for purposes of state~~
7 ~~payment under section 331.439, the amount of the state~~
8 ~~payment for a fiscal year shall be calculated as fifty~~
9 ~~percent of the amount by which the county's qualified~~
10 ~~expenditures during the immediately preceding fiscal~~
11 ~~year were in excess of the amount of the county's base~~
12 ~~year expenditures.~~

13 Sec. 11. Section 331.438, Code 1995, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 1A. The state of Iowa shall
16 provide funding to counties for the costs of mental
17 health and mental retardation services so that over
18 the five-year period beginning July 1, 1995, and
19 ending June 30, 2000, the relative shares of the state
20 and counties for these expenditures shall become
21 either equal or greater for the state.

22 Sec. 12. Section 331.438, subsection 3, paragraph
23 c, Code 1995, is amended by adding the following new
24 subparagraph:

25 NEW SUBPARAGRAPH. (15) Consider tort and other
26 liability issues associated with a county managing
27 mental health, mental retardation, and developmental
28 disabilities services in accordance with a fixed
29 budget and make recommendations to address the issues.

30 Sec. 13. NEW SECTION. 331.438A STATE AND COUNTY
31 EXPENDITURES FOR MENTAL HEALTH, MENTAL RETARDATION,
32 AND DEVELOPMENTAL DISABILITIES ASSISTANCE — FUND
33 CREATED.

34 1. The mental health, mental retardation, and
35 developmental disabilities property tax relief fund is

36 created in the office of the treasurer of state under
37 the authority of the department of revenue and
38 finance. The relief fund shall consist of moneys
39 appropriated to the fund and the amount of allocations
40 from the fund for property tax relief pursuant to
41 subsection 2 and for the adjustment factor pursuant to
42 subsection 5 shall be as specified in law by the
43 general assembly.

44 2. In each fiscal year, a county shall receive for
45 property tax relief the county's proportion of the
46 moneys in the relief fund allocated for property tax
47 relief. A county's proportion of the moneys shall be
48 equivalent to the sum of the following three factors:

49 a. One-third based upon the county's proportion of
50 the state's general population.

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1 b. One-third based upon the county's proportion of
2 the state's total taxable property valuation assessed
3 for taxes payable in the previous fiscal year.

4 c. One-third based upon the county's proportion of
5 all counties' base year expenditures, as defined in
6 section 331.438.

7 3. The department of human services shall notify
8 the department of revenue and finance of the amount
9 due each county and the director of revenue and
10 finance shall draw warrants on the relief fund,
11 payable quarterly to the county treasurer in the
12 amount due a county in accordance with subsection 2,
13 and mail the warrants to county auditors by September
14 1, December 1, March 1, and June 1 of each year.

15 4. Before June 1, 1995, the director of human
16 services shall notify the county auditor of each
17 county of the amount of moneys the county will receive
18 from the relief fund for property tax relief pursuant
19 to subsection 2 in the succeeding fiscal year. For
20 the fiscal year beginning July 1, 1995, the department
21 of management shall reduce the amount of the county's
22 certified budget to be raised by property tax, for
23 that fiscal year by an amount equal to the amount the
24 county will receive from the relief fund for property
25 tax relief pursuant to subsection 2 and the department
26 of management shall determine the rate of taxation
27 necessary to raise the reduced amount. For subsequent
28 fiscal years, the levy for the mental health, mental
29 retardation, and developmental disabilities fund shall
30 be reduced by the county auditor and the board of
31 supervisors in the manner specified in section
32 331.424A.

33 5. In addition to moneys received by a county for
34 a fiscal year pursuant to subsection 2, the county may
35 be paid an adjustment factor payment for services
36 provided in accordance with the county's management

37 plan implemented pursuant to section 331.439 and paid
38 for from the county's services fund under section
39 331.424A. The amount of the adjustment factor payment
40 to a county is subject to the amount appropriated for
41 this purpose and shall be paid as provided by the
42 general assembly for that fiscal year.

43 6. The department of human services, in
44 consultation with the state-county management
45 committee, shall prescribe forms and adopt rules
46 pursuant to chapter 17A to administer this section.
47 Sec. 14. Section 331.439, Code 1995, is amended by
48 striking the section and inserting in lieu thereof the
49 following:

50 331.439 ELIGIBILITY FOR STATE PAYMENT.

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1 1. The state payment to eligible counties under
2 this section shall be made as provided in section
3 331.438A. A county is eligible for the state payment,
4 as defined in section 331.438, for the fiscal year
5 beginning July 1, 1995, and for subsequent fiscal
6 years if the director of human services determines for
7 a specific fiscal year that all of the following
8 conditions are met:

9 a. The county accurately reported by October 15
10 the county's expenditures for mental health, mental
11 retardation, and developmental disabilities services
12 for the previous fiscal year on forms prescribed by
13 the department of human services.

14 b. The county developed and implemented a county
15 management plan for the county's mental health, mental
16 retardation, and developmental disabilities services
17 in accordance with the provisions of this paragraph.
18 The plan shall comply with the administrative rules
19 adopted for this purpose by the council on human
20 services and is subject to the approval of the
21 director of human services in consultation with the
22 state-county management committee created in section
23 331.438. The plan shall include a description of the
24 county's service management provision for mental
25 health, mental retardation, and developmental
26 disabilities services. The plan shall have the
27 following two parts:

28 (1) For mental health service management, the
29 county must contract with a state-approved managed
30 mental health care contractor or provide a comparable
31 system of managed care. For the fiscal year beginning
32 July 1, 1995, this part of the plan shall be submitted
33 by October 15, 1995, and the county shall implement
34 the approved plan by January 1, 1996. For subsequent
35 fiscal years, this part of the plan shall be submitted
36 to the department by April 1 for the succeeding fiscal
37 year.

38 (2) For mental retardation and developmental
39 disabilities services management, the county must
40 contract with a state-approved managed care contractor
41 or develop and implement a managed system of care
42 which addresses a full array of appropriate services
43 and cost-effective delivery of services. The managed
44 system of care shall incorporate a single entry point
45 process developed in accordance with the provisions of
46 section 331.440. The elements of the managed system
47 of care shall be specified in rules developed by the
48 department in consultation with the state-county
49 management committee and adopted by the council on
50 human services. The county shall implement either the

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1 state-approved contract or implement a comparable
2 system of care within six months of the date by which
3 the department approves a managed care contractor. In
4 fiscal years succeeding the fiscal year of initial
5 implementation this part of the plan shall be
6 submitted to the department of human services by April
7 1 for the succeeding fiscal year.

8 c. Changes to the approved plan are submitted
9 sixty days prior to the proposed change and are not to
10 be implemented prior to the director of human
11 services' approval.

12 2. The county management plan shall address the
13 county's criteria for serving persons with chronic
14 mental illness, including any rationale used for
15 decision making regarding this population.

16 3. If funding is available under the fixed budget,
17 a county that has not provided services to a service
18 population which is not included in the service
19 management provisions required under subsection 1, may
20 provide such services.

21 4. For the fiscal year beginning July 1, 1996, and
22 succeeding fiscal years, implementation of the county
23 management plan is subject to a fixed budget
24 consisting of the moneys deposited by the state and
25 county in the county mental health, mental
26 retardation, and developmental disabilities services
27 fund created in section 331.424A. The amount of the
28 fixed budget shall be the amount specified for the
29 fiscal year in the county's management plan and
30 budgeted for such services.

31 5. A county shall implement the county's
32 management plan in a manner so as to provide adequate
33 funding for the entire fiscal year by budgeting for
34 ninety-nine percent of the funding anticipated to be
35 available for the plan.

36 6. A county's implementation of the service
37 management provisions required under subsection 1 for
38 mental health, mental retardation, and developmental

39 disabilities shall incorporate the single entry point
40 process described in section 331.440.

41 7. The basis for determining whether a managed
42 care system for mental health proposed by a county is
43 comparable to a managed care contractor approved by
44 the department of human services shall include but is
45 not limited to all of the following elements which
46 shall be specified in administrative rules adopted by
47 the department in consultation with the state-county
48 management committee:

- 49 a. The enrollment and eligibility process.
- 50 b. The scope of services included.

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1 c. The method of plan administration.
2 d. The process for managing utilization and access
3 to services and other assistance.
4 e. The quality assurance process.
5 f. The risk management provisions and fiscal
6 viability of the provisions.

7 8. The director's approval of a county's mental
8 health, mental retardation, and developmental
9 disabilities services management plan shall not be
10 construed to constitute certification of the county's
11 budget.

12 Sec. 15. Section 331.440, subsection 1, Code 1995,
13 is amended by adding the following new paragraph:
14 NEW PARAGRAPH. c. The single entry point process
15 shall include provision for the county's participation
16 in a management information system developed in
17 accordance with rules adopted pursuant to subsection
18 3.

19 Sec. 16. NEW SECTION. 331.424A MENTAL HEALTH,
20 MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES
21 SERVICES FUND.

22 1. For the purposes of this chapter, unless the
23 context otherwise requires, "services fund" means the
24 county mental health, mental retardation, and
25 developmental disabilities services fund created in
26 subsection 2.

27 2. For the fiscal year beginning July 1, 1996, and
28 succeeding fiscal years, county revenues from taxes
29 and other sources designated for mental health, mental
30 retardation, and developmental disabilities services
31 shall be credited to the mental health, mental
32 retardation, and developmental disabilities services
33 fund of the county. The board shall make
34 appropriations from the fund for payment of services
35 provided under the county management plan approved
36 pursuant to section 331.439.

37 3. For the fiscal year beginning July 1, 1996, and
38 succeeding fiscal years, receipts from the state or
39 federal government for such services shall be credited

40 to the services fund, including but not limited to
41 moneys received by a county under section 331.438A.
42 4. For the fiscal year beginning July 1, 1996, and
43 for each subsequent fiscal year, the county may
44 certify a levy for payment of services. Unless
45 otherwise provided by state law, for each fiscal year,
46 county revenues from taxes imposed by the county
47 credited to the services fund shall not exceed an
48 amount equal to the amount of base year expenditures
49 from property taxes imposed by the county and paid for
50 services in the fiscal year beginning July 1, 1993,

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1 and ending June 30, 1994, as defined in section
2 331.438, less the amount of property tax relief to be
3 received pursuant to section 331.438A in the fiscal
4 year for which the budget is certified. The county
5 auditor and the board of supervisors shall reduce the
6 amount of the levy certified under this section by the
7 amount of property tax relief to be received.
8 5. Appropriations specifically authorized to be
9 made from the mental health, mental retardation, and
10 disabilities services fund shall not be made from the
11 general fund of the county.
12 Sec. 17. Section 444.25A, subsection 1, Code 1995,
13 is amended to read as follows:
14 1. COUNTY LIMITATION. The maximum amount of
15 property tax dollars which may be certified by a
16 county for taxes payable in the fiscal year beginning
17 July 1, 1995, shall not exceed the amount of property
18 tax dollars certified by the county for taxes payable
19 in the fiscal year beginning July 1, 1994, minus the
20 amount of the property tax relief payment to be
21 received by the county for the fiscal year beginning
22 July 1, 1995, pursuant to section 331.438A, subsection
23 2, and the maximum amount of property tax dollars
24 which may be certified by a county for taxes payable
25 in the fiscal year beginning July 1, 1996, shall not
26 exceed the amount of property tax dollars certified by
27 the county for taxes payable in the fiscal year
28 beginning July 1, 1995, minus the amount by which the
29 property tax relief payment to be received by the
30 county in the fiscal year beginning July 1, 1996,
31 exceeds the amount of the property tax relief payment
32 received in the fiscal year beginning July 1, 1995,
33 pursuant to section 331.438A, subsection 2, for each
34 of the levies for the following, except for the levies
35 on the increase in taxable valuation due to new
36 construction, additions or improvements to existing
37 structures, remodeling of existing structures for
38 which a building permit is required, annexation, and
39 phasing out of tax exemptions, and on the increase in
40 valuation of taxable property as a result of a

41 comprehensive revaluation by a private appraiser under
42 a contract entered into prior to January 1, 1992, or
43 as a result of a comprehensive revaluation directed or
44 authorized by the conference board prior to January 1,
45 1992, with documentation of the contract,
46 authorization, or directive on the revaluation
47 provided to the director of revenue and finance, if
48 the levies are equal to or less than the levies for
49 the previous year, levies on that portion of the
50 taxable property located in an urban renewal project

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1 the tax revenues from which are no longer divided as
2 provided in section 403.19, subsection 2, or as
3 otherwise provided in this section:

4 a. General county services under section 331.422,
5 subsection 1.

6 b. Rural county services under section 331.422,
7 subsection 2.

8 c. Other taxes under section 331.422, subsection
9 4.

10 Sec. 18. Section 444.25A, subsection 3, paragraph
11 b, subparagraph (3), Code 1995, is amended to read as
12 follows:

13 (3) Need for additional moneys for health care,
14 treatment, and facilities, including ~~mental health and~~
15 ~~mental retardation care and treatment~~ pursuant to
16 section 331.424, subsection 1, paragraphs "a" through
17 "h" and "b".

18 Sec. 19. NEW SECTION. 444.25B PROPERTY TAX
19 LIMITATIONS FOR 1998 AND 1999 FISCAL YEARS.

20 1. COUNTY LIMITATION. The maximum amount of
21 property tax dollars which may be certified by a
22 county for taxes payable in the fiscal year beginning
23 July 1, 1997, shall not exceed the amount of property
24 tax dollars certified by the county for taxes payable
25 in the fiscal year beginning July 1, 1996, minus the
26 amount by which the property tax relief payment to be
27 received by the county in the fiscal year beginning
28 July 1, 1997, exceeds the amount of the property tax
29 relief payment received by the county in the fiscal
30 year beginning July 1, 1996, pursuant to section
31 331.438A, subsection 2, and the maximum amount of
32 property tax dollars which may be certified by a
33 county for taxes payable in the fiscal year beginning
34 July 1, 1998, shall not exceed the amount of property
35 tax dollars certified by the county for taxes payable
36 in the fiscal year beginning July 1, 1997, minus the
37 amount by which the property tax relief payment to be
38 received by the county in the fiscal year beginning
39 July 1, 1998, exceeds the amount of the property tax
40 relief payment received by the county in the fiscal
41 year beginning July 1, 1997, pursuant to section

42 331.438A, subsection 2, for each of the levies for the
43 following, except for the levies on the increase in
44 taxable valuation due to new construction, additions
45 or improvements to existing structures, remodeling of
46 existing structures for which a building permit is
47 required, annexation, and phasing out of tax
48 exemptions, and on the increase in valuation of
49 taxable property as a result of a comprehensive
50 revaluation by a private appraiser under a contract

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1 entered into prior to January 1, 1992, or as a result
2 of a comprehensive revaluation directed or authorized
3 by the conference board prior to January 1, 1992, with
4 documentation of the contract, authorization, or
5 directive on the revaluation provided to the director
6 of revenue and finance, if the levies are equal to or
7 less than the levies for the previous year, levies on
8 that portion of the taxable property located in an
9 urban renewal project the tax revenues from which are
10 no longer divided as provided in section 403.19,
11 subsection 2, or as otherwise provided in this
12 section:

13 a. General county services under section 331.422,
14 subsection 1.

15 b. Rural county services under section 331.422,
16 subsection 2.

17 c. Other taxes under section 331.422, subsection
18 4.

19 2. EXCEPTIONS. The limitations provided in
20 subsection 1 do not apply to the levies made for the
21 following:

22 a. Debt service to be deposited into the debt
23 service fund pursuant to section 331.430.

24 b. Taxes approved by a vote of the people which
25 are payable during the fiscal year beginning July 1,
26 1997, or July 1, 1998.

27 c. Hospitals pursuant to chapters 37, 347, and
28 347A.

29 d. Emergency management to be deposited into the
30 local emergency management fund and expended for
31 development of hazardous substance teams pursuant to
32 chapter 29C.

33 e. Unusual need for additional moneys to finance
34 existing programs which would provide substantial
35 benefit to county residents or compelling need to
36 finance new programs which would provide substantial
37 benefit to county residents. The increase in taxes
38 levied under this exception for the fiscal year
39 beginning July 1, 1997, is limited to no more than the
40 product of the total tax dollars levied in the fiscal
41 year beginning July 1, 1996, and the percent change,
42 computed to two decimal places, in the price index for

43 government purchases by type for state and local
44 governments computed for the third quarter of calendar
45 year 1996 from that computed for the third quarter of
46 calendar year 1995. The increase in taxes levied
47 under this exception for the fiscal year beginning
48 July 1, 1998, is limited to no more than the product
49 of the total tax dollars levied in the fiscal year
50 beginning July 1, 1997, and the percent change,

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1 computed to two decimal places, in the price index for
2 government purchases by type for state and local
3 governments computed for the third quarter of calendar
4 year 1997 from that computed for the third quarter of
5 calendar year 1996.

6 For purposes of this paragraph, the price index for
7 government purchases by type for state and local
8 governments is defined by the bureau of economic
9 analysis of the United States department of commerce
10 and published in table 7.11 of the national income and
11 products accounts. For the fiscal years beginning
12 July 1, 1997, and July 1, 1998, the price index used
13 shall be the revision published in the November 1996
14 and November 1997 issues, respectively, of the United
15 States department of commerce publication, "survey of
16 current business". For purposes of this paragraph,
17 tax dollars levied in the fiscal years beginning July
18 1, 1996, and July 1, 1997, shall not include funds
19 levied for paragraphs "a", "b", and "c" of this
20 subsection.

21 Application of this exception shall require an
22 original publication of the budget and a public
23 hearing and a second publication and a second hearing
24 both in the manner and form prescribed by the director
25 of the department of management, notwithstanding the
26 provisions of section 331.434. The publications and
27 hearings prescribed in this paragraph shall be held
28 and the budget certified no later than March 15. The
29 taxes levied for counties whose budgets are certified
30 after March 15, 1997, shall be frozen at the fiscal
31 year beginning July 1, 1996, level, and the taxes
32 levied for counties whose budgets are certified after
33 March 15, 1998, shall be frozen at the fiscal year
34 beginning July 1, 1997, level.

35 3. APPEAL PROCEDURES. In lieu of the procedures
36 in sections 24.48 and 331.426, which procedures do not
37 apply for taxes payable in the fiscal years beginning
38 July 1, 1997, and July 1, 1998, if a county needs to
39 raise property tax dollars from a tax levy in excess
40 of the limitations imposed by subsection 1, the
41 following procedures apply:

42 a. Not later than March 1, and after the
43 publication and public hearing on the budget in the

44 manner and form prescribed by the director of the
45 department of management, notwithstanding section
46 331.434, the county shall petition the state appeal
47 board for approval of a property tax increase in
48 excess of the increase provided for in subsection 2,
49 paragraph "e", on forms furnished by the director of
50 the department of management. Applications received

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1 after March 1 shall be automatically ineligible for
2 consideration by the board.

3 b. Additional costs incurred by the county due to
4 any of the following circumstances shall be the basis
5 for justifying the excess in property tax dollars:

6 (1) Natural disaster or other life-threatening
7 emergencies.

8 (2) Unusual need for additional moneys to finance
9 existing programs which would provide substantial
10 benefit to county residents or compelling need to
11 finance new programs which would provide substantial
12 benefit to county residents.

13 (3) Need for additional moneys for health care,
14 treatment, and facilities pursuant to section 331.424,
15 subsection 1, paragraphs "a" and "b".

16 (4) Judgments, settlements, and related costs
17 arising out of civil claims against the county and its
18 officers, employees, and agents, as defined in chapter
19 670.

20 c. The state appeal board shall approve,
21 disapprove, or reduce the amount of excess property
22 tax dollars requested. The board shall take into
23 account the intent of this section to provide property
24 tax relief. The decision of the board shall be
25 rendered at a regular or special meeting of the board
26 within twenty days of the board's receipt of an
27 appeal.

28 d. Within seven days of receipt of the decision of
29 the state appeal board, the county shall adopt and
30 certify its budget under section 331.434, which budget
31 may be protested as provided in section 331.436. The
32 budget shall not contain an amount of property tax
33 dollars in excess of the amount approved by the state
34 appeal board.

35 4. Rate adjustment by county auditor. In addition
36 to the requirement of the county auditor in section
37 444.3 to establish a rate of tax which does not exceed
38 the rate authorized by law, the county auditor shall
39 also adjust the rate if the amount of property tax
40 dollars to be raised is in excess of the amount
41 specified in subsection 1, as may be adjusted pursuant
42 to subsection 3.

43 Sec. 20. NEW SECTION. 444.25C PROPERTY TAX
44 LIMITATION FOR FISCAL YEAR 2000.

45 1. COUNTY LIMITATION. The maximum amount of
46 property tax dollars which may be certified by a
47 county for taxes payable in the fiscal year beginning
48 July 1, 1999, shall not exceed the amount of property
49 tax dollars certified by the county for taxes payable
50 in the fiscal year beginning July 1, 1998, minus the

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1 difference between the amount by which the property
2 tax relief payment to be received by the county in the
3 fiscal year beginning July 1, 1999, exceeds the amount
4 of the property tax relief payment received by the
5 county in the fiscal year beginning July 1, 1998,
6 pursuant to section 331.438A, subsection 2, for each
7 of the levies for the following, except for the levies
8 on the increase in taxable valuation due to new
9 construction, additions or improvements to existing
10 structures, remodeling of existing structures for
11 which a building permit is required, annexation, and
12 phasing out of tax exemptions, and on the increase in
13 valuation of taxable property as a result of a
14 comprehensive revaluation by a private appraiser under
15 a contract entered into prior to January 1, 1992, or
16 as a result of a comprehensive revaluation directed or
17 authorized by the conference board prior to January 1,
18 1992, with documentation of the contract,
19 authorization, or directive on the revaluation
20 provided to the director of revenue and finance, if
21 the levies are equal to or less than the levies for
22 the previous year, levies on that portion of the
23 taxable property located in an urban renewal project
24 the tax revenues from which are no longer divided as
25 provided in section 403.19, subsection 2, or as
26 otherwise provided in this section:

27 a. General county services under section 331.422,
28 subsection 1.

29 b. Rural county services under section 331.422,
30 subsection 2.

31 c. Other taxes under section 331.422, subsection
32 4.

33 2. EXCEPTIONS. The limitations provided in
34 subsection 1 do not apply to the levies made for the
35 following:

36 a. Debt service to be deposited into the debt
37 service fund pursuant to section 331.430.

38 b. Taxes approved by a vote of the people which
39 are payable during the fiscal year beginning July 1,
40 1999, or July 1, 2000.

41 c. Hospitals pursuant to chapters 37, 347, and
42 347A.

43 d. Emergency management to be deposited into the
44 local emergency management fund and expended for
45 development of hazardous substance teams pursuant to

46 chapter 29C.

47 e. Unusual need for additional moneys to finance
48 existing programs which would provide substantial
49 benefit to county residents or compelling need to
50 finance new programs which would provide substantial

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1 benefit to county residents. The increase in taxes
2 levied under this exception for the fiscal year
3 beginning July 1, 1999, is limited to no more than the
4 product of the total tax dollars levied in the fiscal
5 year beginning July 1, 1998, and the percent change,
6 computed to two decimal places, in the price index for
7 government purchases by type for state and local
8 governments computed for the third quarter of calendar
9 year 1998 from that computed for the third quarter of
10 calendar year 1997.

11 For purposes of this paragraph, the price index for
12 government purchases by type for state and local
13 governments is defined by the bureau of economic
14 analysis of the United States department of commerce
15 and published in table 7.11 of the national income and
16 products accounts. For the fiscal year beginning July
17 1, 1999, the price index used shall be the revision
18 published in the November 1998 of the United States
19 department of commerce publication, "survey of current
20 business". For purposes of this paragraph, tax
21 dollars levied in the fiscal year beginning July 1,
22 1998, shall not include funds levied for paragraphs
23 "a", "b", and "c" of this subsection.

24 Application of this exception shall require an
25 original publication of the budget and a public
26 hearing and a second publication and a second hearing
27 both in the manner and form prescribed by the director
28 of the department of management, notwithstanding the
29 provisions of section 331.434. The publications and
30 hearings prescribed in this paragraph shall be held
31 and the budget certified no later than March 15. The
32 taxes levied for counties whose budgets are certified
33 after March 15, 1999, shall be frozen at the fiscal
34 year beginning July 1, 1998, level.

35 3. APPEAL PROCEDURES. In lieu of the procedures
36 in sections 24.48 and 331.426, which procedures do not
37 apply for taxes payable in the fiscal year beginning
38 July 1, 1999, if a county needs to raise property tax
39 dollars from a tax levy in excess of the limitations
40 imposed by subsection 1, the following procedures
41 apply:

42 a. Not later than March 1, and after the
43 publication and public hearing on the budget in the
44 manner and form prescribed by the director of the
45 department of management, notwithstanding section
46 331.434, the county shall petition the state appeal

47 board for approval of a property tax increase in
48 excess of the increase provided for in subsection 2,
49 paragraph "e", on forms furnished by the director of
50 the department of management. Applications received

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1 after March 1 shall be automatically ineligible for
2 consideration by the board.

3 b. Additional costs incurred by the county due to
4 any of the following circumstances shall be the basis
5 for justifying the excess in property tax dollars:

6 (1) Natural disaster or other life-threatening
7 emergencies.

8 (2) Unusual need for additional moneys to finance
9 existing programs which would provide substantial
10 benefit to county residents or compelling need to
11 finance new programs which would provide substantial
12 benefit to county residents.

13 (3) Need for additional moneys for health care,
14 treatment, and facilities pursuant to section 331.424,
15 subsection 1, paragraphs "a" and "b".

16 (4) Judgments, settlements, and related costs
17 arising out of civil claims against the county and its
18 officers, employees, and agents, as defined in chapter
19 670.

20 c. The state appeal board shall approve,
21 disapprove, or reduce the amount of excess property
22 tax dollars requested. The board shall take into
23 account the intent of this section to provide property
24 tax relief. The decision of the board shall be
25 rendered at a regular or special meeting of the board
26 within twenty days of the board's receipt of an
27 appeal.

28 d. Within seven days of receipt of the decision of
29 the state appeal board, the county shall adopt and
30 certify its budget under section 331.434, which budget
31 may be protested as provided in section 331.436. The
32 budget shall not contain an amount of property tax
33 dollars in excess of the amount approved by the state
34 appeal board.

35 4. Rate adjustment by county auditor. In addition
36 to the requirement of the county auditor in section
37 444.3 to establish a rate of tax which does not exceed
38 the rate authorized by law, the county auditor shall
39 also adjust the rate if the amount of property tax
40 dollars to be raised is in excess of the amount
41 specified in subsection 1, as may be adjusted pursuant
42 to subsection 3.

43 Sec. 21. Section 444.27, Code 1995, is amended to
44 read as follows:

45 444.27 SECTIONS VOID.

46 1. For purposes of section 444.25, sections 24.48
47 and 331.426 are void for the fiscal years beginning
48 July 1, 1993, and July 1, 1994. For purposes of
49 section 444.25A, sections 24.48 and 331.426 are void

50 for the fiscal years beginning July 1, 1995, and July

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1 1, 1996.

2 2. For purposes of sections 444.25B and 444.25C,
 3 sections 24.48 and 331.426 are void for the fiscal
 4 years beginning July 1, 1997, July 1, 1998, and July
 5 1, 1999.

6 Sec. 22. Section 445.23, Code 1995, is amended to
 7 read as follows:

8 445.23 STATEMENT OF TAXES DUE.

9 1. Upon request, the The county treasurer shall
 10 state in writing the full amount of taxes against a
 11 parcel, all sales for unpaid taxes, and the amount
 12 needed to redeem the parcel, if redeemable. If the
 13 person requesting the statement is not the titleholder
 14 of record or contract holder of record of the parcel,
 15 that person shall pay a fee at the rate of two dollars
 16 per parcel for each year for which information is
 17 requested, and the money shall be deposited in the
 18 county general fund.

19 2. The county treasurer shall include in a
 20 prominent place on the tax statement the amount of
 21 each of the following state tax credits that apply to
 22 the parcel and amount by which each credit reduced the
 23 taxes due on the parcel:

24 a. Homestead credit under chapter 425.

25 b. Military service credit under chapter 426A.

26 c. Extraordinary credit under chapter 425.

27 d. Mental health, mental retardation, and de-
 28 velopmental disabilities property tax relief under
 29 section 331.438A.

30 e. Farm tax credit under chapter 426.

31 Sec. 23. REPEAL. 1994 Iowa Acts, chapter 1163,
 32 section 8, is repealed.

33 Sec. 24. DEPARTMENT OF HUMAN SERVICES — ICFMR
 34 REQUIREMENT. The department of human services shall
 35 consult with the department of inspections and
 36 appeals, the Iowa state association of counties, and
 37 the Iowa association of rehabilitation and residential
 38 facilities in adopting administrative rules
 39 identifying optimum staffing ratios for intermediate
 40 care facilities for the mentally retarded (ICFMR).
 41 The administrative rules shall be implemented on or
 42 before January 1, 1996.

43 Sec. 25. COUNTY ADJUSTMENT FACTOR PAYMENT —
 44 FISCAL YEAR 1995-1996.

45 1. For the fiscal year beginning July 1, 1995, the
 46 adjustment factor payment from the mental health,
 47 mental retardation, and developmental disabilities
 48 property tax relief fund specified in section 331.438A
 49 shall be paid as provided in this section. An
 50 eligible county may apply to the department of human

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1 services for an adjustment factor payment to reimburse
2 costs paid by the county in that fiscal year for
3 services to persons with mental illness, mental
4 retardation, or developmental disabilities in
5 accordance with the county's management plan approved
6 pursuant to section 331.439. Eligible costs shall be
7 limited to eligible consumers of services who were not
8 served in the previous fiscal year, unusual cost
9 increases, service cost inflation, and investments for
10 quality and efficiency improvements. Reimbursement
11 shall not be provided from the fund for applications
12 received after August 10, 1995.

13 2. Payment from the fund shall be limited to the
14 amount designated for this purpose and if applications
15 received exceed the available funding, payments shall
16 be prorated. The department of human services shall
17 notify the director of revenue and finance of the
18 amounts due a county under this section. The director
19 shall draw warrants on the relief fund payable to the
20 county treasurer in the amount due to each county.
21 The warrants shall be paid in a timely manner to
22 enable the county to accrue the payment in the
23 county's 1995-1996 fiscal year.

24 3. Notwithstanding section 8.33, moneys in the
25 relief fund allocated for the adjustment payment which
26 remain unobligated or unexpended at the close of the
27 fiscal year ending June 30, 1996, shall not revert to
28 the general fund of the state but shall remain
29 available for adjustment payments in the succeeding
30 fiscal year.

31 Sec. 26. INTERIM COMMITTEE CREATED. The
32 legislative council is requested to establish an
33 interim committee comprised of members of the general
34 assembly with the charge of developing a system to
35 regulate and contain county expenditures for mental
36 health, mental retardation, and developmental
37 disabilities services and to develop a formula for
38 distribution of property tax relief moneys to counties
39 under section 331.438A, subsection 2. In addition,
40 the committee should consider proposals from counties
41 and other interested persons for a distribution
42 formula factor which rewards or provides incentives
43 for economy and efficiency in providing mental health,
44 mental retardation, and developmental disabilities
45 services; and a mechanism for a county to appeal to
46 the state if it is believed the county is unfairly
47 treated under an established funding formula. The
48 committee should be directed to report to the governor
49 and the general assembly prior to the 1996 legislative
50 session.

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1 Sec. 27. FUNDING OF SESSION LAW REQUIREMENTS. If

2 section 1 of this Act is enacted on or before March
 3 31, 1995, the requirements of 1994 Iowa Acts, chapter
 4 1163, section 8, subsection 1, to enact an
 5 appropriation to fully fund the provisions of section
 6 249A.12, subsection 4, shall be considered to be met
 7 and the repeals contained in 1994 Iowa Acts, chapter
 8 1163, section 8, subsection 1, shall be void.

9 Sec. 28. EFFECTIVE DATES.

10 1. Sections 2, 3, 4, 5, and 6 of this division of
 11 this Act take effect July 1, 1996.

12 2. Sections 7, 8, 9, 16, and 18 of this Act take
 13 effect January 1, 1996, and are applicable to taxes
 14 paid in the fiscal year beginning July 1, 1996, and
 15 succeeding fiscal years.

16 3. The remainder of this Act, being deemed of
 17 immediate importance, takes effect upon enactment.”

18 2. Title page, by striking lines 1 through 4 and
 19 inserting the following: “An Act relating to funding
 20 and levies for mental health, mental retardation, and
 21 developmental disabilities services, providing an
 22 appropriation, and providing effective dates and
 23 applicability provisions.”

Halvorson of Clayton offered amendment H-3405, to amendment H-3339, filed by Halvorson, Rants, Gipp, Coon, Larson, Veenstra, Thomson, Nutt, Salton, Huseman, Sukup, Boddicker, Main, Houser, Boggess, Carroll, Millage, Weidman, Hammitt, Gries, Arnold, Brauns, Drake, Harrison, Welter, Martin, Hanson, Cornelius, Tyrrell, Meyer, Grubbs, Hurley, Daggett, Eddie, Greiner, Branstad, Siegrist, Lamberti, Heaton, Renken, Cormack, Vande Hoef, Van Fossen, and Garman, from the floor as follows:

H-3405

1 Amend the amendment, H-3339, to House File 336 as
 2 follows:

3 1. Page 1, by striking line 4 and inserting the
 4 following:

5 “DIVISION I

6 PROPERTY TAX-RELATED PROVISIONS

7 Sec. ____ MENTAL HEALTH, MENTAL RETARDATION, AND
 8 DEVELOPMENTAL DISABILITIES PROPERTY TAX RELIEF FUND.

9 There is appropriated from the general fund of the
 10 state to the department of mental health, mental
 11 retardation, and developmental disabilities property
 12 tax relief fund for the fiscal year beginning July 1,
 13 1995, and ending June 30, 1996, the following amount,
 14 or so much thereof as is necessary, to be used for the
 15 purposes designated:

16 For property tax relief in accordance with the
 17 provisions of section 331.438A, subsection 2:

18 \$ 54,400,000

19 Sec. 2. MEDICAL ASSISTANCE COSTS FOR SERVICES".

20 2. Page 12, line 10, by inserting before the word

21 "disabilities" the following: "developmental".

22 3. By striking page 20, line 43, through page 21,
23 line 30.

24 4. Page 22, line 2, by striking the words and
25 figure "section 1 of this Act" and inserting the
26 following: "section 2 of this division of this Act".

27 5. Page 22, line 12, by inserting after the word
28 "of" the following: "this division of".

29 6. Page 22, by striking lines 16 and 17 and
30 inserting the following:

31 "3. The remainder of this division of this Act,
32 being deemed of immediate importance, takes effect
33 upon enactment.

DIVISION II

SUBCHAPTER S CORPORATIONS

34
35 Sec. ____ Section 422.5, subsection 1, paragraph
36 j, Code 1995, is amended by adding the following new
37 unnumbered paragraph:

38
39 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the
40 taxable income of a resident shareholder in a
41 corporation which has in effect for the tax year an
42 election under subchapter S of the Internal Revenue
43 Code and carries on business within and without the
44 state shall be computed by reducing the amount
45 determined pursuant to paragraphs "a" through "i" by
46 the amounts of nonrefundable credits under this
47 division and by multiplying this resulting amount by a
48 fraction of which the resident's net income allocated
49 to Iowa, as determined in section 422.8, subsection 2,
50 paragraph "b", is the numerator and the resident's

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1 total net income computed under section 422.7 is the
2 denominator. This paragraph also applies to
3 individuals who are residents of Iowa for less than
4 the entire tax year.

5 Sec. ____ Section 422.5, subsection 1, paragraph
6 k, unnumbered paragraph 4, Code 1995, is amended to
7 read as follows:

8 In the case of a resident, including a resident
9 estate or trust, the state's apportioned share of the
10 state alternative minimum tax is one hundred percent
11 of the state alternative minimum tax computed in this
12 subsection. In the case of a resident or part year
13 resident shareholder in a corporation which has in
14 effect for the tax year an election under subchapter S
15 of the Internal Revenue Code and carries on business
16 within and without the state, a nonresident, including
17 a nonresident estate or trust, or an individual,
18 estate, or trust that is domiciled in the state for
19 less than the entire tax year, the state's apportioned

20 share of the state alternative minimum tax is the
21 amount of tax computed under this subsection, reduced
22 by the applicable credits in sections 422.10 through
23 422.12 and this result multiplied by a fraction with a
24 numerator of the sum of state net income allocated to
25 Iowa as determined in section 422.8, subsection 2,
26 paragraph "a" or "b" as applicable, plus tax
27 preference items, adjustments, and losses under
28 subparagraph (1) attributable to Iowa and with a
29 denominator of the sum of total net income computed
30 under section 422.7 plus all tax preference items,
31 adjustments, and losses under subparagraph (1). In
32 computing this fraction, those items excludable under
33 subparagraph (1) shall not be used in computing the
34 tax preference items. Married taxpayers electing to
35 file separate returns or separately on a combined
36 return must allocate the minimum tax computed in this
37 subsection in the proportion that each spouse's
38 respective preference items, adjustments, and losses
39 under subparagraph (1) bear to the combined preference
40 items, adjustments, and losses under subparagraph (1)
41 of both spouses.

42 Sec. ____ Section 422.8, subsection 2, Code 1995,
43 is amended to read as follows:

44 2. a. Nonresident's net income allocated to Iowa
45 is the net income, or portion thereof, which is
46 derived from a business, trade, profession, or
47 occupation carried on within this state or income from
48 any property, trust, estate, or other source within
49 Iowa. However, income derived from a business, trade,
50 profession, or occupation carried on within this state

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1 and income from any property, trust, estate, or other
2 source within Iowa shall not include distributions
3 from pensions, including defined benefit or defined
4 contribution plans, annuities, individual retirement
5 accounts, and deferred compensation plans or any
6 earnings attributable thereto so long as the
7 distribution is directly related to an individual's
8 documented retirement and received while the
9 individual is a nonresident of this state. If a
10 business, trade, profession, or occupation is carried
11 on partly within and partly without the state, only
12 the portion of the net income which is fairly and
13 equitably attributable to that part of the business,
14 trade, profession, or occupation carried on within the
15 state is allocated to Iowa for purposes of section
16 422.5, subsection 1, paragraph "j", and section 422.13
17 and income from any property, trust, estate, or other
18 source partly within and partly without the state is
19 allocated to Iowa in the same manner, except that
20 annuities, interest on bank deposits and interest-

21 bearing obligations, and dividends are allocated to
22 Iowa only to the extent to which they are derived from
23 a business, trade, profession, or occupation carried
24 on within the state.

25 b. A resident's income allocable to Iowa is the
26 income determined under section 422.7 reduced by items
27 of income and expenses from a subchapter S corporation
28 which pass directly to the shareholders under
29 provisions of the Internal Revenue Code and increased
30 by the greater of the following:

31 (1) The net income or loss of the corporation
32 which is fairly and equitably attributable to this
33 state under section 422.33, subsections 2 and 3.

34 (2) The taxpayer's pro rata share of an amount
35 deemed distributed to shareholders which when added to
36 the salaries, wages, or other compensation for
37 services performed by all shareholders will equal ten
38 percent of the net income of the corporation computed
39 in accordance with section 422.35 and considering
40 items of income and expense which pass directly to the
41 shareholders under provisions of the Internal Revenue
42 Code before deduction of shareholder's salaries,
43 wages, or other compensation for services performed.

44 (3) Any cash or the value of any property
45 distributions made to the extent they are paid from
46 income upon which Iowa income tax has not been paid as
47 determined under rules of the director.

48 Sec. ____ Section 422.8, Code 1995, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 6. If the resident or part year

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1 resident is a shareholder of a corporation which has
2 in effect an election under subchapter S of the
3 Internal Revenue Code, subsections 1 and 3 do not
4 apply to any income taxes paid to another state or
5 foreign country on the income from the corporation
6 which has in effect an election under subchapter S of
7 the Internal Revenue Code.

8 Sec. ____ This division of this Act, being deemed
9 of immediate importance, takes effect upon enactment
10 and applies retroactively to January 1, 1995, for tax
11 years beginning on or after that date.

DIVISION III

MACHINERY AND EQUIPMENT

EXEMPTION AND REPLACEMENT FUNDS

15 Sec. ____ Section 427B.17, Code 1995, is amended
16 by striking the section and inserting in lieu thereof
17 the following:

18 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

19 1. Property defined in section 427A.1, subsection
20 1, paragraphs "e" and "j", shall be valued by the
21 local assessor as follows:

- 22 a. For the assessment year beginning January 1,
23 1995, at twenty-six percent of the net acquisition
24 cost.
- 25 b. For the assessment year beginning January 1,
26 1996, at twenty-two percent of the net acquisition
27 cost.
- 28 c. For the assessment year beginning January 1,
29 1997, at eighteen percent of the net acquisition cost.
- 30 d. For the assessment year beginning January 1,
31 1998, at fourteen percent of the net acquisition cost.
- 32 e. For the assessment year beginning January 1,
33 1999, at ten percent of the net acquisition cost.
- 34 f. For the assessment year beginning January 1,
35 2000, at six percent of the net acquisition cost.
- 36 g. For the assessment year beginning January 1,
37 2001, and all subsequent assessment years, at zero
38 percent of the net acquisition cost.

39 2. For purposes of this section:

40 a. Property assessed by the department of revenue
41 and finance pursuant to sections 428.24 to 428.29, or
42 chapters 433, 434, and 436 to 438 shall not receive
43 the benefits of this section.

44 Any electric power generating plant which operated
45 during the preceding assessment year at a net capacity
46 factor of more than twenty percent, shall not receive
47 the benefits of this section. For purposes of this
48 section, "electric power generating plant" means any
49 name plate rated electric power generating plant, in
50 which electric energy is produced from other forms of

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- 1 energy, including all taxable land, buildings, and
2 equipment used in the production of such energy. "Net
3 capacity factor" means net actual generation divided
4 by the product of net maximum capacity times the
5 number of hours the unit was in the active state
6 during the assessment year. Upon commissioning, a
7 unit is in the active state until it is de-
8 commissioned. "Net actual generation" means net
9 electrical megawatt hours produced by the unit during
10 the preceding assessment year. "Net maximum capacity"
11 means the capacity the unit can sustain over a
12 specified period when not restricted by ambient
13 conditions or equipment deratings, minus the losses
14 associated with station service or auxiliary loads.
- 15 b. The net acquisition cost of property acquired
16 before January 1, 1995, which was owned or used by a
17 related person shall be the net acquisition cost of
18 the transferor of the property.
- 19 c. "Related person" means a person who owns or
20 controls the taxpayer's business and another business
21 entity from which property is acquired or leased or to
22 which property is sold or leased. Business entities

23 are owned or controlled by the same person if the same
24 person directly or indirectly owns or controls fifty
25 percent or more of the assets or any class of stock or
26 who directly or indirectly has an interest of fifty
27 percent or more in the ownership or profits.

28 d. "Net acquisition cost" means the acquired cost
29 of the property, including all foundations and
30 installation cost less any excess cost adjustment.

31 3. Property assessed pursuant to this section
32 shall not be eligible to receive a partial exemption
33 under sections 427B.1 to 427B.6.

34 4. The taxpayer's valuation of property defined in
35 section 427A.1, subsection 1, paragraphs "e" and "j",
36 and located in an urban renewal area for which an
37 urban renewal plan provides for the division of taxes
38 as provided in section 403.19 to pay the principal and
39 interest on loans, advances, bonds issued under the
40 authority of section 403.9, subsection 1, or
41 indebtedness incurred by a city or county to finance
42 an urban renewal project within the urban renewal
43 area, if such loans, advances, or bonds were issued or
44 indebtedness incurred, on or after January 1, 1982,
45 and on or before June 30, 1995, shall be limited to
46 thirty percent of the net acquisition cost of the
47 property. Such property located in an urban renewal
48 area shall not be valued pursuant to subsection 1
49 until the assessment year following the calendar year
50 in which the obligations created by any loans,

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1 advances, bonds, or indebtedness payable from the
2 division of taxes as provided in section 403.19 have
3 been retired. The taxpayer's valuation for such
4 property shall then be the valuation specified in
5 subsection 1 for the applicable assessment year. If
6 the loans, advances, or bonds issued, or indebtedness
7 incurred between January 1, 1982, and June 30, 1995,
8 are refinanced or refunded after June 30, 1995, the
9 valuation of such property shall then be the valuation
10 specified in subsection 1 for the applicable
11 assessment year beginning with the assessment year
12 following the calendar year in which any of those
13 loans, advances, bonds, or other indebtedness are
14 refinanced or refunded after June 30, 1995.

15 5. For the purpose of dividing taxes under section
16 260E.4 or 260F.4, the employer's or business's
17 valuation of property defined in section 427A.1,
18 subsection 1, paragraphs "e" and "j", and used to fund
19 a new jobs training project which project's first
20 written agreement providing for a division of taxes as
21 provided in section 403.19, is approved on or before
22 June 30, 1995, shall be limited to thirty percent of
23 the net acquisition cost of the property. An

24 employer's or business's taxable property used to fund
25 a new jobs training project shall not be valued
26 pursuant to subsection 1 until the assessment year
27 following the calendar year in which the certificates
28 or other funding obligations have been retired or
29 escrowed. The taxpayer's valuation for such property
30 shall then be the valuation specified in subsection 1
31 for the applicable assessment year. If the
32 certificates issued, or other funding obligations
33 incurred, between January 1, 1982, and June 30, 1995,
34 are refinanced or refunded after June 30, 1995, the
35 valuation of such property shall then be the valuation
36 specified in subsection 1 for the applicable
37 assessment year beginning with the assessment year
38 following the calendar year in which those
39 certificates or other funding obligations are
40 refinanced or refunded after June 30, 1995.

41 Sec. ____ NEW SECTION. 427B.18 ASSESSOR AND
42 COUNTY AUDITOR DUTIES.

43 1. On or before July 1 of each year, the assessor
44 shall determine the taxpayer's valuation of the
45 property specified in section 427B.17 for that year
46 and the valuation of the property if the property were
47 valued, for assessment purposes, at thirty percent of
48 net acquisition cost and shall report the valuations
49 to the county auditor.

50 2. On or before July 1, 1996, and on or before

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1 July 1 of each subsequent year, the county auditor
2 shall prepare a statement listing for each taxing
3 district in the county:

4 a. Beginning with the assessment year beginning
5 January 1, 1995, the difference between the assessed
6 valuation of property defined in section 427A.1,
7 subsection 1, paragraphs "e" and "j", and assessed
8 pursuant to section 427B.17 and the valuation of the
9 property if the property were valued, for assessment
10 purposes, at thirty percent of net acquisition cost.

11 b. The tax levy rate for each taxing district
12 levied against assessments made as of January 1 of the
13 previous year.

14 c. The industrial machinery, equipment and
15 computers tax replacement claim for each taxing
16 district, which is equal to the amount determined
17 pursuant to paragraph "a", multiplied by the tax rate
18 specified in paragraph "b".

19 3. The county auditor shall certify and forward
20 one copy of the statement to the department of revenue
21 and finance not later than July 1 of each year.

22 Sec. ____ NEW SECTION. 427B.19 REPLACEMENT.

23 Each county treasurer shall be paid an amount equal
24 to the following percentages of the industrial

- 25 machinery, equipment and computers tax replacement
26 claim for that county determined pursuant to section
27 427B.18, subsection 2:
28 1. For the fiscal year beginning July 1, 1996,
29 ninety percent.
30 2. For the fiscal year beginning July 1, 1997,
31 seventy-five percent.
32 3. For the fiscal year beginning July 1, 1998,
33 sixty percent.
34 4. For the fiscal year beginning July 1, 1999,
35 forty-five percent.
36 5. For the fiscal year beginning July 1, 2000,
37 thirty percent.
38 6. For the fiscal year beginning July 1, 2001,
39 twenty percent.
40 7. For the fiscal year beginning July 1, 2002,
41 twenty percent.
42 8. For the fiscal year beginning July 1, 2003,
43 twenty percent.
44 9. For the fiscal year beginning July 1, 2004,
45 fifteen percent.
46 10. For the fiscal year beginning July 1, 2005,
47 ten percent.
48 Sec. ____ NEW SECTION. 427B.19A FUND CREATED.
49 1. The industrial machinery, equipment and
50 computers property tax replacement fund is created.

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- 1 There is appropriated annually from the general fund
2 of the state to the department of revenue and finance
3 to be credited to the industrial machinery, equipment
4 and computers property tax replacement fund, the
5 amounts specified in section 427B.19B.
6 2. Each county treasurer shall be paid from the
7 fund created in this section the amount calculated
8 pursuant to section 427B.19. The payment shall be
9 made in two equal installments on or before September
10 30 and March 30 of each year. The county treasurer
11 shall apportion the payment in the manner provided in
12 section 445.57.
13 3. If an amount appropriated in section 427B.19B
14 for a fiscal year is insufficient to pay all claims
15 according to the replacement schedule in section
16 427B.19, the director shall prorate the disbursements
17 from the fund to the county treasurers and shall
18 notify the county auditors of the pro rata percentage
19 on or before August 1. If an amount appropriated in
20 section 427B.19B for a fiscal year is in excess of the
21 amount necessary to pay all claims according to the
22 replacement schedule in section 427B.19, the director
23 shall prorate the disbursements from the fund to the
24 county treasurers, notwithstanding the amount
25 calculated pursuant to section 427B.19, and shall

26 notify the county auditors of the pro rata percentage
27 on or before August 1.

28 4. The replacement amount paid to each school
29 district shall be regarded as property tax for the
30 purposes of the school foundation property tax levy in
31 section 257.3 and the additional property tax levy in
32 section 257.4. The department of management shall
33 annually make the adjustments necessary to implement
34 this subsection.

35 Sec. ____ NEW SECTION. 427B.19B APPROPRIATION.

36 There is appropriated in each of the following
37 fiscal years from the general fund of the state to the
38 industrial machinery, equipment and computers property
39 tax replacement fund the following amounts:

- 40 1. For the fiscal year beginning July 1, 1996,
41 eight million, one hundred thousand dollars.
- 42 2. For the fiscal year beginning July 1, 1997,
43 fifteen million, two hundred thousand dollars.
- 44 3. For the fiscal year beginning July 1, 1998,
45 twenty-one million, one hundred thousand dollars.
- 46 4. For the fiscal year beginning July 1, 1999,
47 twenty-three million, four hundred thousand dollars.
- 48 5. For the fiscal year beginning July 1, 2000,
49 twenty-one million, one hundred thousand dollars.
- 50 6. For the fiscal year beginning July 1, 2001,

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1 eighteen million, one hundred thousand dollars.

2 7. For the fiscal year beginning July 1, 2002,
3 twenty-four million dollars.

4 8. For the fiscal year beginning July 1, 2003,
5 twenty-five million, six hundred thousand dollars.

6 9. For the fiscal year beginning July 1, 2004,
7 twenty million, four hundred thousand dollars.

8 10. For the fiscal year beginning July 1, 2005,
9 fourteen million, five hundred thousand dollars.

10 Sec. ____ NEW SECTION. 427B.19C PHASEOUT OF TAX.

11 Effective on July 1, 2002, all property taxes on
12 property defined in section 427A.1, subsection 1,
13 paragraphs "e" and "j", are repealed. For assessment
14 years beginning on or after January 1, 2005, such
15 property shall not be listed or assessed. This
16 section shall prevail over all inconsistent statutes.

17 Sec. ____ NEW SECTION. 427B.19D GUARANTEE OF
18 STATE REPLACEMENT FUNDS.

19 If for any reason an appropriation specified in
20 section 427B.19B is not made or the appropriation made
21 is less than that specified in section 427B.19B for
22 the applicable fiscal year, the director of revenue
23 and finance shall compute for each county the
24 difference between the total of all replacement claims
25 for taxing districts within the county and the amount
26 paid to the county treasurer for disbursement to the

27 taxing districts in the county. The department shall
28 divide that difference by the consolidated tax levy
29 rate in each county computed for the fiscal year in
30 which the specified appropriation should have been
31 made and shall certify the amount of taxable value
32 necessary to raise the difference at that tax rate.
33 The department shall notify the local assessor of such
34 amount of taxable value. The assessor, for the
35 assessment year beginning January 1 preceding the
36 fiscal year for which the specified appropriation was
37 not made, shall reassess all taxable property
38 described in section 427B.17 in the county at a
39 percentage of net acquisition cost which will yield
40 such taxable value and the property shall be assessed
41 and taxed in such manner for taxes due and payable in
42 the following fiscal year in addition to being
43 assessed and taxed in the applicable manner under
44 section 427B.17. Property tax dollar amounts
45 certified pursuant to this section shall not be
46 considered property tax dollars certified for purposes
47 of the property tax limitation in chapter 444.
48 Sec. ____ NEW SECTION. 427B.19E INDUSTRIAL
49 MACHINERY, EQUIPMENT AND COMPUTERS RELIEF FUND.
50 1. The industrial machinery, equipment and

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1 computers relief fund is created. There is
2 appropriated annually from the general fund of the
3 state to the department of revenue and finance to be
4 credited to the relief fund, the following amounts:
5 a. For the fiscal year beginning July 1, 1996, one
6 million, nine hundred thousand dollars.
7 b. For the fiscal year beginning July 1, 1997, one
8 million, eight hundred thousand dollars.
9 c. For the fiscal year beginning July 1, 1998, one
10 million, nine hundred thousand dollars.
11 Moneys in the fund at the end of a fiscal year
12 shall not revert to the general fund of the state,
13 notwithstanding section 8.33.
14 2. a. The purpose of the industrial machinery,
15 equipment and computers relief fund is to provide
16 funds to those taxing districts in which an increase
17 in property tax revenue has not been realized as a
18 result of the elimination of the property tax on
19 property assessed pursuant to section 427B.17.
20 Beginning with the fiscal year beginning July 1, 1996,
21 a taxing district may apply for funds under this
22 section by filing an application with the director of
23 the department of management not later than March 1
24 preceding the fiscal year in which the funds will be
25 distributed. The state appeal board shall approve,
26 disapprove, or reduce the amount of funds requested by
27 the taxing district.

28 b. On forms provided by the department of
29 management, the taxing district shall request an
30 amount not exceeding the product of the decrease in
31 assessed valuation for the fiscal year for which the
32 application is filed compared to the assessed
33 valuation in the previous fiscal year, as determined
34 pursuant to subsection 3, and the property tax rate
35 applied in the previous fiscal year, less any property
36 tax replacement funds received pursuant to section
37 427B.19A in the previous fiscal year. The taxing
38 district shall also submit with the application the
39 district's plan to improve its future budget position.

40 c. Claims approved by the state appeal board shall
41 be paid to the taxing district by October 1 following
42 submission of the application for funds.

43 3. To be eligible to receive funds under this
44 section, a taxing district must show that there has
45 been a decrease of more than three percent in the
46 assessed valuation for taxes payable in the fiscal
47 year for which the application is submitted compared
48 to the assessed valuation for taxes payable in the
49 previous fiscal year, which decrease is attributable
50 to the elimination of the property tax on industrial

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1 machinery, equipment and computers pursuant to section
2 427B.17. The taxing district, to be eligible for
3 funds, must also show that the district has exhausted
4 all other lawful alternatives for improving the
5 district's budget position.

6 4. If the amount appropriated in this section is
7 insufficient to pay all applications approved, the
8 director of revenue and finance shall prorate the
9 disbursements from the relief fund and shall report
10 the amount of the shortfall to the director of the
11 department of management. By January 1 of the
12 following year, the director of the department of
13 management shall submit to the general assembly a plan
14 for the funding of approved applications that were not
15 fully funded in that fiscal year.

16 5. Amounts received pursuant to this section shall
17 not be considered property tax dollars certified for
18 purposes of the property tax limitation in chapter
19 444.

20 6. The department of revenue and finance and the
21 department of management shall adopt rules necessary
22 to implement this section.

23 DIVISION IV
24 INCOME TAX

25 Sec. ____ Section 422.7, Code 1995, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 33. For a person who is disabled,
28 or is fifty-five years of age or older, or is the

29 surviving spouse of an individual or a survivor having
30 an insurable interest in an individual who would have
31 qualified for the exemption under this subsection for
32 the tax year, subtract, to the extent included, the
33 total amount of a governmental or other pension,
34 retirement pay, annuity, or other similar periodic
35 payment made under a plan maintained or contributed to
36 by an employer, or maintained or contributed to by a
37 self-employed person as an employer, up to a maximum
38 of three thousand dollars for a person who files a
39 separate state income tax return, and up to a maximum
40 of six thousand dollars for a husband and wife who
41 file a joint state income tax return. However, a
42 surviving spouse who is not disabled or fifty-five
43 years of age or older can only exclude the amount of
44 annuities or other similar periodic payments received
45 as a result of the death of the other spouse.
46 Sec. ____ Section 422.12, subsection 1, paragraph
47 c, Code 1995, is amended to read as follows:
48 c. For each dependent, an additional ~~fifteen~~ sixty
49 dollars. As used in this section, the term
50 "dependent" has the same meaning as provided by the

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1 Internal Revenue Code.
2 Sec. ____ APPLICABILITY. This division of this
3 Act applies retroactively to January 1, 1995, for tax
4 years beginning on or after that date.
5 DIVISION V
6 CASH RESERVE AND SPECIAL FUNDS
7 Sec. ____ Section 8.56, subsection 1, Code 1995,
8 is amended to read as follows:
9 1. A cash reserve fund is created in the state
10 treasury. The cash reserve fund shall be separate
11 from the general fund of the state and shall not be
12 considered part of the general fund of the state
13 except in determining the cash position of the state
14 as provided in subsection 3. The moneys in the cash
15 reserve fund are not subject to section 8.33 and shall
16 not be transferred, used, obligated, appropriated, or
17 otherwise encumbered except as provided in this
18 section. Notwithstanding section 12C.7, subsection 2,
19 interest or earnings on moneys deposited in the cash
20 reserve fund shall be credited to the rebuild Iowa
21 ~~economic emergency fund~~ infrastructure fund created in
22 section 8.57. Moneys in the cash reserve fund may be
23 used for cash flow purposes provided that any moneys
24 so allocated are returned to the cash reserve fund by
25 the end of each fiscal year. However, the fund shall
26 be considered a special account for the purposes of
27 section 8.53.
28 Sec. ____ Section 8.56, subsection 4, paragraph b,
29 Code 1995, is amended to read as follows:

30 b. In addition to the requirements of paragraph
31 "a", an appropriation shall not be made from the cash
32 reserve fund ~~which would cause the fund's balance to~~
33 ~~be less than three percent of the adjusted revenue~~
34 ~~estimate for the year for which the appropriation is~~
35 ~~made unless the bill or joint resolution making the~~
36 ~~appropriation is approved by vote of at least three-~~
37 ~~fifths of the members of both chambers of the general~~
38 ~~assembly and is signed by the governor.~~

39 Sec. ____ Section 8.57, subsection 1, paragraph a,
40 Code 1995, is amended by striking the paragraph and
41 inserting in lieu thereof the following:

42 a. The cash reserve goal percentage for fiscal
43 years beginning on or after July 1, 1995, is five
44 percent of the adjusted revenue estimate. For each
45 fiscal year beginning on or after July 1, 1995, in
46 which the appropriation of the surplus existing in the
47 general fund of the state at the conclusion of the
48 prior fiscal year pursuant to paragraph "b" was not
49 sufficient for the cash reserve fund to reach the cash
50 reserve goal percentage for the current fiscal year,

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1 there is appropriated from the general fund of the
2 state an amount to be determined as follows:

3 (1) If the balance of the cash reserve fund in the
4 current fiscal year is not more than four percent of
5 the adjusted revenue estimate for the current fiscal
6 year, the amount of the appropriation under this
7 lettered paragraph is one percent of the adjusted
8 revenue estimate for the current fiscal year.

9 (2) If the balance of the cash reserve fund in the
10 current fiscal year is more than four percent but less
11 than five percent of the adjusted revenue estimate for
12 that fiscal year, the amount of the appropriation
13 under this lettered paragraph is the amount necessary
14 for the cash reserve fund to reach five percent of the
15 adjusted revenue estimate for the current fiscal year.

16 (3) The moneys appropriated under this lettered
17 paragraph shall be credited in equal and proportionate
18 amounts in each quarter of the current fiscal year.

19 Sec. ____ Section 8.57, subsection 1, paragraph b,
20 Code 1995, is amended to read as follows:

21 ~~Commencing June 30, 1993, the~~ The surplus
22 existing in the general fund of the state at the
23 conclusion of the fiscal year is appropriated for
24 distribution in the succeeding fiscal year as provided
25 in this section subsections 2 and 3. Moneys credited
26 to the cash reserve fund from the appropriation made
27 in this paragraph shall not exceed the amount
28 necessary for the cash reserve fund to reach the cash
29 reserve goal percentage for the succeeding fiscal
30 year. As used in this paragraph, "surplus" means the

31 excess of revenues and other financing sources over
 32 expenditures and other financing uses for the general
 33 fund of the state in a fiscal year.

34 Sec. ____ Section 8.57, subsection 5, Code 1995,
 35 is amended to read as follows:

36 5. a. A rebuild Iowa infrastructure account fund
 37 is created under the authority of the department of
 38 management. Moneys The fund shall consist of
 39 appropriations made to the fund and transfers of
 40 interest, earnings, and moneys from other funds as
 41 provided by law. The fund shall be separate from the
 42 general fund of the state and the balance in the fund
 43 shall not be considered part of the balance of the
 44 general fund of the state. However, the fund shall be
 45 considered a special account for the purposes of
 46 section 8.53, relating to generally accepted
 47 accounting principles.

48 b. Notwithstanding section 8.33, moneys in the
 49 infrastructure fund which remain unencumbered or
 50 unobligated at the end of a fiscal year shall not

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1 revert to any fund but shall remain available for
 2 infrastructure expenditures in the succeeding fiscal
 3 year. Notwithstanding section 12C.7, subsection 2,
 4 interest or earnings on moneys in the infrastructure
 5 fund shall be credited to the infrastructure fund.

6 c. Moneys in the account fund in a fiscal year
 7 shall be used as directed by the general assembly for
 8 public infrastructure-related expenditures.

9 d. The general assembly may provide that all or
 10 part of the moneys deposited in the GAAP deficit
 11 reduction account created in this section shall be
 12 transferred to the infrastructure account fund in lieu
 13 of appropriation of the moneys to the Iowa economic
 14 emergency fund.

15 Sec. ____ TRANSFER TO INFRASTRUCTURE FUND. Moneys
 16 in the Iowa economic emergency fund, created in
 17 section 8.55, at the conclusion of the fiscal year
 18 beginning July 1, 1994, shall be transferred to the
 19 rebuild Iowa infrastructure account.

20 Sec. ____ EFFECTIVE DATE. This division of this
 21 Act, being deemed of immediate importance, takes
 22 effect upon enactment.”

23 7. Page 22, lines 21 and 22, by striking the
 24 words “, providing an appropriation,” and inserting
 25 the following: “; deductions for pension income,
 26 treatment of income from subchapter S corporations,
 27 and increased dependent credit for state individual
 28 income tax purposes; machinery and equipment phase-in
 29 exemption and reimbursement for property tax purposes;
 30 relating to the cash reserve and an infrastructure
 31 fund; providing appropriations.”

32 8. By renumbering and correcting internal
 33 references as necessary.

On motion by Halvorson of Clayton, the following amendment H-3410, to amendment H-3405, to amendment H-3339, was adopted by unanimous consent.

H-3410

- 1 Amend amendment, H-3405, to amendment H-3339, to
- 2 House File 336 as follows:
- 3 1. Page 1, line 10, by striking the words
- 4 "department of".

Halvorson of Clayton moved the adoption of amendment H-3405, as amended, to amendment H-3339.

Roll call was requested by Wise of Lee and Witt of Black Hawk.

On the question "Shall amendment H-3405, as amended, to amendment H-3339, be adopted?" (H.F. 336)

The ayes were, 95:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Rants,	
		Presiding	

The nays were, 2:

Churchill Fallon

Absent or not voting, 3:

Bell Brammer Meyer

Amendment H-3405, as amended, was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-3352, to amendment H-3339, filed by Murphy, et. al., on March 20, 1995.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-3389, to amendment H-3339, filed by him on March 21, 1995.

Houser of Pottawattamie offered the following amendment H-3379, to amendment H-3339, filed by him and Myers and moved its adoption:

H-3379

- 1 Amend the amendment, H-3339, to House File 336 as
- 2 follows:
- 3 1. Page 9, line 33, by striking the word and
- 4 figures "October 15, 1995," and inserting the
- 5 following: "January 5, 1996,".
- 6 2. Page 9, line 34, by striking the word
- 7 "January" and inserting the following: "March".
- 8 3. Page 9, line 50, by inserting after the word
- 9 "services." the following: "Initially, this part of
- 10 the plan shall be submitted within nine months of the
- 11 date by which the department approves a managed care
- 12 contractor."
- 13 4. Page 10, line 2, by striking the word "six"
- 14 and inserting the following: "twelve".

Amendment H-3379 was adopted.

On motion by Hammitt of Harrison, amendment H-3339, as amended, was adopted.

With the adoption of amendment H-3339, as amended, the following amendments were placed out of order:

H-3293 filed by Murphy of Dubuque, et. al., on March 13, 1995.

H-3403, to amendment H-3293, filed by Murphy of Dubuque from the floor.

H-3306, to amendment H-3293, filed by Murphy of Dubuque on March 15, 1995.

H-3351, to amendment H-3293, filed by Murphy of Dubuque on March 20, 1995.

H-3295 filed by Houser of Pottawattamie and Myers on March 14, 1995.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 336)

The ayes were, 96:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Moreland	Murdie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, 1:

Fallon

Absent or not voting, 3:

Bell

Brammer

Meyer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 336** be immediately messaged to the Senate.

Renken of Grundy in the chair at 3:04 p.m.

Regular Calendar

House File 362, a bill for an act relating to the statute of limitations for products liability actions and providing immunity from products liability under certain circumstances, was taken up for consideration.

Kreiman of Wapello offered the following amendment H-3399 filed by Moreland, et. al., and moved its adoption:

H-3399

1 Amend House File 362 as follows:

- 2 1. Page 1, line 14, by inserting after the word
3 "consumption" the following: ", unless the product is
4 designed for a useful life of greater than ten years.
5 If the product has a useful life of greater than ten
6 years, the action shall not be commenced more than two
7 years after the expiration of the useful life of the
8 product".

Roll call was requested by Holveck of Polk and Wise of Lee.

Rule 75 was invoked.

On the question "Shall amendment H-3399 be adopted?" (H.F. 362)

The ayes were, 37:

Baker	Bernau	Brand	Burnett
Cataldo	Cohoon	Connors	Coon
Dinkla	Doderer	Drees	Fallon
Harper	Holveck	Hurley	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Millage	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 58:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammit	Hanson
Harrison	Heaton	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Mertz
Metcalf	Nelson, B.	Nutt	Rants
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Renken, Presiding		

Absent or not voting, 5:

Bell	Brammer	Grundberg	Houser
Meyer			

Amendment H-3399 lost.

Dinkla of Guthrie offered amendment H-3396 filed by him and Moreland as follows:

H-3396

- 1 Amend House File 362 as follows:
- 2 1. Page 1, by inserting after line 17 the fol-
- 3 lowing: "The ten-year statute of repose shall not
- 4 apply if a manufacturer knew, or should have known,
- 5 that the product it placed into the stream of commerce
- 6 was defective at any time prior to its sale, lease
- 7 bailment, or installation for use or consumption."

Dinkla of Guthrie offered the following amendment H-3412, to amendment H-3396, filed by him and Bradley from the floor and moved its adoption:

H-3412

- 1 Amend the amendment, H-3396, to House File 362 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting the following: "apply in cases of fraud or
- 5 intentional misrepresentation by a manufacturer."

Amendment H-3412 lost.

Dinkla of Guthrie asked and received unanimous consent to defer action on amendment H-3396.

Moreland of Wapello offered the following amendment H-3402 filed by Moreland, et. al., and moved its adoption:

H-3402

- 1 Amend House File 362 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "Sec. . NEW SECTION. 624B.1 TITLE —
- 5 DEFINITION.
- 6 1. This chapter shall be known as the "Sunshine in
- 7 Litigation Act."
- 8 2. For the purposes of this chapter, unless the
- 9 context otherwise requires, "court records" means any
- 10 of the following:
- 11 a. All documents of any nature filed in connection
- 12 with any matter before any civil court, except any of
- 13 the following:
- 14 (1) Documents filed with a court in camera, only
- 15 for the purpose of obtaining a ruling on the
- 16 discoverability of such documents.
- 17 (2) Documents in court files to which access is

18 otherwise restricted by law.

19 b. Settlement agreements, not filed of record,
20 that seek to restrict disclosure of information
21 concerning matters that have a probable adverse effect
22 upon the general public health or safety, the
23 administration of public office, or the operation of
24 government.

25 c. Discovery, not filed of record, concerning
26 matters that have a probable adverse effect upon the
27 general health or safety, the administration of public
28 office, or the operation of government, except
29 discovery not filed of record in cases originally
30 initiated to preserve bona fide trade secrets or other
31 intangible property rights.

32 Sec. ____ NEW SECTION. 624B.2 SEALING RECORDS.

33 A court order or opinion issued in the adjudication
34 of a case shall not be sealed. Other court records
35 are presumed to be open to the general public but may
36 be sealed only upon a showing pursuant to the
37 procedures of this chapter and all of the following:

38 1. A specific, serious, and substantial interest
39 which clearly outweighs the presumption of openness
40 and any probable adverse effect that sealing will have
41 upon the general public health or safety.

42 2. No less restrictive means than sealing the
43 records will adequately and effectively protect the
44 specific interest asserted.

45 Sec. ____ NEW SECTION. 624B.3 COERCION.

46 A person shall not offer an inducement to a party
47 to a civil action designed to influence that party in
48 regard to the sealing of any court record. Violation
49 of this section is punishable as a contempt of court.

50 Sec. ____ NEW SECTION. 624B.4 NOTICE.

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1 Court records may be sealed only upon a party's
2 written motion, which shall be open to public
3 inspection. The movant shall post a public notice in
4 the manner that notices for meetings of county
5 governmental bodies are required to be posted. The
6 notice shall contain the content of the motion,
7 identify the case in which the motion has been filed,
8 and state that a hearing will be held in open court on
9 the motion and that any person may intervene and be
10 heard concerning the motion. The notice shall also
11 contain the date and time of the hearing and a brief
12 but specific description of the nature of the case,
13 the court records sought to be sealed, and the
14 identity of the movant. A verified copy of the notice
15 shall be filed by the movant with the clerk of the
16 supreme court.

17 Sec. ____ NEW SECTION. 624B.5 HEARING.

18 A hearing shall be held in open court on a motion
19 to seal court records as soon as practicable but not
20 less than fourteen days after notice is posted

21 pursuant to section 624B.4 Nonparties may intervene
22 as a matter of right for the limited purpose of
23 participating in the proceedings which will determine
24 whether court records are sealed. The court may
25 inspect records in camera.

26 Sec. ____ NEW SECTION. 624B.6 TEMPORARY SEALING
27 ORDER.

28 A temporary sealing order may issue upon motion and
29 notice to any parties who have answered in the case,
30 upon a showing of compelling need from specific facts
31 shown by affidavit or by verified petition that
32 immediate and irreparable injury will result to a
33 specific interest of the movant before notice can be
34 posted and a hearing held. A temporary sealing order
35 shall set forth the time for the hearing required by
36 section 624B.5 and shall direct the movant to give the
37 notice required by section 624B.4. The court may
38 modify or withdraw any temporary order upon motion by
39 any party or intervenor, following notice to all
40 parties and a hearing conducted as soon as
41 practicable. Issuance of a temporary order shall not
42 reduce the burden of proof of the party seeking to
43 seal court records.

44 Sec. ____ NEW SECTION. 624B.7 ORDER ON MOTION TO
45 SEAL COURT RECORDS.

46 A motion relating to sealing or opening court
47 records shall be decided by written order, open to
48 public inspection, which shall state the style and
49 number of the case, the specific reasons for finding
50 and concluding whether the showing required by section

Page 3

1 624B.2 has been made, the specific court records or
2 portions of court records which are to be sealed, and
3 the period of time the records are to be sealed. The
4 order shall not be included in any judgment or other
5 order but shall be a separate document in the case.
6 However, failure to comply with this requirement shall
7 not affect the appealability of the order.

8 Sec. ____ NEW SECTION. 624B.8 CONTINUING
9 JURISDICTION.

10 Any person may intervene as a matter of right at
11 any time before or after judgment to seal or open
12 court records. A court that issues an order sealing
13 court records retains continuing jurisdiction to
14 enforce, alter, or vacate that order. An order
15 sealing or opening court records shall be reconsidered
16 on motion of any party or intervenor, who had actual
17 notice of the hearing preceding issuance of the order,
18 without first showing changed circumstances materially
19 affecting the order. The circumstances need not be
20 related to the case in which the order was issued.
21 However, the burden of making the showing required by
22 section 624B.2 shall be on the party seeking to seal
23 records.

24 Sec. ____ NEW SECTION. 624B.9 APPEAL.

25 An order or a portion of an order, relating to
26 sealing or opening court records, shall be deemed to
27 be severed from the case and a final judgment which
28 may be appealed by any party or intervenor who
29 participated in the hearing preceding issuance of such
30 order. The appellate court may abate the appeal and
31 order the trial court to direct that further public
32 notice be given, to hold further hearings, or to make
33 additional findings.

34 Sec. ____ NEW SECTION. 624B.10 APPLICABILITY
35 DATE.

36 Access to documents in court files not defined as
37 court records by this chapter remains governed by
38 existing law. This chapter does not apply to any
39 court records sealed in an action in which a final
40 judgment has been entered before July 1, 1996. This
41 chapter applies to cases pending on July 1, 1996, only
42 with regard to court records filed or exchanged on or
43 after July 1, 1996, and any motion filed on or after
44 July 1, 1996, to alter or vacate an order restricting
45 access to court records issued before July 1, 1996."

46 2. Title page, line 3, by inserting after the
47 word "circumstances" the following: "and to public
48 access to court records, and providing for the Act's
49 applicability".

50 3. By renumbering as necessary.

Roll call was requested by Moreland of Wapello and Cataldo of Polk.

On the question "Shall amendment H-3402 be adopted?" (H.F. 362)

The ayes were, 33:

Baker	Bernau	Brand	Burnett
Cataldo	Cohoon	Connors	Dinkla
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Lamberti	Larkin	Mascher	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 60:

Arnold	Blodgett	Boggett	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Drake
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Larson
Lord	Main	Martin	May

McCoy	Mertz	Metcalf	Nelson, B.
Nutt	Rants	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Renken, Presiding

Absent or not voting, 7:

Bell	Boddicker	Brammer	Eddie
Grundberg	Meyer	Millage	

Amendment H-3402 lost.

Moreland of Wapello offered the following amendment H-3391 filed by him and Dinkla and moved its adoption:

H-3391

- 1 Amend House File 362 as follows:
- 2 1. Page 1, line 25, by striking the word
- 3 "primary" and inserting the following: "proximate".

Amendment H-3391 was adopted.

Moreland of Wapello offered the following amendment H-3394 filed by Moreland, et. al., and moved its adoption:

H-3394

- 1 Amend House File 362 as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "failure" the following: "by the plaintiff or some
- 4 third person".

Amendment H-3394 was adopted, placing out of order amendment H-3398 filed by Moreland, et. al., on March 21, 1995.

Moreland of Wapello asked and received unanimous consent to defer action on amendment H-3390.

Moreland of Wapello offered amendment H-3392 filed by him and Wise as follows:

H-3392

- 1 Amend House File 362 as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "Sec. ____ A person whose right to file an action
- 5 is cut off by this Act shall be eligible for
- 6 assistance through the state assistance program."

Bradley of Clinton rose on a point of order that amendment H-3392 was not germane.

The Speaker ruled the point well taken and amendment H-3392 not germane.

Moreland of Wapello offered the following amendment H-3393 filed by Moreland, et. al., and moved its adoption:

H-3393

1 Amend House File 362 as follows:

2 1. Page 1, by inserting after line 32 the
3 following:

4 In an action seeking recovery of damages for
5 personal injury or death caused by a product, the
6 manufacturer of the product shall provide to the
7 plaintiff the results of all tests performed on the
8 product by the manufacturer or another person at the
9 request of the manufacturer."

A non-record roll call was requested.

The ayes were 31, nays 52.

Amendment H-3393 lost.

Brand of Wapello offered the following amendment H-3395 filed by Moreland, et. al., and moved its adoption:

H-3395

1 Amend House File 362 as follows:

2 1. Page 1, by inserting after line 32 the
3 following:

4 "Sec. ____ CONDITIONAL REPEAL. The commissioner
5 of insurance shall track premium costs for products
6 liability insurance for Iowa manufacturers and report
7 to the general assembly annually the change in costs
8 attributable to the enactment of this Act. Section
9 614.1, subsection 2A and section 668.3A are repealed
10 effective June 30, 1999, unless the reports from the
11 commissioner of insurance show an aggregate decrease
12 in products liability insurance rates."

13 2. Title page, line 3, by inserting after the
14 word "circumstances" the following: "and providing a
15 conditional repeal date".

A non-record roll call was requested.

The ayes were 27, nays 49.

Amendment H-3395 lost.

Holveck of Polk offered amendment H-3397 filed by Moreland, et. al., as follows:

H-3397

- 1 Amend House File 362 as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "Sec. ____ APPLICABILITY. This Act applies only
- 5 to causes of action accruing on or after July 1,
- 6 1995."
- 7 2. Title page, line 3, by inserting after the
- 8 word "circumstances" the following: "and providing
- 9 for the Act's applicability".

Dinkla of Guthrie offered the following amendment H-3422, to amendment H-3397, filed by Dinkla, Moreland, Larson and Bradley from the floor and moved its adoption:

H-3422

- 1 Amend the amendment, H-3397, to House File 362 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "____ Page 1, by inserting after line 17 the
- 6 following:
- 7 "This subsection does not apply to a manufacturer,
- 8 assembler, designer, supplier of specifications,
- 9 seller, or distributor of a product who is subject to
- 10 a federal consent decree, order, or agreement
- 11 recalling the product or prohibiting the sale or
- 12 further manufacture of the product."
- 13 2. Page 1, by striking line 4 and inserting the
- 14 following:
- 15 "This section does not apply to a manufacturer,
- 16 assembler, designer, supplier of specifications,
- 17 seller, or distributor of a product who is subject to
- 18 a federal consent decree, order, or agreement
- 19 recalling the product or prohibiting the sale or
- 20 further manufacture of the product.
- 21 Sec. ____ APPLICABILITY. This Act applies only".
- 22 3. By renumbering as necessary.

Amendment H-3422 was adopted.

On motion by Holveck of Polk, amendment H-3397, as amended, was adopted.

The Speaker announced that amendment H-3411, to amendment H-3390, filed from the floor by Bradley of Clinton, was out of order.

The House resumed consideration of amendment H-3390 previously deferred. Division was requested as follows:

H-3390

- 1 Amend House File 362 as follows:

H-3390A

2 1. Page 1, by inserting after line 32 the follow-
 3 ing:
 4 "Sec. ____ APPLICABILITY. This Act applies only
 5 to products manufactured on or after July 1, 1995."

H-3390B

6 2. Title page, line 3, by inserting after the
 7 word "circumstances" the following: "and providing
 8 for the Act's applicability."

Bernau of Story moved the adoption of amendment H-3390A.

Roll call was requested by Moreland of Wapello and Kreiman of Davis.

On the question "Shall amendment H-3390A be adopted?" (H.F. 362)

The ayes were, 35:

Baker	Bernau	Brand	Burnett
Cataldo	Cohoon	Connors	Dinkla
Doderer	Drees	Fallon	Harper
Holveck	Hurley	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Millage	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Warnstadt
Weigel	Wise	Witt	

The nays were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Mertz	Metcalf	Meyer	Nelson, B.
Nutt	Rants	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Renken, Presiding

Absent or not voting, 5:

Bell	Brammer	Churchill	Grundberg
Shoultz			

Amendment H-3390A lost, placing out of order amendment H-3390B.

MOTION TO RECONSIDER PREVAILED

Bradley of Clinton called up for immediate consideration the motion to reconsider amendment H-3412, to amendment H-3396, to House File 362, filed by him from the floor and moved to reconsider the vote by which amendment H-3412, to amendment H-3396, failed to be adopted by the House on March 22, 1995.

A non-record roll call was requested.

The ayes were 56, nays 31.

The motion prevailed and the House reconsidered amendment H-3412, to amendment H-3396, found on page 930 of the House Journal.

Dinkla of Guthrie moved the adoption of amendment H-3412, to amendment H-3396.

A non-record roll call was requested.

The ayes were 58, nays 28.

Amendment H-3412 was adopted.

The House resumed consideration of amendment H-3396, as amended, previously deferred and found on page 930 of the House Journal.

Speaker Corbett in the chair at 6:20 p.m.

On motion by Dinkla of Guthrie, amendment H-3396, as amended, was adopted.

Bradley 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. 362)

The ayes were, 63:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Coon	Cormack	Cornelius
Daggett	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
May	Mertz	Metcalf	Meyer
Mundie	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 33:

Baker	Bernau	Brand	Burnett
Cataldo	Cohon	Connors	Dinkla
Doderer	Drees	Fallon	Harper
Holveck	Hurley	Jochum	Koenigs
Kreiman	Larkin	Mascher	McCoy
Millage	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 4:

Bell	Brammer	Churchill	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.

MOTION TO REFER

Moreland of Wapello moved that House File 394, presently on the calendar, be referred to committee on judiciary.

Roll call was requested by Moreland of Wapello and Cataldo of Polk.

On the question "Shall House File 394 be referred to committee on judiciary?"

The ayes were, 32:

Bernau	Brand	Burnett	Cataldo
Cohon	Connors	Doderer	Drees
Harper	Holveck	Hurley	Jochum
Koenigs	Kreiman	Lamberti	Larkin
Mascher	May	McCoy	Millage
Moreland	Mundie	Murphy	Nelson, L.
O'Brien	Ollie	Running	Schrader
Warnstadt	Weigel	Wise	Witt

The nays were, 61:

Arnold	Baker	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Huseman	Jacobs	Klemme
Kremer	Larson	Lord	Main
Martin	Metcalf	Meyer	Nelson, B.

Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 7:

Bell	Brammer	Churchill	Fallon
Mertz	Myers	Shoultz	

The motion to refer lost.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 362** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 341, a bill for an act relating to delinquency charges on credit cards used to purchase or lease goods or services from less than one hundred persons not related to the card issuer.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 346, a bill for an act relating to the establishment of practitioner review committees for the purposes of evaluating and monitoring practitioners who self-report physical or mental impairments.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 351, a bill for an act authorizing certain cities to appoint additional members to certain city commissions.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 370, a bill for an act eliminating the requirement for the rotation of names on election ballots.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 375, a bill for an act relating to abandoned property subject to control by the treasurer of state.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 376, a bill for an act relating to the regulation of credit unions by authorizing additional powers and defining certain business relationships and establishing a penalty.

Also: That the Senate has on March 22, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 23, a concurrent resolution urging support of public broadcasting in Iowa.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 21, 1995. Had I been present, I would have voted "aye" on House File 471.

BRADLEY of Clinton

I was temporarily absent from the House chamber on Wednesday, March 22, 1995. Had I been present, I would have voted "aye" on amendment H-3405 to House File 336 and House File 336; "nay" on amendments H-3399 and H-3402 to House File 362.

MEYER of Sac

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirteen seventh grade students from Sully Christian School, Sully, accompanied by Mary Dirksen, Mary Fopma, Scott Roose and Dennis Vander Weerd. By Carroll of Poweshiek.

Sixteen high school students from Whiting High School, accompanied by Carlann Ooten. By Gries of Crawford.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\147 Reverend Robert and Leila LeMont, Council Bluffs - For celebrating their 50th wedding anniversary.

1995\148 Al Bofenkamp, Cherokee - For twenty-five years of service to the Cherokee County Sheriff's Department.

1995\149 Coach Walton and the Boyden Hull Boy's Basketball Team - For winning 3rd place in the Class 1A, 1995 Boy's State Basketball Tournament.

- 1995\150 Sioux Center Boy's Basketball Team Members and Coaches – For winning 4th place in the Class 2A, 1995 Boy's State Basketball Tournament.
- 1995\151 MOCFV Boy's Basketball Team and Coaches, Maurice, Orange City, and Floyd Valley School District – For winning 2nd place in the Class 3A, 1995 Boy's State Basketball Tournament.
- 1995\152 Coach Jay Prescott and the Valley High Girl's Basketball Team, West Des Moines – For winning 2nd place in the Class 4A, 1995 Girl's State Basketball Tournament.
- 1995\153 Coach Bill Harris and the Valley High Boy's Basketball Team, West Des Moines – For winning 2nd place in the Class 4A, 1995 Boy's State Basketball Tournament.
- 1995\154 Angella Landis, Dubuque – For receiving a Best Community Scholarship.
- 1995\155 Jessica Kohl, Dubuque – For receiving a Best Community Scholarship.

SUBCOMMITTEE ASSIGNMENTS

Senate File 214

Transportation: Heaton, Chair; McCoy and Welter.

Senate File 236

Transportation: Eddie, Chair; May and Salton.

Senate File 311

Transportation: Welter, Chair; Larkin and Main.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 319

Ways and Means: Dinkla, Chair; Bernau, Greig, Halvorson and Myers.

House Study Bill 320

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 321 Ways and Means

Relating to changing the point of taxation of motor vehicle fuel by requiring suppliers, restrictive suppliers, importers, exporters, dealers, users, or blenders licenses, changing reporting periods, and adding penalties.

RESOLUTION FILED

SCR 24, by Hammond, Drake, Gronstal, Connolly, Szymoniak and Dvorsky, a concurrent resolution recognizing the Seventy-fifth Anni-

versary of the American Civil Liberties Union and the Sixtieth Anniversary of the Iowa Civil Liberties Union.

Referred to committee on **state government**.

AMENDMENTS FILED

H-3404	H.F.	115	Drake of Pottawattamie
			Houser of Pottawattamie
			Drees of Carroll
			Cormack of Webster
			Arnold of Lucas
H-3406	H.F.	160	Shoultz of Black Hawk
H-3407	H.F.	303	Ollie of Clinton
H-3408	H.F.	394	Moreland of Wapello
H-3409	H.F.	394	Moreland of Wapello
H-3413	H.F.	163	Weigel of Chickasaw
H-3414	H.F.	230	Brunkhorst of Bremer
			Heaton of Henry
H-3415	H.F.	386	Klemme of Plymouth
H-3416	H.F.	163	Mundie of Webster
H-3417	H.F.	394	Brand of Benton
H-3418	H.F.	394	Brand of Benton
H-3419	H.F.	394	O'Brien of Boone
H-3420	H.F.	518	Fallon of Polk
H-3421	H.F.	373	Greig of Emmet
H-3423	H.F.	437	Weigel of Chickasaw
H-3424	H.F.	163	Weigel of Chickasaw
H-3425	H.F.	163	Weigel of Chickasaw
H-3426	H.F.	163	Weigel of Chickasaw
H-3427	H.F.	394	Doderer of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 7:27 p.m. until 8:45 a.m., Thursday, March 23, 1995.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 23, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Dwight Rengstorf, Trinity Lutheran church, Shenandoah.

The Journal of Wednesday, March 22, 1995 was approved.

INTRODUCTION OF BILLS

House File 531, by committee on state government, a bill for an act to limit the frequency of referendums held on a proposal to operate gambling games on excursion gambling boats or to operate gambling games at licensed pari-mutuel racetrack enclosures and providing an effective date and retroactive applicability.

Read first time and placed on the **calendar**.

House File 532, by committee on ways and means, a bill for an act repealing the state inheritance tax, providing for the phase out of the tax, and providing an applicability provision.

Read first time and placed on the **ways and means calendar**.

House File 533, by Metcalf, a bill for an act relating to the state sales, services, and use tax on the repair and testing of oxygen equipment.

Referred to committee on **ways and means**.

House File 534, by committee on appropriations, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Read first time and placed on the **appropriations calendar**.

House File 535, by committee on education, a bill for an act relating to a reduction in aid to a recipient of the family investment program for continued truancy by a recipient's child and establishing a penalty for providing aid, support, or shelter to a runaway or truant, and providing a conditional effectiveness provision.

Read first time and placed on the **calendar**.

House File 536, by committee on education, a bill for an act extending the periods in which a school or school district may apply to the department of education to waive the requirement that the school or school district provide an articulated sequential elementary-secondary guidance program and the requirement that the school or school district provide a media services program.

Read first time and placed on the **calendar**.

House File 537, by committee on education, a bill for an act relating to the appropriation of additional state aid to school districts based upon the number of at-risk pupils enrolled in the school district and providing effective and applicability date provisions.

Read first time and placed on the **calendar**.

House File 538, by committee on education, a bill for an act relating to motorcycle education and providing an effective date and a retroactive applicability provision.

Read first time and placed on the **calendar**.

House File 539, by committee on education, a bill for an act establishing a school-to-work planning and implementation program focusing on career pathways for students and making an appropriation.

Referred to committee on **appropriations**.

SENATE MESSAGES CONSIDERED

Senate File 341, by committee on commerce, a bill for an act relating to delinquency charges on credit cards used to purchase or lease goods or services from less than one hundred persons not related to the card issuer.

Read first time and **passed on file**.

Senate File 346, by committee on human resources, a bill for an act relating to the establishment of practitioner review committees for the purposes of evaluating and monitoring practitioners who self-report physical or mental impairments.

Read first time and referred to committee on **human resources**.

Senate File 351, by committee on local government, a bill for an act authorizing certain cities to appoint additional members to certain city commissions.

Read first time and referred to committee on **local government**.

Senate File 370, by committee on local government, a bill for an act eliminating the requirement for the rotation of names on election ballots.

Read first time and referred to committee on **local government**.

Senate File 375, by committee on commerce, a bill for an act relating to abandoned property subject to control by the treasurer of state.

Read first time and **passed on file**.

Senate File 376, by committee on commerce, a bill for an act relating to the regulation of credit unions by authorizing additional powers and defining certain business relationships and establishing a penalty.

Read first time and referred to committee on **commerce-regulation**.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 14

Larson of Linn offered the following House Memorial Resolution 14 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 14

Whereas, The Honorable Keith Kennedy of Linn County, Iowa, who was a member of the Sixty-first General Assembly, passed away February 13, 1995; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Larson of Linn, Running of Linn and Corbett of Linn.

CONSIDERATION OF BILLS Regular Calendar

House File 489, a bill for an act authorizing an increase in the amount of taxes dedicated to the reserve account by township trustees for supplies and equipment related to fire protection, emergency warning systems, and ambulance services, was taken up for consideration.

Welter of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 489)

The ayes were, 96:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett

Carroll	Churchill	Cphoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Bell	Brammer	Cataldo	Disney
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 425, a bill for an act repealing air toxics fees, was taken up for consideration.

Teig 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. 425)

The ayes were, 98:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggest	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson

Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Saltan	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Van Maanen	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Bell Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 476, a bill for an act eliminating the appeal period for the awarding of contracts by the purchasing division of the department of general services, was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 476)

The ayes were, 95:

Arnold	Bernau	Blodgett	Boddicker
Boggess	Bradley	Brand	Branstad
Brauns	Burnett	Carroll	Cataldo
Churchill	Cohoon	Cannors	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Gipp
Greig	Greiner	Gries	Grundberg
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland

Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker Corbett	

The nays were, 2:

Brunkhorst Garman

Absent or not voting, 3:

Baker Bell Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 425, 476, 489.**

House File 87, a bill for an act relating to the goal for the amount of Iowa's land area provided public open space protection, with report of committee recommending amendment and passage, was taken up for consideration.

Greig of Emmet offered the following amendment H-3290 filed by the committee on natural resources and moved its adoption:

H-3290

- 1 Amend House File 87 as follows:
- 2 1. Page 1, by striking lines 2 through 6 and
- 3 inserting the following: "1995, is amended by
- 4 striking the unnumbered paragraph."

The committee amendment H-3290 was adopted.

Speaker pro tempore Van Maanen of Marion in the chair at 9:52 a.m.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 87)

The ayes were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Carroll
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Van Maanen, Presiding		

The nays were, 31:

Baker	Bernau	Brand	Brunkhorst
Burnett	Cataldo	Churchill	Cohoon
Connors	Doderer	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Martin	Mascher	May
McCoy	Moreland	Murphy	Nelson, L.
O'Brien	Running	Schrader	Shoultz
Warnstadt	Wise	Witt	

Absent or not voting, 7:

Bell	Brammer	Corbett, Spkr.	Grundberg
Hanson	Myers	Ollie	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 437, a bill for an act relating to the financing of political campaigns and by adding and changing definitions of commissioner and political committee, changing the providing for the appointment of committee personnel and the maintenance of committee funds, providing for the retention of records, establishing requirements for committee names, specifying requirements for out-of-state committee filings, prohibiting political committees from supporting a single candidate, revising filing deadlines and the contents of disclosure reports, providing for disclaimers on published materials by nonregistered entities, including federal corporations under corporate activity prohibitions, allowing candidates to donate funds to district political party central committees and political subdivisions, providing for the establishment

of ethics and campaign disclosure board staff salaries, and making other related changes, was taken up for consideration.

Weigel of Chickasaw offered the following amendment H-3423 filed by him and moved its adoption:

H-3423

- 1 Amend House File 437 as follows:
- 2 1. Page 2, line 15, by inserting after the word
- 3 "who" the following: "is an Iowa resident and who".
- 4 2. Page 2, line 18, by striking the words "Every
- 5 committee" and inserting the following: "Every
- 6 candidate's committee shall maintain all of the
- 7 committee's funds in bank accounts in a financial
- 8 institution located in Iowa. Every political
- 9 committee".

Amendment H-3423 was adopted.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 437)

The ayes were, 94:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Cook	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Nelson, B.	Nelson, L.	Nutt	O'Brien
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, 1:

Ertl

Absent or not voting, 5:

Bell
Ollie

Brammer

Corbett, Spkr.

Myers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 428, a bill for an act relating to the expenditure of moneys deposited in an E911 service fund, with report of committee recommending passage, was taken up for consideration.

Houser of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 428)

The ayes were, 97:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bell

Brammer

Myers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 87, 428 and 437.**

House File 247, a bill for an act relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and parties to such policies and contracts, establishing fees, and providing civil penalties, was taken up for consideration.

Halvorson of Clayton offered the following amendment H-3298 filed by him and moved its adoption:

H-3298

- 1 Amend House File 247 as follows:
- 2 1. Page 2, line 16, by striking the word
- 3 "regulated" and inserting the following: "defined".
- 4 2. Page 6, line 20, by striking the word
- 5 "regulated" and inserting the following: "defined".
- 6 3. Page 6, line 30, by striking the word
- 7 "regulated" and inserting the following: "defined".
- 8 4. Page 7, line 5, by striking the word
- 9 "regulated" and inserting the following: "defined".

Amendment H-3298 was adopted.

Halvorson of Clayton offered the following amendment H-3282 filed by him and moved its adoption:

H-3282

- 1 Amend House File 247 as follows:
- 2 1. Page 25, by striking lines 22 through 25 and
- 3 inserting the following:
- 4 "Sec. NEW SECTION. 521.16 APPLICABILITY OF
- 5 CHAPTER.
- 6 Chapter 521A is applicable to a merger or
- 7 consolidation made pursuant to this chapter, and the
- 8 provisions of chapter 521A and this chapter shall
- 9 apply exclusively with respect to such merger or
- 10 consolidation."
- 11 2. By renumbering as necessary.

Amendment H-3282 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 247)

The ayes were, 97:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
'Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bell Brammer Myers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 247** be immediately messaged to the Senate.

House File 475, a bill for an act relating to the state archivist's office, was taken up for consideration.

Thomson 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. 475)

The ayes were, 97:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bell Brammer Myers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 490, a bill for an act relating to limited liability companies, was taken up for consideration.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 490)

The ayes were, 97:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggett	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bell Brammer Myers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 475 and 490.**

House File 303, a bill for an act relating to pipelines and underground storage of hazardous liquids, and providing penalties and effective and retroactive applicability date provisions, was taken up for consideration.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H-3407 filed by him on March 22, 1995.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 303)

The ayes were, 97:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen			
Presiding			

The nays were, none.

Absent or not voting, 3:

Bell	Brammer	Myers
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 303** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 215, a bill for an act to require that all inmates of the institutions under the control of the department of corrections perform hard labor, and providing transition provisions.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 21, a bill for an act relating to the grounds upon which a school official may search student lockers or protected student areas.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 120, a bill for an act requiring that prison inmates demonstrate functional literacy competence at or above the sixth grade level or obtain a general equivalency diploma, conditioning receipt of certain privileges on participation in education programs, and permitting the use of educational competence as a precondition to the granting of parole or work release, and providing exceptions.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 284, a bill for an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing penalties.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 293, a bill for an act relating to providing for a five-year minimum prison term for a person who uses a dangerous weapon in the commission of a forcible felony.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 349, a bill for an act to require that certain forcible felons serve at least eighty-five percent of the sentence imposed.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 359, a bill for an act providing for the modification of no-contact orders in domestic abuse cases in certain circumstances.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 366, a bill for an act relating to the exhibition of humans.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 367, a bill for an act relating to domestic abuse and victim protection and providing a penalty, a delayed effective date, and a conditional effective date.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 369, a bill for an act relating to a conference on domestic violence.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 373, a bill for an act to permit the court to find a person in contempt for failure to pay restitution after the period of probation, work release, parole, or the person's sentence has ended.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 386, a bill for an act relating to restitution in certain traffic offenses which are simple misdemeanors.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 398, a bill for an act relating to commutation of sentences of persons who have been sentenced to life imprisonment.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 409, a bill for an act relating to the activities of clerks of the district court, and providing additional court fees.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 417, a bill for an act relating to the crime of assault, by changing the elements of assault without intent but causing injury, creating the crimes of intentional assault causing injury and assault causing serious injury, and providing penalties.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 428, a bill for an act to provide for the reciprocal rendition of prisoners as witnesses in criminal proceedings and providing an effective date.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 432, a bill for an act relating to sexually violent predators, by providing that the place of commitment shall be under the control of the department of corrections, by requiring the state to pay the costs incurred by a county for services in sexually violent offender proceedings, and providing an effective date.

Also: That the Senate has on March 22, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 438, a bill for an act relating to juvenile justice including notice requirements for certain hearings and authorizing associate juvenile judges to perform marriage ceremonies.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 11:35 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 162, a bill for an act eliminating the minimum amount which must be borrowed under a home equity line of credit.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 296, a bill for an act relating to juvenile justice including the conditions under which a person under eighteen years of age may consume alcoholic beverages in a home, providing for the automatic waiver of juveniles to adult court in certain circumstances, regarding the notification of schools by juvenile court officers of the taking into custody of a juvenile, and providing that the juvenile court may prohibit a juvenile from driving under certain circumstances.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 352, a bill for an act relating to the family investment program and related human services programs by requiring the department of human services to apply for certain federal waivers and providing applicability provisions.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 377, a bill for an act relating to the payment of patronage dividends by cooperative associations which are public utilities.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 391, a bill for an act relating to the payment of medical costs of temporary prisoners.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 403, a bill for an act relating to collection of delinquent restitution payments and providing an effective date.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 416, a bill for an act relating to structured fines, establishing a civil penalty and surcharge, providing for the distribution of fines, and establishing effective and repeal dates.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 423, a bill for an act relating to delayed deposit services businesses and providing penalties.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 439, a bill for an act relating to making false reports to law enforcement agencies, making spurious calls to emergency 911 communications centers, or providing false information on citations and establishing penalties and providing a conditional effective date.

JOHN F. DWYER, Secretary

SPECIAL PRESENTATION

Nelson of Pottawattamie presented to the House Joseph Reid, a representative of the Fourth Grade Class of Gunn Elementary School, Council Bluffs. Joe addressed the House, informing the members that his class has chosen as their civic project, the restoration of the State Capitol. In relation to that project, they have taken on the challenge of raising money to aide in the restoration through contacting service groups and organizations.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, Myers of Johnson and Brand of Benton, until their arrival, all on request of Schrader of Marion.

CONSIDERATION OF BILLS

Regular Calendar

House File 477, a bill for an act requiring that a publication whose standards are incorporated by reference in agency rulemaking be purchased and provided by the agency to the administrative rules coordinator for deposit in the state law library, was taken up for consideration.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 477)

The ayes were, 92:

Arnold	Bernau	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrell	Van Fossen	Van Maanen
Vande Hoef	Veestra	Warnstadt	Weidman
Weigel	Welter	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 8:

Baker	Bell	Brammer	Brand
Holveck	McCoy	Myers	Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 478, a bill for an act providing limited immunity for persons responding to oil spills, was taken up for consideration.

Bradley 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. 478)

The ayes were, 95:

Arnold	Bernau	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Baker	Bell	Brammer	Holveck
McCoy			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 477 and 478.**

House File 125, a bill for an act relating to the organization and expenses of the county charter commission, with report of committee recommending passage, was taken up for consideration.

Welter of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 125)

The ayes were, 92:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrrell	Van Fossen	Van Maanen	Van de Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 3:

Brunkhorst	Greiner	O'Brien
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Absent or not voting, 5:

Bell	Brammer	Holveck	May
McCoy			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 125** be immediately messaged to the Senate.

House File 363, a bill for an act relating to the development of housing for low or moderate income families in urban renewal areas, including an applicability date provision, was taken up for consideration.

Lord of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 363)

The ayes were, 74:

Baker	Blodgett	Boddicker	Bogges
Bradley	Brand	Brauns	Brunkhorst
Carroll	Churchill	Cohon	Cormack
Daggett	Dinkla	Drake	Eddie
Fallon	Gipp	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker Corbett		

The nays were, 20:

Arnold	Bernau	Branstad	Burnett
Cataldo	Connors	Coon	Cornelius
Disney	Drees	Ertl	Garman
Holveck	Jochum	Martin	Mascher
Murphy	Myers	Schrader	Shoultz

Absent or not voting, 6:

Bell	Brammer	Doderer	Greig
Salton	Schulte		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 363** be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST

Grubbs of Scott called up for consideration the motion to reconsider House File 185, filed on March 9, 1995, and moved to reconsider the vote by which **House File 185**, a bill for an act relating to the sales, services, and use tax exemption for items used by printers and

publishers, limiting the amount of refunds, and providing retroactive and applicability date provisions, passed the House and was placed on its last reading on March 9, 1995.

Roll call was requested by Ollie of Clinton and Schrader of Marion.

On the question "Shall the motion to reconsider prevail?" (H.F. 185)

The ayes were, 38:

Baker	Bernau	Boggess	Bradley
Brand	Burnett	Cataldo	Cohoon
Connors	Cornelius	Doderer	Drees
Ertl	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 57:

Arnold	Blodgett	Boddicker	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Garman
Gipp	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nutt	Rants	Renken
Salton	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 5:

Bell	Brammer	Greig	Nelson, B.
Schulte			

The motion to reconsider lost, placing the following out of order:

A motion to reconsider House File 185 filed by Ollie of Clinton on March 9, 1995.

Amendments H-3287 and H-3288 filed by Weigel of Chickasaw on March 10, 1995.

Amendment H-3308 filed by Weigel of Chickasaw on March 15, 1995.

Amendment H-3297 filed by Ollie of Clinton, et. al., on March 14, 1995.

Amendment H-3302 filed by Ollie of Clinton on March 14, 1995.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 185** be immediately messaged to the Senate.

The House stood at ease at 2:37 p.m., until the fall of the gavel.

The House reconvened at 3:15 p.m., Speaker Corbett in the chair.

UNANIMOUS CONSENT

Siegrist of Pottawattamie asked and received unanimous consent to consider the following bills on the Friday, March 24, 1995 Daily Debate Calendar: **House Files 203, 238, 460, and House Joint Resolution 19.**

CONSIDERATION OF BILLS

Regular Calendar

House File 238, a bill for an act relating to the joint purchase of group health benefits by multiple school districts or area education agencies pursuant to an intergovernmental agreement, with report of committee recommending passage, was taken up for consideration.

Daggett of Union moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 238)

The ayes were, 96:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson

Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Bell	Brammer	Nelson, B.	Running
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 238** be immediately messaged to the Senate.

House File 460, a bill for an act relating to governmental control of property by allowing governmental entities to enter and test property for condemnation of property for highway purposes, providing for the interest rates assessed for condemnation damages, providing for right-of-way notice filings, and concerning advertising control laws on scenic highways, was taken up for consideration.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 460)

The ayes were, 95:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig

Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Wise	Witt	Mr. Speaker Corbett	

The nays were, none.

Absent or not voting, 5:

Bell	Brammer	Nelson, B.	Shoultz
Welter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 460** be immediately messaged to the Senate.

House File 203, a bill for an act relating to the location of the office of the commission of veterans affairs, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Bradley 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. 203)

The ayes were, 82:

Arnold	Baker	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brunckhorst
Burnett	Cataldo	Churchill	Cohon

Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Myers
Nelson, L.	Nutt	Ollie	Rants
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Wise
Witt	Mr. Speaker Corbett		

The nays were, 13:

Bernau	Brand	Carroll	Fallon
Koenigs	Kreiman	May	Murphy
O'Brien	Renken	Running	Tyrrell
Weigel			

Absent or not voting, 5:

Bell	Brammer	Brauns	Doderer
Nelson, B.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 203** be immediately messaged to the Senate.

House Joint Resolution 19, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with a reception in conjunction with the annual meeting of the National Association of State Auditors, Comptrollers, and Treasurers, with report of committee recommending passage, was taken up for consideration.

Rants of Woodbury 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. 19)

The ayes were, 33:

Brand	Brauns	Cataldo	Cphoon
Connors	Dinkla	Disney	Grubbs
Halvorson	Harper	Jochum	Koenigs
Kremer	Lamberti	Larkin	Larson
McCoy	Mertz	Metcalf	Millage
Moreland	Murphy	Nelson, L.	Nutt
Ollie	Rants	Running	Schrader
Shoultz	Siegrist	Weidman	Wise
Mr. Speaker Corbett			

The nays were, 62:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brunkhorst	Burnett	Carroll	Churchill
Coon	Cormack	Cornelius	Daggett
Doderer	Drake	Drees	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Hammitt	Hanson	Harrison	Heaton
Holveck	Houser	Huseman	Jacobs
Klemme	Kreiman	Lord	Main
Martin	Mascher	May	Meyer
Mundie	Myers	O'Brien	Renken
Salton	Schulte	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weigel
Welter	Witt		

Absent or not voting, 5:

Bell	Brammer	Eddie	Hurley
Nelson, B.			

The joint resolution having failed to receive a constitutional majority was declared to have failed to be adopted and agreed to by the House.

ADOPTION OF HOUSE RESOLUTION 7

Van Fossen of Scott called up for consideration House Resolution 7, a resolution recognizing the 100th anniversary of the founding of the chiropractic profession, and moved its adoption.

The motion prevailed and the resolution was adopted.

RULE 57 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to the notice and agenda of committee

meetings, and study bills out of committee, to allow the following committees to meet immediately: Ways and Means, Appropriations and Education.

RULE 31.8 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, to declare 3:00 p.m., Monday, March 27, 1995, the deadline for the filing of amendments to House File 528.

The House stood at ease at 4:03 p.m., until the fall of the gavel.

The House reconvened at 4:47 p.m., Speaker Corbett in the chair.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 323 Education

Relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective and applicability date provision.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 323), relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective and applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 1995.

INTRODUCTION OF BILL

House File 540, by committee on education, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective and applicability date provision.

Read first time and **placed on the calendar.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1995, 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 the state percent of growth for purposes of the state school foundation program and providing an effective and applicability date provision.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 460, by Horn and Rife, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective and applicability date provision.

Read first time and **passed on file**.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House File 540.

House File 540, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective and applicability date provision, was taken up for consideration.

SENATE FILE 460 SUBSTITUTED FOR HOUSE FILE 540

Grubbs of Scott asked and received unanimous consent to substitute Senate File 460 for House File 540.

Senate File 460, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective and applicability date provision, was taken up for consideration.

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. 460)

The ayes were, 96:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Fallon

Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Bell Brammer Doderer Nelson, B.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 540 WITHDRAWN

Grubbs of Scott asked and received unanimous consent to withdraw House File 540 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 460** be immediately messaged to the Senate.

SPONSORS ADDED (House File 203)

Cormack of Webster requested to be added as a sponsor of House File 203.

(House File 203)

Hammitt of Harrison requested to be added as a sponsor of House File 203.

SPONSOR WITHDRAWN (House File 130)

Mascher of Johnson requested to be withdrawn as a sponsor of House File 130.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seven members of a Mock Trial Team students from Carroll High School, Carroll, accompanied by Ms. Molly Schleaf. By Drees of Carroll.

Thirty-six students from Monticello High School, Monticello, accompanied by Frank Frostestad and Cindy Welter Bagge. By Welter of Jones.

Twenty-five fifth grade students from Lakeview Elementary. By Kreiman of Davis.

Twenty-three fourth grade students from Gunn Elementary School, Council Bluffs, accompanied by Kimberly Heithoff. By Nelson and Siegrist of Pottawattamie.

Nineteen confirmation students from First Methodist and Lutheran Churches, St. Ansgar, accompanied by Reverend Robert Lemmerman and Reverend Porisch. By Koenigs of Mitchell.

Fifty-three sixth grade students from Nashua Elementary School, Nashua, accompanied by Mr. Andersen. By Weigel of Chickasaw, Koenigs of Mitchell and Brunkhorst of Bremer.

Twenty-five sixth grade students from Wellsburg Steamboat Rock Middle School, Steamboat Rock, accompanied by Bob Hutchcroft. By Renken of Grundy and Sukup of Franklin.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

IOWA DEPARTMENT OF COMMERCE Alcoholic Beverages Division

The Sixtieth Annual Report, July 1, 1993 through June 30, 1994, pursuant to Chapter 123, Code of Iowa.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

The Annual Report for the period ending June 30, 1994, pursuant to Chapter 411, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\156 Kimberly Proctor, Wilton – For receiving the Girl Scout Gold Award, the highest award in the Girl Scouts of America.

1995\157 Coach Dan Mason and the North Iowa Area Community College Men's Basketball Team, Mason City – For winning 1st place in Division II of the 1995 JUCO Basketball Tournament.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 322 Ways and Means

Relating to the definition of entities eligible for property tax exemption for construction of speculative shell buildings.

RESOLUTION FILED

SCR 23, by Lind, a concurrent resolution urging support of public broadcasting in Iowa.

Referred to committee on **state government**.

AMENDMENTS FILED

H-3428	H.F.	215	Senate amendment
H-3429	H.F.	502	Brand of Benton
H-3430	H.F.	530	Fallon of Polk
			Murphy of Dubuque
H-3431	H.F.	511	Murphy of Dubuque
H-3432	H.F.	509	Warnstadt of Woodbury
H-3433	H.F.	526	Kreiman of Davis
H-3434	H.F.	530	Brunkhorst of Bremer
H-3435	H.F.	34	Bernau of Story
			Coon of Warren
H-3436	H.F.	493	Running of Linn
H-3437	H.F.	493	Running of Linn
H-3438	H.F.	517	Welter of Jones
H-3439	H.F.	166	Bernau of Story
H-3440	S.F.	146	Kremer of Buchanan
H-3441	H.F.	394	Harper of Black Hawk
H-3442	H.F.	166	Fallon of Polk
H-3443	H.F.	394	Moreland of Wapello
H-3444	H.F.	394	Moreland of Wapello
H-3445	H.F.	503	Sukup of Franklin
H-3446	H.F.	508	Ertl of Dubuque
H-3447	H.F.	166	Dinkla of Guthrie
			Eddie of Buena Vista
			Klemme of Plymouth
			Lamberti of Polk

H-3448	H.F.	394	Moreland of Wapello
H-3449	H.F.	394	Jochum of Dubuque
H-3450	H.F.	394	Bernau of Story
H-3451	H.F.	394	McCoy of Polk Moreland of Wapello
H-3452	H.F.	394	McCoy of Polk Moreland of Wapello
H-3453	H.F.	198	Greig of Emmet
H-3454	H.F.	504	Heaton of Henry
H-3455	H.F.	502	Fallon of Polk
H-3456	H.F.	502	Fallon of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 5:15 p.m., until 10:30 a.m., Friday, March 24, 1995.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day - Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 24, 1995

The House met pursuant to adjournment at 10:35 a.m., Siegrist of Pottawattamie in the chair.

Prayer was offered by the Honorable Richard Vande Hoef, state representative from Osceola County.

The Journal of Thursday, March 23, 1995 was approved.

PETITION FILED

The following petition was received and placed on file:

By Lamberti of Polk, from forty-six constituents of District 65 favoring House Concurrent Resolution 24, relating to the funding for the Older Iowans Legislature.

INTRODUCTION OF BILLS

House File 541, by Harrison, a bill for an act making truancy by a child under the age of twelve a basis for a child in need of assistance petition and making truancy by a child, who has reached the age of twelve and is under the age of sixteen, a delinquent act, and providing conditional effectiveness.

Read first time and referred to committee on **judiciary**.

House File 542, by Kreiman, a bill for an act requiring the use of program performance-based budgeting by executive branch agencies for programs newly implemented in the fiscal year beginning July 1, 1995.

Read first time and referred to committee on **state government**.

House File 543, by Harrison, a bill for an act relating to employment of a truant child during the school day and providing a penalty.

Read first time and referred to committee on **judiciary**.

House File 544, by Larkin, a bill for an act relating to the imposition of a countywide local option sales and services tax and providing an effective and applicability date provision.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 21, by Gettings, a bill for an act relating to the grounds upon which a school official may search student lockers or protected student areas.

Read first time and referred to committee on **education**.

Senate File 120, Tinsman, Borlaug, Bartz, Maddox, Freeman, Judge, and Szymoniak, a bill for an act requiring that prison inmates demonstrate functional literacy competence at or above the sixth grade level or obtain a general equivalency diploma, conditioning receipt of certain privileges on participation in education programs, and permitting the use of educational competence as a precondition to the granting of parole or work release, and providing exceptions.

Read first time and referred to committee on **judiciary**.

Senate File 162, by Gronstal, a bill for an act eliminating the minimum amount which must be borrowed under a home equity line of credit.

Read first time and referred to committee on **commerce-regulation**.

Senate File 284, by Hansen, a bill for an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing penalties.

Read first time and referred to committee on **judiciary**.

Senate File 293, by committee on judiciary, a bill for an act relating to providing for a five-year minimum prison term for a person who uses a dangerous weapon in the commission of a forcible felony.

Read first time and referred to committee on **judiciary**.

Senate File 296, by committee on judiciary, a bill for an act relating to juvenile justice including the conditions under which a person under eighteen years of age may consume alcoholic beverages in a home, providing for the automatic waiver of juveniles to adult court in certain circumstances, regarding the notification of schools by juvenile court officers of the taking into custody of a juvenile, and providing that the juvenile court may prohibit a juvenile from driving under certain circumstances.

Read first time and referred to committee on **judiciary**.

Senate File 349, by committee on judiciary, a bill for an act to require that certain forcible felons serve at least eighty-five percent of the sentence imposed.

Read first time and referred to committee on **judiciary**.

Senate File 352, by committee on human resources, a bill for an act relating to the family investment program and related human services programs by requiring the department of human services to apply for certain federal waivers and providing applicability provisions.

Read first time and referred to committee on **human resources**.

Senate File 359, by committee on judiciary, a bill for an act providing for the modification of no-contact orders in domestic abuse cases in certain circumstances.

Read first time and referred to committee on **judiciary**.

Senate File 366, by committee on judiciary, a bill for an act relating to the exhibition of humans.

Read first time and referred to committee on **judiciary**.

Senate File 367, by committee on judiciary, a bill for an act relating to domestic abuse and victim protection and providing a penalty, a delayed effective date, and a conditional effective date.

Read first time and referred to committee on **judiciary**.

Senate File 369, by committee on judiciary, a bill for an act relating to a conference on domestic violence.

Read first time and referred to committee on **judiciary**.

Senate File 373, by committee on judiciary, a bill for an act to permit the court to find a person in contempt for failure to pay restitution after the period of probation, work release, parole, or the person's sentence has ended.

Read first time and referred to committee on **judiciary**.

Senate File 377, by committee on commerce, a bill for an act relating to the payment of patronage dividends by cooperative associations which are public utilities.

Read first time and **passed on file**.

Senate File 386, by committee on judiciary, a bill for an act relating to restitution in certain traffic offenses which are simple misdemeanors.

Read first time and referred to committee on **judiciary**.

Senate File 391, by committee on local government, a bill for an act relating to the payment of medical costs of temporary prisoners.

Read first time and referred to committee on **local government**.

Senate File 398, by committee on judiciary, a bill for an act relating to commutation of sentences of persons who have been sentenced to life imprisonment.

Read first time and referred to committee on **judiciary**.

Senate File 403, by committee on judiciary, a bill for an act relating to collection of delinquent restitution payments and providing an effective date.

Read first time and referred to committee on judiciary.

Senate File 409, by committee on judiciary, a bill for an act relating to the activities of clerks of the district court, and providing additional court fees.

Read first time and referred to committee on judiciary.

Senate File 416, by committee on judiciary, a bill for an act relating to structured fines, establishing a civil penalty and surcharge, providing for the distribution of fines, and establishing effective and repeal dates.

Read first time and passed on file.

Senate File 417, by committee on judiciary, a bill for an act relating to the crime of assault, by changing the elements of assault without intent but causing injury, creating the crimes of intentional assault causing injury and assault causing serious injury, and providing penalties.

Read first time and referred to committee on judiciary.

Senate File 423, by committee on commerce, a bill for an act relating to delayed deposit services businesses and providing penalties.

Read first time and passed on file.

Senate File 428, by committee on judiciary, a bill for an act to provide for the reciprocal rendition of prisoners as witnesses in criminal proceedings and providing an effective date.

Read first time and referred to committee on judiciary.

Senate File 432, by committee on judiciary, a bill for an act relating to sexually violent predators, by providing that the place of commitment shall be under the control of the department of corrections, by requiring the state to pay the costs incurred by a county for services in sexually violent offender proceedings, and providing an effective date.

Read first time and referred to committee on judiciary.

Senate File 438, by committee on judiciary, a bill for an act relating to juvenile justice including notice requirements for certain hearings and authorizing associate juvenile judges to perform marriage ceremonies.

Read first time and referred to committee on judiciary.

Senate File 439, by committee on judiciary, a bill for an act relating to making false reports to law enforcement agencies, making spurious calls to emergency 911 communications centers, or providing false information on citations and establishing penalties and providing a conditional effective date.

Read first time and referred to committee on judiciary.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 213, a bill for an act relating to handicapped parking and providing a penalty.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 290, a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning retention of records and documents, registration plates and stickers, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, motorcycle license requirements, leased motor vehicles, proof of financial responsibility, charges for handicapped identification devices, single state registration for motor carriers, commodity base state registration, other technical changes, and providing effective and applicability dates.

Also: That the Senate has on March 23, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 424, a bill for an act relating to membership and administration of the board of the statewide police and fire retirement system and providing an effective date.

JOHN F. DWYER, Secretary

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 23, 1995, he approved and transmitted to the Secretary of State the following bill:

Senate File 17, an act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 160

Ways and Means: Lamberti, Chair; Dinkla and Shoultz.

House File 351

Ways and Means: Van Fossen, Chair; Holveck and Lamberti.

House File 444

Ways and Means: Disney, Chair; Holveck and Teig.

House File 497

Ways and Means: Dinkla, Chair; Gries and Shoultz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 321**

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

House Study Bill 322

Ways and Means: Gries, Chair; Disney and Larkin.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 131), relating to sales tax exemptions for aircraft repair and replacement parts inventories in certain sized counties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 23, 1995.

AMENDMENTS FILED

H-3457	H.F.	166	Witt of Black Hawk Burnett of Story Shoultz of Black Hawk Holveck of Polk Mascher of Johnson
H-3458	H.F.	166	Witt of Black Hawk Burnett of Story Shoultz of Black Hawk Holveck of Polk Mascher of Johnson

On motion by Gipp of Winneshiek, the House adjourned at 10:45 a.m., until 1:00 p.m., Monday, March 27, 1995.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 27, 1995

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Denny R. Funderburg, The Gospel of the Living Word Church, Spencer.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Pages, Deana Lauritzen, Emelie Boelter and De Ann Hart.

The Journal of Friday, March 24, 1995 was approved.

PETITION FILED

The following petition was received and placed on file:

By Weidman of Cass from three hundred seventy-five constituents favoring extension of the Driver's License Pilot Project.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thomson of Linn, for March 27 and 28, 1995, on request of Siegrist of Pottawattamie; Brand of Benton, on request of Bernau of Story; Lord of Dallas, until his arrival, on request of Siegrist of Pottawattamie; Jochum of Dubuque, until her arrival, on request of Schrader of Marion.

INTRODUCTION OF BILL

House File 545, by committee on ways and means, a bill for an act providing a sales tax exemption relating to certain aircraft and effective date and retroactive applicability provisions.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 213, by Murphy, a bill for an act relating to handicapped parking and providing a penalty.

Read first time and referred to committee on **transportation**.

Senate File 424, by committee on state government, a bill for an act relating to membership and administration of the board of the state-wide police and fire retirement system and providing an effective date.

Read first time and referred to committee on state government.

CONSIDERATION OF BILLS

Regular Calendar

House File 483, a bill for an act relating to activities of the department of human services, including provisions involving the state hospital-schools and other institutions, commitments of persons with mental retardation, and the department's public housing unit, was taken up for consideration.

The House stood at ease as 1:13 p.m., until the fall of the gavel.

The House resumed session at 2:25 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 483)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Brand	Dinkla	Ertl
Jochum	Lord	Thomson	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 505, a bill for an act relating to payment of expenses for persons with mental retardation, was taken up for consideration.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 505)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Cornelius
Daggett	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 9:

Brammer	Brand	Corbett, Spkr.	Dinkla
Ertl	Jochum	Lord	Moreland
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that **House Files 483 and 505** be immediately messaged to the Senate.

House File 394, a bill for an act relating to the statute of limitations for medical malpractice actions regarding minors under six years of age, was taken up for consideration.

Doderer of Johnson asked and received unanimous consent to defer action on amendment H-3427.

McCoy of Polk offered amendment H-3451 filed by him and Moreland as follows:

H-3451

- 1 Amend House File 394 as follows:
- 2 1. Page 2, by inserting after line 10 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 507B.15 MEDICAL
- 5 MALPRACTICE POLICIES.
- 6 A person shall not offer an insurance policy
- 7 providing liability coverage for medical malpractice
- 8 unless the policy provides coverage for all acts or
- 9 omissions, which may constitute medical malpractice,
- 10 which occur during the period the policy is in force."
- 11 2. Title page, line 1, by inserting after the
- 12 word "to" the following: "medical malpractice
- 13 including the coverage of medical malpractice
- 14 liability insurance policies and".

Bradley of Clinton rose on a point of order that amendment H-3451 was not germane.

The Speaker ruled the point well taken and amendment H-3451 not germane.

McCoy of Polk moved to suspend the rules to consider amendment H-3451.

Roll call was requested by Schrader of Marion and McCoy of Polk.

On the question "Shall the rules be suspended to consider amendment H-3451?" (H.F. 394)

The ayes were, 33:

Baker
Cataldo

Bell
Cohoon

Bernau
Connors

Burnett
Doderer

Drees	Fallon	Harper	Holveck
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Disney
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen,			
Presiding			

Absent or not voting, 6:

Brammer	Brand	Dinkla	Ertl
Jochum	Thomson		

The motion to suspend the rules lost.

Harper of Black Hawk offered the following amendment H-3441 filed by her and moved its adoption:

H-3441

- 1 Amend House File 394 as follows:
- 2 1. Page 2, line 15, by inserting after the word
- 3 "malpractice" the following: "occurring at birth".
- 4 2. Page 2, line 22, by inserting after the word
- 5 "malpractice" the following: "occurring at birth".

A non-record roll call was requested.

The ayes were 30, nays 58.

Amendment H-3441 lost.

O'Brien of Boone offered the following amendment H-3419 filed by him and moved its adoption:

H-3419

- 1 Amend House File 394 as follows:
 2 1. Page 2, by striking lines 14 and 15 and
 3 inserting the following: "The times limited for
 4 actions herein, except".
 5 2. Page 2, by striking lines 21 through 24 and
 6 inserting the following: "an action. However, in an
 7 action brought for medical malpractice any extension,
 8 in favor of a minor, of the limitation on commencing
 9 the action shall not exceed eight years. As used in
 10 this section.".
 11 3. Title page, line 2, by striking the words
 12 "under six years of age".

Amendment H-3419 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie on request of Eddie of Buena Vista.

Bernau of Story offered the following amendment H-3418 filed by Brand of Benton and moved its adoption:

H-3418

- 1 Amend House File 394 as follows:
 2 1. Page 2, line 24, by inserting after the word
 3 "action." the following: "However, if an injury
 4 occurs due to medical malpractice which could not have
 5 been discovered within the periods provided in this
 6 section due to the latent onset of symptoms or because
 7 medical technology was not sophisticated enough to
 8 detect the result, then a minor shall have until two
 9 years after discovery of the injury to commence an
 10 action."

Roll call was requested by Moreland of Wapello and Bernau of Story.

On the question "Shall amendment H-3418 be adopted?" (H.F. 394)

The ayes were, 36:

Baker	Bell	Bernau	Burnett
Cataldo	Cohoon	Connors	Doderer
Drees	Fallon	Hanson	Harper
Holveck	Hurley	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Warnstadt	Weigel	Wise	Witt

The nays were, 58:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Disney
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Harrison	Heaton	Houser	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Tyrrell	Van Fossen	Vande Hoef	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 6:

Brammer	Brand	Dinkla	Ertl
Thomson	Veenstra		

Amendment H-3418 lost.

Moreland of Wapello offered the following amendment H-3443 filed by him and moved its adoption:

H-3443

- 1 Amend House File 394 as follows:
- 2 1. Page 2, line 24, by inserting after the word
- 3 "action," the following: "If the medical malpractice
- 4 occurs or is discovered after the minor's sixth
- 5 birthday, the minor shall be subject to the
- 6 limitations period contained in section 614.1,
- 7 subsection 9."
- 8 2. Title page, line 2, by striking the words
- 9 "under six years of age".

Amendment H-3443 lost.

Moreland of Wapello offered the following amendment H-3408 filed by him and moved its adoption:

H-3408

- 1 Amend House File 394 as follows:
- 2 1. Page 2, by striking line 28 and inserting the
- 3 following: "or".

A non-record roll call was requested.

The ayes were 28, nays 55.

Amendment H-3408 lost.

Moreland of Wapello offered the following amendment H-3448 filed by him and moved its adoption:

H-3448

- 1 Amend House File 394 as follows:
- 2 1. Page 2, line 30, by inserting after the word
- 3 "care." the following: "The time for bringing a
- 4 medical malpractice action on behalf of a minor shall
- 5 be limited by this section or section 614.1,
- 6 subsection 9, whichever is longer."
- 7 2. Title page, line 2, by striking the words
- 8 "under six years of age".

A non-record roll call was requested.

The ayes were 33, nays 58.

Amendment H-3448 lost.

Kreiman of Davis asked and received unanimous consent to defer action on amendment H-3417.

Moreland of Wapello offered the following amendment H-3409 filed by him and moved its adoption:

H-3409

- 1 Amend House File 394 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following:
- 4 "Sec. ____ APPLICABILITY. This Act applies only
- 5 to causes of action accruing on or after July 1,
- 6 1995."
- 7 2. Title page, line 2, by inserting after the
- 8 word "age" the following: "and providing for the
- 9 Act's applicability".

Roll call was requested by Moreland of Wapello and Witt of Black Hawk.

On the question "Shall amendment H-3409 be adopted?" (H.F. 394)

The ayes were, 35:

Baker	Bell	Bernau	Burnett
Cataldo	Cohon	Connors	Doderer
Drees	Fallon	Harper	Holveck
Hurley	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy

Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Disney
Drake	Eddie	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 5:

Brammer	Brand	Dinkla	Ertl
Thomson			

Amendment H-3409 lost.

Moreland of Wapello offered the following amendment H-3444 filed by him and moved its adoption:

H-3444

- 1 Amend House File 394 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following: "However, the restricted extension of the
- 4 limitation period for bringing actions for medical
- 5 malpractice on behalf of a minor shall not apply if a
- 6 health care provider or another person modifies a
- 7 medical record in an attempt to conceal medical
- 8 malpractice, and the minor shall have one year from
- 9 and after the termination of the minor's disability
- 10 within which to commence an action."

A non-record roll call was requested.

The ayes were 30, nays 50.

Amendment H-3444 lost.

Jochum of Dubuque offered amendment H-3449 filed by her as follows:

H-3449

- 1 Amend House File 394 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following: "A minor whose cause of action is
- 4 extinguished by the expiration of the limitations
- 5 period in this section shall be immediately eligible
- 6 for medical assistance under chapter 249A."

Bradley of Clinton rose on a point of order that amendment H-3449 was not germane.

The Speaker ruled the point well taken and amendment H-3449 not germane.

Jochum of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-3449.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to consider amendment H-3449.

A non-record roll call was requested.

The ayes were 30, nays 52.

The motion to suspend the rules lost.

Bernau of Story asked and received unanimous consent to withdraw amendment H-3450 filed by him on March 23, 1995.

McCoy of Polk offered amendment H-3452 filed by him and Moreland as follows:

H-3452

- 1 Amend House File 394 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following:
- 4 "Sec. ____ The commissioner of insurance shall
- 5 study the reasons for the unavailability of medical
- 6 malpractice liability insurance covering all acts or
- 7 omissions which may constitute medical malpractice
- 8 which occur during the period of time a policy is in
- 9 force. The study shall include an examination of
- 10 potential actions which could be pursued by the state
- 11 to assure the availability of medical malpractice
- 12 liability insurance. The commissioner shall report
- 13 the findings and conclusions of the study, including
- 14 recommendations for action, to the general assembly by
- 15 January 15, 1996."
- 16 2. By renumbering as necessary.

Bradley of Clinton rose on a point of order that amendment H-3452 was not germane.

The Speaker ruled the point well taken and amendment H-3452 not germane.

McCoy of Polk moved to suspend the rules to consider amendment H-3452.

A non-record roll call was requested.

The ayes were 30, nays 54.

The motion to suspend the rules lost.

Doderer of Johnson offered amendment H-3427, previously deferred, filed by her as follows:

H-3427

- 1 Amend House File 394 as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 10.
- 4 2. By renumbering as necessary.

Blodgett of Cerro Gordo in the chair at 5:37 p.m.

Connors of Polk moved to table amendment H-3427.

A non-record roll call was requested.

The ayes were 31, nays 54.

The motion to table failed.

Speaker pro tempore Van Maanen of Marion in the chair at 5:45 p.m.

Doderer of Johnson moved the adoption of amendment H-3427.

Amendment H-3427 lost.

Kreiman of Davis offered amendment H-3417, previously deferred, filed by Brand of Benton as follows:

H-3417

- 1 Amend House File 394 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following:
- 4 "Sec. ____ The Iowa department of public health
- 5 shall prepare annually for the general assembly an
- 6 assessment of the impact of the passage of this Act.
- 7 The assessment shall include, but is not limited to,

8 the relative availability of medical personnel and
 9 services relating to obstetrics, including prenatal
 10 and neonatal care in rural versus urban areas, the
 11 relative frequency and amount of claims and costs
 12 associated with claims or potential claims in rural
 13 versus urban areas, and the apparent causes of any
 14 discrepancies concerning service availability or costs
 15 between rural and urban areas. Other state agencies
 16 shall provide relevant data and otherwise cooperate in
 17 the preparation of the annual assessment at the
 18 request of the Iowa department of public health.
 19 Sec. ____ REPEAL. This Act is repealed effective
 20 June 30, 2000, and the Code editor shall return the
 21 language of section 614.8 to the language which
 22 appeared in the 1995 Code of Iowa."

Kreiman of Davis offered the following amendment H-3492, to amendment H-3417, filed by him from the floor and moved its adoption:

H-3492

1 Amend the amendment, H-3417, to House File 394 as
 2 follows:

3 1. Page 1, by striking lines 19 through 22.

Amendment H-3492 was adopted.

On motion by Kreiman of Davis, amendment H-3417, as amended, lost.

Bradley 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 394)

The ayes were, 71:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Disney	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Mascher	May	Mertz

Metcalf	Meyer	Millage	Mundie
Nelson, B.	Nutt	O'Brien	Rants
Renken	Running	Salton	Schulte
Siegrist	Sukup	Teig	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Van Maanen, Presiding	

The nays were, 24:

Bernau	Burnett	Cataldo	Cphoon
Connors	Doderer	Harper	Holveck
Hurley	Jochum	Koenigs	Kreiman
Larkin	McCoy	Moreland	Murphy
Myers	Nelson, L.	Ollie	Schrader
Shoultz	Warnstadt	Wise	Witt

Absent or not voting, 5:

Brammer	Brand	Dinkla	Fallon
Thomson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 394** be immediately messaged to the Senate.

HOUSE FILE 31 WITHDRAWN

Renken of Grundy asked and received unanimous consent to withdraw House File 31 from further consideration by the House.

House File 135, a bill for an act relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Speaker Corbett in the chair at 7:00 p.m.

Hurley of Fayette offered amendment H-3337 filed by the committee on judiciary as follows:

H-3337

- 1 Amend House File 135 as follows:
- 2 1. Page 1, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ Section 728.1, Code 1995, is amended by

5 adding the following new subsection:

6 NEW SUBSECTION. 6A. "Place of business" means the
7 premises of a business required to obtain a sales tax
8 permit pursuant to chapter 422, the premises of a
9 nonprofit or not-for-profit organization, and the
10 premises of an establishment which is open to the
11 public at large or where entrance is limited by a
12 cover charge or membership requirement.

13 Sec. ____ Section 728.4, Code 1995, is amended to
14 read as follows:

15 728.4 RENTAL OR SALE OF HARD-CORE PORNOGRAPHY.

16 A person who knowingly rents, exhibits,
17 disseminates, sells, or offers for rental or sale
18 material depicting patently offensive representations
19 of oral, anal, or vaginal intercourse, actual or
20 simulated, involving humans, or depicting patently
21 offensive representations of masturbation, excretory
22 functions, or bestiality, or lewd exhibition of the
23 genitals, which the average adult taking the material
24 as a whole in applying statewide contemporary
25 community standards would find appeals to the prurient
26 interest; and which material, taken as a whole, lacks
27 serious literary, scientific, political, or artistic
28 value, upon conviction is guilty of an aggravated
29 misdemeanor. However, second and subsequent
30 violations of this section by a person who has been
31 previously convicted of violating this section are
32 class "D" felonies. Charges under this section may
33 only be brought by a county attorney or by the
34 attorney general."

35 2. Page 1, by striking lines 9 through 11 and
36 inserting the following:

37 "~~A holder of a liquor license or beer permit or any~~
38 Any owner, manager, or person who exercises direct
39 control over any ~~licensed premises defined in~~."

40 3. Page 2, by inserting after line 22 the
41 following:

42 "Sec. ____ Section 728.7, Code 1995, is amended to
43 read as follows:

44 728.7 EXEMPTIONS FOR PUBLIC LIBRARIES AND
45 EDUCATIONAL INSTITUTIONS.

46 Nothing in this chapter prohibits the use of
47 appropriate nonobscene material for educational
48 purposes in any accredited school, or any public
49 library, or in any educational program in which the
50 minor is participating. Nothing in this chapter

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1 prohibits the attendance of minors at an exhibition or
2 display of nonobscene art works or the use of any
3 nonobscene materials in any public library."

4 4. Page 3, by inserting after line 4 the
5 following:

- 6 "Sec. ____ Section 809.1, subsection 2, Code 1995,
 7 is amended by adding the following new paragraph:
 8 NEW PARAGRAPH. e. Any interest in, security in,
 9 claim against, or property or contractual right of any
 10 kind affording a source of influence over, any
 11 enterprise which a person has established, operated,
 12 controlled, conducted, or participated in the conduct
 13 of, in violation of a criminal offense pursuant to
 14 chapter 728."
 15 5. By renumbering as necessary.

Hurley of Fayette offered amendment H-3466, to the committee amendment H-3337, filed by him from the floor as follows:

H-3466

- 1 Amend the amendment, H-3337, to House File 135, as
 2 follows:
 3 1. Page 1, by inserting after line 39 the
 4 following:
 5 "____ Page 1, lines 12 and 13, by striking the
 6 words "required to obtain a sales tax permit"."

Schrader of Marion rose on a point of order that amendment H-3466 was not germane to amendment H-3337.

The Speaker ruled the point well taken and amendment H-3466 not germane to the committee amendment H-3337.

Heaton of Henry offered the following amendment H-3460, to the committee amendment H-3337, filed by him and Grundberg from the floor and moved its adoption:

H-3460

- 1 Amend the amendment, H-3337, to House File 135 as
 2 follows:
 3 1. By striking page 1, line 40 through page 2,
 4 line 3.
 5 2. By renumbering as necessary.

Roll call was requested by Boddicker of Cedar and Garman of Story.

Rule 75 was invoked.

On the question "Shall amendment H-3460, to the committee amendment H-3337, be adopted?" (H.F. 135)

The ayes were, 47:

Baker	Bell	Bernau	Bogges
Burnett	Cataldo	Churchill	Cohoon
Doderer	Drees	Fallon	Gipp
Greig	Gries	Grundberg	Hammitt

Hanson	Harper	Harrison	Heaton
Holveck	Houser	Jacobs	Jochum
Koenigs	Larkin	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shultz	Van Fossen	Warnstadt
Weigel	Wise	Witt	

The nays were, 49:

Arnold	Blodgett	Boddicker	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Connors	Coon	Cormack	Cornelius
Daggett	Disney	Drake	Eddie
Ertl	Garman	Greiner	Grubbs
Hahn	Halvorson	Hurley	Huseman
Klemme	Kreiman	Kremer	Lamberti
Larson	Lord	Main	Meyer
Mundie	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 4:

Brammer	Brand	Dinkla	Thomson
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Amendment H-3460 lost.

The House resumed consideration of the committee amendment H-3337.

Schrader of Marion rose on a point of order that amendment H-3337 was not germane.

The Speaker ruled the point well taken and amendment H-3337 not germane.

The House stood at ease at 7:52 p.m., until the fall of the gavel.

The House resumed session at 8:03 p.m., Speaker Corbett in the chair.

Hurley of Fayette moved to suspend the rules to consider the committee amendment H-3337.

A non-record roll call was requested.

The ayes were 51, nays 28.

The motion prevailed and the rules were suspended.

Division of the committee amendment H-3337 was as follows:

Lines 2 through 39, Division A.

Lines 40 through 50, page 1 and lines 1 through 15, page 2; Division B.

Connors of Polk rose on a point of order that amendment H-3337B was subject matter previously considered and therefore not in order.

The Speaker ruled the point not well taken and the committee amendment H-3337B in order.

Hurley of Fayette moved the adoption of the committee amendment H-3337A.

The committee amendment H-3337A was adopted.

On motion by Hurley of Fayette, the committee amendment H-3337B was withdrawn.

Hurley of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 135)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brammer
Thomson

Brand

Dinkla

Moreland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 135** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 106, a bill for an act to provide disaster leave for certain state employees.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 178, a bill for an act relating to emergency medical services.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 179, a bill for an act relating to the maximum property tax levy for certain county hospitals.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 197, a bill for an act relating to the confidentiality of financial information provided to the department of agriculture and land stewardship and providing an effective date.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 263, a bill for an act requiring licensure of hospice programs and providing a penalty.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 337, a bill for an act relating to publishing notice of outdated unpaid state warrants.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 371, a bill for an act relating to prohibiting a polygraph examination of a victim of sexual abuse as a precondition to an investigation by a law enforcement agency.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 390, a bill for an act relating to the Iowa arts and cultural enhancement and endowment program and foundation.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 437, a bill for an act relating to the entitlement to benefits and dividends under the Iowa public employees' retirement system.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 446, a bill for an act relating to the possession or use of alcohol while operating a motor vehicle by requiring the administrative revocation of driving privileges of persons under the age of twenty-one who operate a motor vehicle with an alcohol concentration of .02 or more, denying issuance of temporary restricted licenses during the period of revocation, including the revocation under implied consent provisions, providing for civil penalties, excluding the revocation from application of certain motor vehicle financial responsibility requirements, providing for minimum periods of license revocation, providing a scheduled fine for possession of an open alcohol container while operating a motor vehicle, providing for the impoundment or immobilization of motor vehicles driven or owned by persons convicted of operating while intoxicated and being a second or subsequent offender, providing criminal penalties, and other related matters.

Also: That the Senate has on March 27, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 459, a bill for an act relating to and making appropriations to the department of justice, office of consumer advocate, board of parole, department of corrections, judicial district departments of correctional services, judicial department, state public defender, Iowa law enforcement academy, department of public defense, and for the department of public safety's administration, division of criminal investigation and bureau of identification, division of narcotics enforcement, undercover purchases, and the state fire marshal's office, for the fiscal year beginning July 1, 1995, and providing effective dates and retroactive applicability.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday afternoon, March 21, Wednesday, March 22, and Thursday, March 23, 1995. Had I been present, I would have voted "aye" on House Files 87, 103, 125, 170, 203, 217, 238, 247, 277, 288, 289, 303, 336, 363, 420, 425, 428, 437, 460, 471, 475, 476, 477, 478, 489, 490 and Senate File 460. I would have voted "nay" on House File 362 and House Joint Resolution 19.

BELL of Jasper

I was necessarily absent from the House chamber on March 27, 1995. Had I been present, I would have voted "nay" on House File 394.

FALLON of Polk

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 27, 1995, he approved and transmitted to the Secretary of State the following bill:

Senate File 158, an act to provide conformity to the definition of travel trailers.

SUBCOMMITTEE ASSIGNMENTS

House File 449

Judiciary: Harrison, Chair; Kreiman and Lamberti.

House File 450

Judiciary: Harrison, Chair; Kreiman and Lamberti.

House File 458

Judiciary: Harrison, Chair; Lamberti and Moreland.

House File 469

Judiciary: Boddicker, Chair; Doderer and Millage.

Senate File 152 Reassigned

State Government: Coon, Chair; Martin and Witt.

Senate File 213

Transportation: Salton, Chair; Ollie and Weidman

Senate File 424

State Government: Gipp, Chair; Jacobs, Jochum, Larkin and Martin.

Senate Concurrent Resolution 23

State Government: Coon, Chair; Thomson and Witt.

Senate Concurrent Resolution 24

State Government: Martin, Chair; Churchill and Witt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 321 Reassigned

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Shultz.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 266, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3498 March 23, 1995.

AMENDMENTS FILED

H-3459	H.F.	528	Witt of Black Hawk
H-3461	H.F.	84	Ollie of Clinton
H-3462	H.F.	522	Harper of Black Hawk
H-3463	H.F.	522	Harper of Black Hawk
H-3464	H.F.	522	Harper of Black Hawk
H-3465	H.F.	522	Harper of Black Hawk
H-3467	H.F.	166	Weigel of Chickasaw
H-3468	H.F.	522	Schulte of Linn
			Witt of Black Hawk
			Carroll of Poweshiek
H-3469	H.F.	502	Boddicker of Cedar
			Hurley of Fayette
			Carroll of Poweshiek
H-3470	H.F.	530	Weigel of Chickasaw
H-3471	H.F.	166	Koenigs of Mitchell
H-3472	H.F.	166	Koenigs of Mitchell
H-3473	H.F.	166	Koenigs of Mitchell
H-3474	H.F.	528	Ollie of Clinton
H-3475	H.F.	528	Holveck of Polk
H-3476	H.F.	509	Myers of Johnson
H-3477	H.F.	509	Myers of Johnson
H-3478	H.F.	166	Weigel of Chickasaw
H-3479	H.F.	528	Kreiman of Davis
H-3480	H.F.	528	Kreiman of Davis
H-3481	H.F.	528	Kreiman of Davis
			Holveck of Polk
H-3482	H.F.	528	Lamberti of Polk
H-3483	H.F.	528	Doderer of Johnson
H-3484	H.F.	534	Harper of Black Hawk
H-3485	H.F.	34	Shoultz of Black Hawk
H-3486	H.F.	166	Shoultz of Black Hawk
H-3487	H.F.	166	Shoultz of Black Hawk
H-3488	H.F.	166	Shoultz of Black Hawk

H-3489	H.F.	519	Shoultz of Black Hawk
H-3490	H.F.	535	Ollie of Clinton
H-3491	H.F.	535	Ollie of Clinton
H-3493	H.F.	528	Kreiman of Davis
H-3494	H.F.	528	Kreiman of Davis
H-3495	H.F.	528	Kreiman of Davis
H-3496	H.F.	528	Kreiman of Davis
H-3497	H.F.	545	Weigel of Chickasaw
H-3498	S.F.	266	Committee on Appropriations
H-3499	H.F.	530	Kremer of Buchanan
H-3500	H.F.	528	Kreiman of Davis
H-3501	H.F.	528	Kreiman of Davis
H-3502	S.F.	150	Jochum of Dubuque Burnett of Story
H-3503	H.F.	521	Meyer of Sac
H-3504	H.F.	115	Boddicker of Cedar Arnold of Lucas
H-3505	H.F.	166	Holveck of Polk
H-3506	H.F.	166	Weigel of Chickasaw
H-3507	H.F.	166	Holveck of Polk
H-3508	H.F.	166	Holveck of Polk
H-3509	H.F.	166	Moreland of Wapello
H-3510	H.F.	166	Weigel of Chickasaw
H-3511	H.F.	166	Bernau of Story
H-3512	H.F.	502	Fallon of Polk
H-3513	H.F.	535	Ollie of Clinton
H-3514	S.F.	320	Holveck of Polk
H-3515	S.F.	320	Holveck of Polk
H-3516	H.F.	535	Grubbs of Scott Wise of Lee
H-3517	H.F.	535	Wise of Lee
H-3518	H.F.	535	Grubbs of Scott
H-3519	H.F.	535	Harrison of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 8:22 p.m., until 8:45 a.m., Tuesday, March 28, 1995.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 28, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Gary Roozeboom, First Reformed Church, Sheldon.

The Journal of Monday, March 27, 1995 was approved.

PETITIONS FILED

By Arnold of Lucas, from sixty-three citizens of District 91, Lucas County, favoring the issuance of driver licenses at the County Treasurer's office.

By Arnold of Lucas and Van Maanen of Marion from one hundred sixty-seven citizens of Lucas and Marion Counties, favoring the issuance of driver licenses at the County Treasurer's office.

INTRODUCTION OF BILL

House File 546, by Grundberg, a bill for an act relating to the use by the county of revenues from the state real estate transfer tax for low or moderate income family housing.

Read first time and referred to committee on **local government**.

SENATE MESSAGES CONSIDERED

Senate File 106, by Hammond and Tinsman, a bill for an act to provide disaster leave for certain state employees.

Read first time and referred to committee on **state government**.

Senate File 178, by committee on human resources, a bill for an act relating to emergency medical services.

Read first time and referred to committee on **human resources**.

Senate File 179, by committee on local government, a bill for an act relating to the maximum property tax levy for certain county hospitals.

Read first time and referred to committee on **local government**.

Senate File 197, by Judge, a bill for an act relating to the confidentiality of financial information provided to the department of agriculture and land stewardship and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 263, by committee on human resources, a bill for an act requiring licensure of hospice programs and providing a penalty.

Read first time and referred to committee on **human resources**.

Senate File 290, by committee on transportation, a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning retention of records and documents, registration plates and stickers, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, motorcycle license requirements, leased motor vehicles, proof of financial responsibility, charges for handicapped identification devices, single state registration for motor carriers, commodity base state registration, other technical changes, and providing effective and applicability dates.

Read first time and referred to committee on **transportation**.

Senate File 337, by committee on state government, a bill for an act relating to publishing notice of outdated unpaid state warrants.

Read first time and referred to committee on **state government**.

Senate File 371, by committee on judiciary, a bill for an act relating to prohibiting a polygraph examination of a victim of sexual abuse as a precondition to an investigation by a law enforcement agency.

Read first time and referred to committee on **judiciary**.

Senate File 390, by committee on education, a bill for an act relating to the Iowa arts and cultural enhancement and endowment program and foundation.

Read first time and referred to committee on **education**.

Senate File 437, by committee on state government, a bill for an act relating to the entitlement to benefits and dividends under the Iowa public employees' retirement system.

Read first time and referred to committee on **state government**.

Senate File 446, by committee on judiciary, a bill for an act relating to the possession or use of alcohol while operating a motor vehicle by requiring the administrative revocation of driving privileges of persons under the age of twenty-one who operate a motor vehicle with an alcohol concentration of .02 or more, denying issuance of temporary restricted licenses during the period of revocation, including the revocation under implied consent provisions, providing for civil penalties,

excluding the revocation from application of certain motor vehicle financial responsibility requirements, providing for minimum periods of license revocation, providing a scheduled fine for possession of an open alcohol container while operating a motor vehicle, providing for the impoundment or immobilization of motor vehicles driven or owned by persons convicted of operating while intoxicated and being a second or subsequent offender, providing criminal penalties, and other related matters.

Read first time and referred to committee on **judiciary**.

Senate File 459, by committee on appropriations, a bill for an act relating to and making appropriations to the department of justice, office of consumer advocate, board of parole, department of corrections, judicial district departments of correctional services, judicial department, state public defender, Iowa law enforcement academy, department of public defense, and for the department of public safety's administration, division of criminal investigation and bureau of identification, division of narcotics enforcement, undercover purchases, and the state fire marshal's office, for the fiscal year beginning July 1, 1995, and providing effective dates and retroactive applicability.

Read first time and referred to committee on **appropriations**.

On motion by Gipp of Winneshiek, the House was recessed at 8:55 a.m., until 10:00 a.m.

The House resumed session at 10:11 a.m., Speaker Corbett in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 118, a bill for an act relating to compensation of volunteer fire fighters when subpoenaed as witnesses, with report of committee recommending amendment and passage, was taken up for consideration.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-3188 filed by the committee on judiciary on February 23, 1995.

Boddicker of Cedar offered the following amendment H-3217 filed by him and Kreiman and moved its adoption:

H-3217

- 1 Amend House File 118 as follows:
- 2 1. Page 1, line 7, by inserting after the word

- 3 "compensation" the following: "as determined by the
 4 court".
 5 2. Page 1, line 8, by inserting after the word
 6 "The" the following: "daily".
 7 3. Page 1, line 9, by striking the words "shall
 8 be commensurate with the compensation" and inserting
 9 the following: "shall be equal to the average daily
 10 wage".
 11 4. Page 1, line 10, by inserting after the word
 12 "fighters" the following: "of the same rank within
 13 the judicial district".

Amendment H-3217 was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 118)

The ayes were, 92:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Sukup
Teig	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Wise	Witt	Mr. Speaker
			Corbett

The nays were, none.

Absent or not voting, 8:

Baker	Brammer	Brand	Doderer
McCoy	Siegrist	Thomson	Weigel

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 406, a bill for an act relating to the investment of the proceeds of bond issues and other evidences of indebtedness and the use of earnings from the investment, was taken up for consideration.

Hanson 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. 406)

The ayes were, 92:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 8:

Baker	Bradley	Brammer	Brand
Doderer	Halvorson	McCoy	Thomson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 528, a bill for an act relating to criminal and juvenile justice, including providing that certain identifying information regarding

juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, eliminating the notice required for students before certain locker searches, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties, was taken up for consideration.

Holveck of Polk offered amendment H-3475 filed by him as follows:

H-3475

- 1 Amend House File 528 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "or" the following: ", in the case of a juvenile age
- 4 fourteen or older.".
- 5 2. Page 1, line 8, by inserting after the word
- 6 "juvenile" the following: ", age fourteen or older.".
- 7 3. Page 1, line 31, by inserting after the word
- 8 "act" the following: ", committed by a juvenile age
- 9 fourteen or older.".
- 10 4. Page 1, line 34, by inserting after the word
- 11 "juvenile" the following: ", age fourteen or older.".
- 12 5. Title page, line 3, by inserting after the
- 13 word "juveniles" the following: "fourteen years of
- 14 age or older".

The House stood at ease at 10:25 a.m., until the fall of the gavel.

The House resumed session at 11:20 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brand of Benton on request of Bernau of Story.

Holveck of Polk moved the adoption of amendment H-3475.

Roll call was requested by Grubbs of Scott and Greiner of Washington.

On the question "Shall amendment H-3475 be adopted?"
(H.F. 528)

The ayes were, 12:

Bernau	Burnett	Fallon	Hanson
Harper	Holveck	Jochum	Kreiman
Murphy	Schrader	Weigel	Witt

The nays were, 80:

Arnold	Baker	Bell	Blodgett
Boddicker	Boguess	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Hammitt
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schulte	Shoultz
Siegrist	Sukup	Teig	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Van Maanen, Presiding

Absent or not voting, 8:

Bradley	Brammer	Brand	Churchill
Corbett, Spkr.	Doderer	Halvorson	Thomson

Amendment H-3475 lost.

Lamberti of Polk offered the following amendment H-3482 filed by him and moved its adoption:

H-3482

- 1 Amend House File 528 as follows:
- 2 1. Page 4, by inserting after line 13 the
- 3 following:
- 4 "Sec. ____ Section 123.47, Code 1995, is amended
- 5 to read as follows:
- 6 123.47 PERSONS UNDER THE AGE OF EIGHTEEN —
- 7 PENALTY.
- 8 A person shall not sell, give, or otherwise supply
- 9 alcoholic liquor, wine, or beer to any person knowing
- 10 or having reasonable cause to believe that person to
- 11 be under the age of eighteen, and a person or persons
- 12 under the age of eighteen shall not purchase or

13 attempt to purchase, or individually or jointly have
 14 alcoholic liquor, wine, or beer in their possession or
 15 control; except in the case of liquor, wine, or beer
 16 given or dispensed to a person under the age of
 17 eighteen within a private home and with the knowledge,
 18 presence, and consent of the parent or guardian, ~~or~~
 19 ~~with the signed, written consent of the parent or~~
 20 ~~guardian specifying the date and place for the~~
 21 ~~consumption and displayed by the person upon demand,~~
 22 for beverage or medicinal purposes or as administered
 23 to the person by either a physician or dentist for
 24 medicinal purposes and except to the extent that a
 25 person under the age of eighteen may handle alcoholic
 26 beverages, wine, and beer during the regular course of
 27 the person's employment by a liquor control licensee,
 28 or wine or beer permittee under this chapter. A
 29 person, other than a licensee or permittee, who
 30 violates this section regarding the purchase of or
 31 attempt to purchase alcoholic liquor, wine, or beer
 32 shall pay a twenty-five dollar penalty.

33 Sec. ____ Section 123.47B, Code 1995, is amended
 34 to read as follows:

35 123.47B PARENTAL AND SCHOOL NOTIFICATION —
 36 PERSONS UNDER EIGHTEEN YEARS OF AGE.

37 A peace officer shall make a reasonable effort to
 38 identify a person under the age of eighteen discovered
 39 to be in possession of alcoholic liquor, wine, or beer
 40 in violation of section 123.47 and if the person is
 41 not referred to juvenile court, the law enforcement
 42 agency of which the peace officer is an employee shall
 43 make a reasonable attempt to notify the person's
 44 custodial parent or legal guardian of such possession,
 45 whether or not the person is arrested or a citation is
 46 issued pursuant to section 805.16, unless the officer
 47 has reasonable grounds to believe that such
 48 notification is not in the best interests of the
 49 person or will endanger that person. If the person is
 50 taken into custody, the peace officer shall notify a

Page 2

1 juvenile court officer who shall make a reasonable
 2 effort to identify the elementary or secondary school
 3 the person attends, if any, and to notify the
 4 superintendent of the school district or the
 5 superintendent's designee, or the authorities in
 6 charge of the nonpublic school of the taking into
 7 custody. A reasonable attempt to notify the person
 8 includes but is not limited to a telephone call or
 9 notice by first class mail.

10 Sec. ____ Section 124.415, Code 1995, is amended
 11 to read as follows:

12 124.415 PARENTAL AND SCHOOL NOTIFICATION —
 13 PERSONS UNDER EIGHTEEN YEARS OF AGE.

14 A peace officer shall make a reasonable effort to
 15 identify a person under the age of eighteen discovered
 16 to be in possession of a controlled substance,
 17 counterfeit substance, or simulated controlled
 18 substance in violation of this chapter, and if the
 19 person is not referred to juvenile court the law
 20 enforcement agency of which the peace officer is an
 21 employee shall make a reasonable attempt to notify the
 22 person's custodial parent or legal guardian of such
 23 possession, whether or not the person is arrested,
 24 unless the officer has reasonable grounds to believe
 25 that such notification is not in the best interests of
 26 the person or will endanger that person. If the
 27 person is taken into custody, the peace officer shall
 28 notify a juvenile court officer who shall make a
 29 reasonable effort to identify the elementary or
 30 secondary school the person attends, if any, and to
 31 notify the superintendent of the school district, the
 32 superintendent's designee, or the authorities in
 33 charge of the nonpublic school of the taking into
 34 custody. A juvenile court officer may also notify the
 35 superintendent of the school district, the
 36 superintendent's designee, or the authorities in
 37 charge of the nonpublic school of the taking into
 38 custody. A reasonable attempt to notify the person
 39 includes but is not limited to a telephone call or
 40 notice by first class mail."

41 2. Page 6, by striking lines 26 and 27 and
 42 inserting the following: "waived to and convicted of
 43 an aggravated misdemeanor or a felony by in the
 44 district court, all criminal proceedings".

45 3. Page 6, line 28, by inserting after the word
 46 "any" the following: "aggravated misdemeanor or".

47 4. Page 6, line 29, by striking the words
 48 "conviction waiver" and inserting the following:
 49 "conviction".

50 5. Page 6, line 34, by inserting before the words

Page 3

1 "a felony" the following: "an aggravated misdemeanor
 2 or".

3 6. Page 6, line 35, by striking the words "or
 4 waived to and convicted of such" and inserting the
 5 following: "and convicted of such".

6 7. Page 7, line 1, by striking the words "offense
 7 by" and inserting the following: "offense by
 8 aggravated misdemeanor or a felony in".

9 8. Page 7, line 3, by striking the words "or
 10 waiver".

11 9. Page 7, by inserting after line 26 the
 12 following:

13 "Sec. ____ Section 232.148, subsection 5,
 14 paragraph c, Code 1995, is amended by striking the

15 paragraph.”

16 10. Page 7, line 29, by inserting after the word
17 “criminal” the following: “or juvenile”.

18 11. Page 8, line 33, by striking the word “or,”
19 and inserting the following: “or”.

20 12. Page 16, by striking lines 14 and 15 and
21 inserting the following: “~~and also includes the~~
22 ~~source documents of the information included in the~~
23 ~~criminal history data and fingerprint records.~~”

24 13. By striking page 18, line 35, through page
25 19, line 9.

26 14. Title page, lines 8 through 10, by striking
27 the words “eliminating the notice required for
28 students before certain locker searches,” and
29 inserting the following: “limiting the circumstances
30 under which a juvenile may consume alcoholic
31 beverages, providing for notice to parents when a
32 juvenile is taken into custody for alcohol offenses.”

Amendment H-3482 was adopted placing out of order the following amendments:

H-3474 filed by Ollie of Clinton on March 27, 1995.

H-3493 filed by Kreiman of Davis on March 27, 1995.

Connors of Polk offered amendment H-3522 filed by him from the floor and requested division as follows:

H-3522

1 Amend House File 528 as follows:

H-3522A

2 1. Page 5, by striking lines 2 through 4 and
3 inserting the following:
4 “Sec. ____ Section 232.8, subsection 1, paragraph
5 b, Code 1995, is amended by striking the paragraph and
6 inserting in lieu thereof the following:
7 b. Violations by a child, age sixteen or”.

H-3522B

8 2. Page 5, by inserting after line 17 the
9 following:
10 “Sec. ____ Section 232.19, Code 1995, is amended
11 to read as follows:
12 232.19 TAKING A CHILD INTO CUSTODY.
13 1. A child may be taken into custody:
14 a. ~~By order of the court.~~
15 b. a. For a delinquent act pursuant to the laws
16 relating to arrest.
17 b. By order of the court.
18 c. By a peace officer for the purpose of reuniting
19 a child with the child’s family or removing the child

H-3522B

20 to a shelter care facility when the peace officer has
21 reasonable grounds to believe the child has run away
22 from the child's parents, guardian, or custodian.

23 d. By a peace officer, juvenile court officer, or
24 juvenile parole officer when the officer has
25 reasonable grounds to believe the child has committed
26 a material violation of a dispositional order.

27 2. a. A child taken into custody as provided in
28 subsection 1, paragraph "a", shall be placed in
29 detention pending release to the child's parent,
30 guardian, custodian, or other adult approved by the
31 court.

32 b. Unless the child is held in detention pursuant
33 to section 232.22, the child may only be released to
34 one of the persons listed in paragraph "b" upon the
35 posting of bail or bond in accordance with chapter 811
36 and the promise of the person to take responsibility
37 for the child and to present the child in court at
38 such time as the court may direct.

39 2. 3. When a child is taken into custody as
40 provided in subsection 1, paragraph "b", "c", or "d",
41 the person taking the child into custody shall notify
42 the child's parent, guardian or custodian as soon as
43 possible and shall not place bodily restraints, such
44 as handcuffs, on the child unless the child physically
45 resists or threatens physical violence when being
46 taken into custody. However, if the child is thirteen
47 years of age or older, the child may be restrained by
48 metal handcuffs only, for the purpose of
49 transportation in a vehicle which is not equipped with
50 a rear seat cage for prisoner transport and if the

Page 2

1 child is being taken into custody for an alleged
2 delinquent act of violence against a person. The
3 child may also be restrained by handcuffs or other
4 restraints at any time after the child is taken into
5 custody if the child has a known history of physical
6 violence to others. Unless the child is placed in
7 shelter care ~~or detention~~ in accordance with the
8 provisions of section 232.21 or 232.22, the child
9 shall be released to the child's parent, guardian,
10 custodian, responsible adult relative, or other adult
11 approved by the court upon the promise of such person
12 to produce the child in court at such time as the
13 court may direct.

14 3. 4. Notwithstanding any other provision of this
15 chapter, a child shall not be placed in detention as a
16 result of a violation by that child of section 123.47.

17 Sec. ____ Section 232.20, subsection 1, Code 1995,
18 is amended to read as follows:

H-3522B

19 1. If a child is taken into custody and not
20 released as provided in section 232.19, subsection 2
21 or 3, the child shall immediately be taken to a
22 detention or shelter care facility as specified in
23 sections section 232.21 or 232.22.
24 Sec. ____ Section 232.22, subsection 1, paragraph
25 d, Code 1995, is amended by adding the following new
26 subparagraph:
27 NEW SUBPARAGRAPH. (4) The requirements for
28 release under section 232.19, subsection 2, paragraph
29 "b", have not been met."

H-3522A

30 3. Page 8, by inserting after line 14 the
31 following:
32 "Sec. ____ NEW SECTION. 321.213C LICENSE
33 SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR A
34 SECOND TIME.
35 Upon the entering of an order at the conclusion of
36 a dispositional hearing under section 232.50, where
37 the child has been adjudicated to have committed a
38 second delinquent act within one year, which would be
39 a public offense punishable by a penalty greater than
40 a simple misdemeanor if committed by an adult, the
41 clerk of the juvenile court in the dispositional
42 hearing shall forward a copy of the adjudication and
43 dispositional order to the department. The department
44 shall suspend the license or operating privilege of
45 the child in accordance with the dispositional order."
46 4. Title page, line 1, by inserting after the
47 word "including" the following: "providing for the
48 taking into custody, detention, and release of a
49 juvenile, authorizing the suspension of the juvenile's
50 motor vehicle license, placing certain simple

Page 3

1 misdemeanors under the jurisdiction of the juvenile
2 court,".
3 5. By renumbering and correcting internal
4 references as necessary.

Connors of Polk asked and received unanimous consent to withdraw amendment H-3522A.

On motion by Connors of Polk, amendment H-3522B was adopted.

Kreiman of Davis asked and received unanimous consent to defer action on amendment H-3479.

Kreiman of Davis offered the following amendment H-3496 filed by him and moved its adoption:

H-3496

- 1 Amend House File 528 as follows:
 2 1. Page 6, by inserting after line 8 the
 3 following:
 4 "Sec. ____ Section 232.29, Code 1995, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 3. The person performing the
 7 duties of intake officer shall notify the
 8 superintendent of the school district or the
 9 superintendent's designee, or the authorities in
 10 charge of the nonpublic school which the child
 11 attends, of any informal adjustment regarding the
 12 child, fourteen years of age or older, for an act
 13 which would be an aggravated misdemeanor or felony if
 14 committed by an adult."
 15 2. By renumbering as necessary.

Amendment H-3496 was adopted.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 528** be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 208, a bill for an act relating to child abuse and termination of parental rights provisions, and providing an effective date.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 282, a bill for an act relating to child abuse investigations by prohibiting release of the identity of a reporter of child abuse.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 436, a bill for an act relating to the child abuse registry by providing access for purposes of certifying sex offender treatment providers, for certain publicly operated facilities or programs, and for certain purposes of public employers.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:01 p.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened at 1:45 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bradley of Clinton on request of Siegrist of Pottawattamie.

COMMITTEE TO NOTIFY THE SENATE

Hahn of Muscatine moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Hahn of Muscatine, Lord of Dallas and O'Brien of Boone.

Hahn, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported the committee had performed its duty. The report was received and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station; the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION PIONEER LAWMAKERS FIFTY-THIRD BIENNIAL SESSION (House Chamber - 2:00 p.m.)

In accordance with House Concurrent Resolution 20 duly adopted, the joint convention was called to order, President Boswell presiding.

President Boswell announced a quorum present and the joint convention duly organized.

Senator Horn of Linn moved that a committee of four be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Senators Fink of Warren and Rensink of Sioux, on the part of the Senate, and Renken of Grundy and Connors of Polk, on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Boswell presented Senator Tony Bisignano of Polk, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Boswell presented Representative Harold Van Maanen of Marion, Speaker pro tempore of the House, who welcomed the Pioneer Lawmakers on behalf of the House of Representatives.

President Boswell presented the Honorable Minnette Doderer who responded to the welcome.

The Honorable Minnette Doderer announced the 1975 class of legislators who were eligible to become members of the Pioneer Lawmakers.

Honorary members of the 1975 class were Lobbyists: Charles Wasker and Richard Bergland.

The Honorable Minnette Doderer presented Michael G. Gartner, Editor and Co-owner of the Ames Daily Tribune, Ames, who addressed the joint convention as follows:

Mr. Speaker, Representative Doderer and Pioneer Lawmakers and not-so-pioneer lawmakers.

I'm flattered to be here with you today, and I know I was not your first choice as speaker. Representative Doderer told me that first she asked President Clinton, and I know that his inability to come is disappointing to many of you.

However, I shall try to do my best to fill in. I shall waffle on several issues, change my mind on some, and promise you whatever you want. And, after I'm through, my wife will talk to you about health care — and commodity futures trading.

And I'll try to stay within his usual time frame for a speech — about an hour and a half.

I should tell you that on Sunday I'm the commencement speaker at Waldorf College in Forest City, where I'm a last-minute fill-in for Bob Dole. I'm an equal-opportunity pinch-hitter. Up there, of course, I'll take the opposite position of everything I say here today. And I'll bring my NRA posters.

Actually, I'd like to talk with you here today about something that I'm interested in every day of every year and President Clinton and Senator Dole are interested in for a few weeks ever four years — Iowa.

I love Iowa.

I was born here and raised here, and while I go off periodically to do this or that, I keep returning. For five years recently, I commuted from here to New York every week simply because I love Iowa, I wanted to keep in touch here, and I didn't want to raise my family in New York.

A person is lucky if he finds a place that he loves, just as he's lucky if he finds a person he loves. And when you find that place, just as when you find that person, you should never let go.

There are lots of things I love about Iowa — the law library in this building, the courthouse in Adel, the rolling hills around Decorah, the views from Lansing and McGregor, the Ledges and the Loess Hills, the town squares and town characters, the elegance of Terrace Hill, the soulful faces of our cows in spring, the starkness of the cattle in the snowy fields on a chilly winter day, the sheep-shearing at the State Fair, the band concerts on summer nights, the basketball hoops in farmyards, the river as it cuts through Iowa City, the morning coffee in the town cafes.

I could go on and on, as I know you could.

For this state has about everything wonderful you could ask for from God and Neil Smith — though, of course, God is on his own now.

But the thing I love most about Iowa is its values.

Iowa is open — its spaces and its government.

Iowa is clean — its air and its politics.

Iowa is honest — its people and its politicians.

Iowa believes in education — for rich and for poor.

Iowa believes in hard work — on the farm and in the factory.

Iowa believes in equality — for every man and woman and child, for everyone of every color, of every religion, of every belief. Why the very first case in the Supreme Court of Iowa — 1 Iowa 1, decided even before we were a state — was a case that guaranteed freedom to a Missouri slave.

There simply is no place like Iowa in the world.

And I think you — I think we, I think all Iowa — should make that fact the centerpiece of everything we do.

We should do four things:

First, we should put our money and our time and our thought and our energies into making sure Iowa builds on those values.

Second, we should put our money and our time and our thought and our energies into making sure we have an infrastructure that lets us enjoy those values — an infrastructure of parks and roads and trails and lakes and livable towns and lurable cities.

Third, we should find a way to boast of what we have, to embrace those who are just passing through for a few years, to inoculate others with the wonders and awe of Iowa, to ensure that when people leave Iowa — after a week or after 20 years — they never forget us.

And fourth, we should find a way to celebrate that which we're so lucky to have — which we sometimes take for granted, sometimes tend to squander, sometimes look askance at.

I have some ideas for you.

Let's get rid of the Department of Economic Development. Let's have, instead, a bureau called Iowa Values. Let's not entice factories and firms with economic giveaways that any state can match. Let's let Iowa Values spend that economic-development money, instead, building on that which is unique, which no other state can match — our life style and our people.

In the long run, it's our hard-working people, our good schools, our roads and parks and lakes and trails, our lovely countryside and lively cities that will entice new industry here and keep old industry from leaving. Let's take those old-fashioned assets and combine them with new-fashioned ideas to make Iowa simply irresistible.

What if we said we believe so strongly in educating our young that we are increasing our school year by a whole month? That's in effect adding a year-and-a-half of learning for every Iowa boy and girl who graduates from high school — making them a year-and-a-half smarter than youngsters from other places, giving them a year-and-a-half leg up as they enter college or the market place. Would that not be a great thing for those youngsters? Would that not lure business people who want their children to get great schooling, who want to be able to hire smart people, who want to live where education is prized and praised?

A longer year in schools — schools that are linked by the imaginative and innovative and unique fiber-optics system, a truly visionary plan — forget the backroom politics that led to it — a visionary plan that will set this state apart. It must be completed, and it must be completed now. You'd think twice about leaving a state that cared about educating your children, that cared about taking them into the next era of technology. But you wouldn't think twice about coming to such a state.

Let's have that department called Iowa Values subsidize the schools so we can do all this. We've got the greatest kids in the world; let's let them be the smartest, too.

Let's have Iowa Values work with our young another way: Let's have it set up a Peace Corps, an Americorps, no, an Iowa Corps of youths. Let's make community service mandatory as a requirement for graduation. Let's send the young out to help Iowa's old — we have a higher percentage of old people than any other state. Let's send the high schoolers out to read to them, to walk with them, to talk with them — and to learn from them. Let's have these smart kids tutor the young in the use of computers. Let's have them do physical work, too — cleaning up eyesores and fixing and painting and sawing and hammering. Will that not teach them about good deeds, teach them about Iowa, teach them about values? Will that not help them develop a pride in Iowa, a loyalty to her?

And those old people. Let's enlist them, too. Why shouldn't every retirement home adopt a school? Why couldn't the old people there read to the little kids, help them with their homework, listen to them — hug them? Would that not be wonderful for both young and old? You can't have too many grandparents. You can't get too many hugs — whether you're 8 or 80.

Let's make that a project of Iowa Values.

Let's quit wasting our time arguing about dumb things — the death penalty and abortion and prayer in school. Let's, instead, pour our energies into finding ways to save our small towns, to reinvigorate them, somehow, as growing branches of regional centers — the Carrolls and Mount Pleasants and Algonas and Waverlys and Fairfields of this state. Every town can't have a hospital and a school, but it can have good roads leading to hospitals and schools, it can have safe and secure homes, it can have access to the new technology. That new agency, Iowa Values, must ensure that every town is safe and livable, that every town has links to a regional center, has links to technology. If we are to prosper, we must worry about the automobile highway as well as the information highway. Both must be modern and bump-free.

And let's build our pride as we build our highways.

Let's tell the world what a wonderful place this is. All the corporations in Iowa spend hundreds of millions of dollars a year advertising in magazines and trade journals, on billboards and television, on T-shirts and semi-trucks. What if they all agreed just to add one little line at the bottom of every advertisement – a line that said, "XYZ Corp. of Indianola – proud to be an Iowan."

Wouldn't that message of Iowa pride begin to sink in on people elsewhere – people who aren't proud of where they live and work? Wouldn't they start to wonder about Iowa? Wonder what it is that we have and they don't?

What if every tenth ad, say, went one step further and added one little fact about Iowa. These ads might end with a one liner, like: State fact: Iowa has the lowest murder rate in America. Or: State Fact: Every school and hospital and town hall in Iowa is linked to America's only state-wide fiber-optic system. Or: State fact: Iowa's youngsters score the highest in the nation on college-entrance exams. Things like that. And I'll tell you this: You'll never run out of eye-opening facts.

Let's have those people in our new agency – Iowa Values – go to work on that.

I've got another idea. Every fall, let's have a huge festival – in Des Moines one year, then Cedar Rapids, and Davenport and Ames, and Iowa City – a different place each year. Let's celebrate the land and the people.

Let's have it combine the great things we stand for – the Iowa Values – our good life, and our smart people, and our incredible resources. Let's have it last a weekend, and let's have everything from scenic bike rides to barn dances to seminars and speeches.

Let's tie it in to that great world food prize that John Ruan gives.

Let's invite an ex-Iowan – someone who was born here or who lived here – to come and speak to us about something we should know about – be it war in Bosnia or architecture in Los Angeles. Let's learn, and let's have fun. The Iowa Festival – and the Iowa Speech.

And let's invite back, every year, 200 former Iowans for this celebration. Men and women from business and education and sports and entertainment and government and science and what-have-you. And let's pick 25 of them each year and give them a new award, the Iowa Award, that recognizes their achievements and, not incidentally, keeps Iowa on their minds.

Let's have the governor and the presidents of the universities hand out those awards and honor those people.

Let's give them to men and women who exemplify the Iowa values – values of hard work and honesty and education and selflessness.

Wouldn't that be a great autumn festival? New Orleans has its Mardi Gras. The Twin Cities have their Winter Carnival. Boston has its marathon. Why can't Iowa have its celebration?

Along with this, of course, we need all the things that all of you have worked so hard – and continue to work so hard – to give this state.

We need a sound tax structure that's fair to city and farm, business and home, rich and poor.

We need the laws that ensure safety for all, help for the needy, care for the sick, comfort for the aged.

We need the vision that provided the concrete highways of the 1920s and the information highway of today.

We need the leadership that sets examples for the young, that shows the way for those of us who are ready to follow.

Historically, Iowa has provided all of that – its legislators have, its judges have, its business people have, its farmers have, its educators have.

But now we are entering a new century, and we must think in new ideas.

And one of those ideas, I hope, will be to reaffirm our belief in Iowa values, to reassess how we can strengthen those values, and to reposition this state to use those values as a way to grow and prosper.

That's about all I have to say.

I'm flattered, again, to have been asked to speak with you.

I know I didn't quite live up to what I promised. I didn't speak as long as President Clinton might have.

And I didn't waffle.

But I couldn't.

For I have no doubt about one thing:

I love Iowa.

Thank you.

On motion by Gipp of Winneshiek, the joint convention was dissolved at 2:30 p.m.

The House stood at ease at 2:31 p.m., until the fall of the gavel.

The House resumed session at 2:43 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-eight members present, forty-two absent.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 528**, a bill for an act relating to criminal and juvenile justice, including providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a

dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, eliminating the notice required for students before certain locker searches, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties, previously deferred.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3494 filed by him on March 27, 1995.

Connors of Polk offered the following amendment H-3523 filed by Connors of Polk, Kreiman and Lamberti from the floor and moved its adoption:

H-3523

1 Amend House File 528 as follows:

2 1. Page 7, by inserting after line 4 the
3 following:

4 "Sec. ____ Section 232.52, subsection 2, paragraph
5 a, Code 1995, is amended by adding the following new
6 subparagraph:

7 NEW SUBPARAGRAPH. (5) The suspension of the motor
8 vehicle license or operating privilege of the child
9 for a period not to exceed one year. The order shall
10 state whether a work permit may or shall not be issued
11 to the child."

12 2. Page 7, line 22, by inserting after the word
13 "system" the following: "and may also retain a copy
14 of the fingerprint card for comparison with latent
15 fingerprints and the identification of repeat
16 offenders".

17 3. Title page, line 1, by inserting after the
18 word "including" the following: "authorizing the
19 suspension of the juvenile's motor vehicle license,
20 authorizing a criminal justice agency to retain a copy
21 of a juvenile's fingerprint card,".

22 4. By renumbering and correcting internal
23 references as necessary.

Amendment H-3523 was adopted.

Connors of Polk offered the following amendment H-3524 filed by him from the floor and moved its adoption:

H-3524

1 Amend House File 528 as follows:

2 1. Page 7, by inserting after line 4 the
3 following:

4 "Sec. ____ Section 232.52, subsection 2, paragraph
5 a, subparagraph (3), Code 1995, is amended to read as
6 follows:

7 (3) If the child is fourteen years of age or
8 older, a fine of up to one-half the amount which could
9 be imposed against an adult if the delinquent act is a
10 public offense and restitution consisting of monetary
11 payment or a work assignment of value to the county or
12 to the public for fees of attorneys appointed to
13 represent the child at public expense pursuant to
14 section 232.11."

15 2. Title page, line 1, by inserting after the
16 word "including" the following: "authorizing the
17 imposition of a fine against a juvenile adjudicated
18 delinquent,".

Amendment H-3524 lost.

Kreiman of Davis asked and received unanimous consent to with-
draw amendment H-3495 filed by him on March 27, 1995.

Kreiman of Davis offered amendment H-3500 filed by him as
follows:

H-3500

1 Amend House File 528 as follows:

2 1. Page 7, by inserting after line 9 the
3 following:

4 "Sec. ____ Section 232.147, subsection 2, Code
5 1995, is amended to read as follows:

6 2. Official juvenile court records in cases
7 alleging delinquency shall be public records, subject
8 to sealing under section 232.150. If the court has
9 excluded the public from a hearing under division II
10 of this chapter, the transcript of the proceedings
11 shall not be deemed a public record and inspection and
12 disclosure of the contents of the transcript shall not
13 be permitted except pursuant to court order or unless
14 otherwise provided in this chapter. Official juvenile
15 court records, including complaints which are public
16 records under section 232.28, subsection 10, shall be
17 released under this section only by a juvenile court
18 officer."

19 2. By renumbering as necessary.

Kreiman of Davis offered the following amendment H-3530, to
amendment H-3500 filed by him from the floor and moved its adoption:

H-3530

1 Amend the amendment, H-3500, to House File 528 as
2 follows:

- 3 1. Page 1, line 16, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 1, line 17, by striking the word "only".

Amendment H-3530 was adopted.

On motion by Kreiman of Davis, amendment H-3500, as amended, was adopted.

Doderer of Johnson offered amendment H-3483 filed by her and requested division as follows:

H-3483

- 1 Amend House File 528 as follows:

H-3483A

- 2 1. Page 7, line 33, by inserting after the word "act" the
- 3 following: "which would be an aggravated misdemeanor or
- 4 felony if committed by an adult."
- 5 2. Page 8, line 18, by inserting after the word "committed"

H-3483B

- 6 the following: "which would be an aggravated misdemeanor or
- 7 felony if committed by an adult."
- 8 3. Page 8, line 19, by inserting after the word "custody" the
- 9 following: "for a delinquent act which would be an aggravated
- 10 misdemeanor or felony if committed by an adult."
- 11 4. Page 8, line 20, by inserting after the word "petitions"
- 12 the following: "alleging a delinquent act which would be an
- 13 aggravated misdemeanor or felony if committed by an adult."
- 14 5. Page 8, line 32, by inserting after the word "petition" the
- 15 following: "alleging a delinquent act which would be an
- 16 aggravated misdemeanor or felony if committed by an adult."

H-3483A

- 17 6. Page 14, line 12, by inserting after the word "act" the
- 18 following: "which would be an aggravated misdemeanor or
- 19 felony if committed by an adult."
- 20 7. Page 14, line 15, by inserting after the word "act" the
- 21 following: "which would be an aggravated misdemeanor or
- 22 felony if committed by an adult."
- 23 8. Page 14, line 17, by inserting after the word "act" the
- 24 following: "which would be an aggravated misdemeanor or
- 25 felony if committed by an adult."
- 26 9. Page 14, line 25, by inserting after the word "custody" the
- 27 following: "for a delinquent act which would be an aggravated
- 28 misdemeanor or felony if committed by an adult."
- 29 10. Page 14, line 27, by inserting after the word "custody" the
- 30 following: "for a delinquent act which would be an aggravated
- 31 misdemeanor or felony if committed by an adult."
- 32 11. Page 14, line 29, by inserting after the word "custody"

H-3483A

- 33 the following: "for a delinquent act which would be an
 34 aggravated misdemeanor or felony if committed by an adult.".
 35 12. Page 14, line 30, by inserting after the word "custody"
 36 the following: "for a delinquent act which would be an
 37 aggravated misdemeanor or felony if committed by an adult.".
 38 13. Page 14, line 33, by inserting after the figure "232.35"
 39 the following: "alleging a delinquent act which would be an
 40 aggravated misdemeanor or felony if committed by an adult.".
 41 14. Page 15, line 6, by inserting after the word "custody" the
 42 following: "for a delinquent act which would be an aggravated
 43 misdemeanor or felony if committed by an adult.".
 44 15. Page 15, line 12, by inserting after the figure "232.35."
 45 the following: "alleging a delinquent act which would be an
 46 aggravated misdemeanor or felony if committed by an adult.".
 47 16. Page 15, line 16, by inserting after the figure "232.35"
 48 the following: "alleging a delinquent act which would be an
 49 aggravated misdemeanor or felony if committed by an adult.".
 50 17. Page 17, line 4, by inserting after the word "custody" the

Page 2

- 1 following: "for a delinquent act which would be an aggravated
 2 misdemeanor or felony if committed by an adult.".

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-3483A filed by her on March 27, 1995.

Kreiman of Davis offered amendment H-3480 filed by him as follows:

H-3480

- 1 Amend House File 528 as follows:
 2 1. Page 8, by inserting after line 6 the
 3 following:
 4 "Sec. ____ Section 232.150, Code 1995, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 3A. Notwithstanding subsections 1
 7 through 3, records and files of a criminal justice
 8 agency concerning a person involved in a delinquent
 9 act shall be sealed when the person reaches twenty-
 10 three years of age."
 11 2. By renumbering as necessary.

Kreiman of Davis offered the following amendment H-3526, to amendment H-3480 filed by him from the floor and moved its adoption:

H-3526

- 1 Amend the amendment, H-3480, to House File 528 as
 2 follows:
 3 1. Page 1, by inserting after line 10 the

4 following:

- 5 " Page 16, by striking lines 7 through 9 and
- 6 inserting the following: "twenty-one years of age."
- 7 2. By renumbering as necessary.

Amendment H-3526 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3480 filed by him on March 27, 1995.

The House resumed consideration of amendment H-3483B.

On motion by Doderer of Johnson, amendment H-3483B was adopted.

Kreiman of Davis offered the following amendment H-3501 filed by him and moved its adoption:

H-3501

- 1 Amend House File 528 as follows:
- 2 1. Page 17, by inserting after line 27 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 723A.4 CRIMINAL GANG
- 5 MEMBERSHIP.
- 6 A person who is a member of a criminal street gang
- 7 commits an aggravated misdemeanor."
- 8 2. By renumbering as necessary.

Amendment H-3501 lost.

Kreiman of Davis offered the following amendment H-3481 filed by him and Holveck and moved its adoption:

H-3481

- 1 Amend House File 528 as follows:
- 2 1. Page 19, by striking lines 16 through 24 and
- 3 inserting the following: "for in subsection 1 or 2 is
- 4 presumed to be ineligible to be admitted to bail
- 5 unless the court determines finds by clear and
- 6 convincing evidence that such release reasonably will
- 7 not result in the person failing to appear as required
- 8 and will not jeopardize the personal safety of another
- 9 person or persons."

Amendment H-3481 was adopted.

Witt of Black Hawk offered the following amendment H-3459 filed by him and moved its adoption:

H-3459

- 1 Amend House File 528 as follows:
- 2 1. Page 20, line 8, by inserting after the word

- 3 "designee," the following: "a faculty member at a
4 college or university in Iowa which offers a major in
5 criminology and criminalistics who has expertise in
6 juvenile justice issues;"

Amendment H-3459 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3479, previously deferred, filed by him on March 27, 1995.

MOTION TO RECONSIDER PREVAILED

Weidman of Cass called up for immediate consideration the motion to reconsider amendment H-3522B, to House File 528, filed from the floor, and moved to reconsider the vote by which amendment H-3522B was adopted by the House on March 28, 1995.

A non-record roll call was requested.

The ayes were 53, nays 27.

The motion prevailed and the House reconsidered amendment H-3522B, found on pages 1015 through 1017 of the House Journal.

The following amendment H-3536, to amendment H-3522B, filed by Connors of Polk from the floor, was adopted by unanimous consent:

H-3536

- 1 Amend the amendment H-3522, to House File 528
- 2 as follows:
- 3 1. Page 1, line 34, by striking the letter ""b""
- 4 and inserting the letter ""a"".

On motion by Connors of Polk, amendment H-3522B, as amended, lost.

Lamberti 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. 528)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Garman	Gipp

Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 3:

Doderer	Fallon	Holveck
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Absent or not voting, 5:

Bradley	Brammer	Brand	Thomson
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Corbett, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 528** be immediately messaged to the Senate.

House File 535, a bill for an act relating to a reduction in aid to a recipient of the family investment program for continued truancy by a recipient's child and establishing a penalty for providing aid, support, or shelter to a runaway or truant, and providing a conditional effectiveness provision, was taken up for consideration.

The House stood at ease at 5:02 p.m., until the fall of the gavel.

The House resumed session at 5:35 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 535** be deferred and that the bill be placed on the **unfinished business calendar**.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 118 and 406**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 28, 1995. Had I been present, I would have voted "aye" on House File 406 and "nay" on amendment H-3475 to House File 528.

BRADLEY of Clinton

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 28, 1995, he approved and transmitted to the Secretary of State the following bill:

Senate File 460, an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective and applicability date provision.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifteen foreign exchange students, accompanied by Mary Ann Heckman. By Dinkla of Guthrie.

Forty fifth grade students from Exira Community School, Exira, accompanied by Shelli Nelson, Vicki Richards and Ann White. By Drake of Pottawattamie.

A group of 4-H students from Cedar, Scott, Muscatine, Clinton and Jackson Counties, accompanied by former Representative Dan Petersen. By Hahn of Muscatine and Cornelius of Jackson.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF GENERAL SERVICES

The Annual Report for Fiscal Year 1994, pursuant to Chapter 7E, Code of Iowa.

STATE OF VIRGINIA

Senate Joint Resolution 279, memorializing the Congress of the United States to propose an amendment to Article V of the Constitution of the United States to provide for state-initiated amendments to the Constitution.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\158 Christina Beck, Guthrie Center – For being selected to the Iowa All-State Speech Team.

1995\159 Jessica Lewis, Guthrie Center – For being selected to the 1A All-State Girl's Basketball Team.

1995\160 Kristin Scott, Council Bluffs – For receiving a Best Community Scholarship.

1995\161 Kellie VanNordstrand, Council Bluffs – For receiving a Best Community Scholarship.

1995\162 Brandi Christie, Council Bluffs – For receiving a Best Community Scholarship.

SUBCOMMITTEE ASSIGNMENTS

House File 491

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House File 500

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

House File 541

Judiciary: Harrison, Chair; Lamberti and Moreland.

House File 543

Judiciary: Harrison, Chair; Lamberti and Moreland.

Senate File 120

Judiciary: Kremer, Chair; Harrison and Shultz.

Senate File 162

Commerce-Regulation: Jacobs, Chair; Cormack and Holveck.

Senate File 174

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

Senate File 175

Commerce-Regulation: Lamberti, Chair; Doderer and Van Fossen.

Senate File 178

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

Senate File 263

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

Senate File 271

Commerce-Regulation: Nutt, Chair; Lamberti and Weigel.

Senate File 290

Transportation: Welter, Chair; Arnold and Cohoon.

Senate File 293

Judiciary: Boddicker, Chair; Bell and Greiner.

Senate File 296

Judiciary: Lamberti, Chair; Coon, Doderer, Harrison and Kreiman.

Senate File 315

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

Senate File 346

Human Resources: Carroll, Chair; Hammitt, Lord, Myers and Witt.

Senate File 352

Human Resources: Boddicker, Chair; Brand, Fallon, Harrison and Hurley.

Senate File 359

Judiciary: Boddicker, Chair; Doderer and Millage.

Senate File 366

Judiciary: Boddicker, Chair; Bernau and Hurley.

Senate File 367

Judiciary: Boddicker, Chair; Doderer and Millage.

Senate File 369

Judiciary: Boddicker, Chair; Doderer and Millage.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 324 Ways and Means**

Relating to the definition of business income for purposes of the state corporate income tax and providing effective and applicability date provisions.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 98, a bill for an act relating to the preservation of the Iowa state capitol.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1995.

Senate File 207, a bill for an act relating to the distribution and sale of beer, providing for the regulation of brewer and wholesaler agreements, prohibiting certain conduct, providing for the transfer of business assets, providing judicial remedies, specifying applicability, and providing for other properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1995.

AMENDMENTS FILED

H-3520	S.F.	117	Blodgett of Cerro Gordo
H-3521	H.F.	174	Carroll of Poweshiek
H-3525	S.F.	141	Carroll of Poweshiek
H-3527	H.F.	535	Ollie of Clinton
H-3528	H.F.	535	Wise of Lee Grubbs of Scott
H-3529	H.F.	519	Meyer of Sac
H-3531	H.F.	164	Dinkla of Guthrie Bernau of Story
H-3532	H.F.	480	Larson of Linn
H-3533	H.F.	486	Vande Hoef of Osceola
H-3534	H.F.	537	Ertl of Dubuque
H-3535	H.F.	163	Weigel of Chickasaw
H-3537	H.F.	530	Weigel of Chickasaw
H-3538	H.F.	530	Running of Linn Mascher of Johnson
H-3539	H.F.	530	Running of Linn Weigel of Chickasaw Harrison of Scott
			Holveck of Polk
			Murphy of Dubuque
			Connors of Polk
H-3540	H.F.	530	Weigel of Chickasaw Bell of Jasper Mundie of Webster Mascher of Johnson
H-3541	H.F.	530	Weigel of Chickasaw Mundie of Webster Mascher of Johnson
H-3542	H.F.	530	Van Fossen of Scott Heaton of Henry Harrison of Scott Sukup of Franklin
			Martin of Scott
			Halvorson of Clayton
			Lamberti of Polk

H-3543	H.F.	499	Jacobs of Polk Lamberti of Polk Cataldo of Polk
H-3544	H.F.	166	Schrader of Marion
H-3545	H.F.	530	Mascher of Johnson Murphy of Dubuque
H-3546	S.F.	266	Millage of Scott Murphy of Dubuque Grundberg of Polk
H-3547	S.F.	266	Millage of Scott
H-3548	H.F.	337	Wise of Lee Myers of Johnson Witt of Black Hawk
H-3549	S.F.	352	Fallon of Polk
H-3550	S.F.	352	Fallon of Polk
H-3551	H.F.	130	Fallon of Polk Hurley of Fayette

On motion by Siegrist of Pottawattamie, the House adjourned at 5:39 p.m., until 8:45 a.m., Wednesday, March 29, 1995.

JOINT MEMORIAL SERVICE

"Amazing Grace" John Newton
 William Vens, accompanied by Senator Mary Kramer

Invocation Senator Wilmer Rensink

MEMORIALS - SENATE

Reading: Senator Michael W. Connolly

MEMORIALS - HOUSE

Reading: Representative C. Arthur Ollie

MEMORIALS - SENATE

Reading: Senator Berl E. Priebe

MEMORIALS - HOUSE

Reading: Representative Effie Lee Boggess

"How Great Thou Art" Stuart K. Hine
 Instrumental: Senator Mary Kramer

MEMORIALS - HOUSE AND SENATE

Reading: Senator Jim Lind

Reading: Senator Michael W. Connolly

Reading: Senator Berl E. Priebe

"On Eagle's Wings" Michael Joncas

MEMORIALS - HOUSE

Reading: Representative Kenneth Veenstra

MEMORIALS - SENATE

Reading: Senator Jim Lind

MEMORIALS - HOUSE

Reading: Representative Michael J. Cataldo

"Prayer Changes Things" May Agnew Stephens
 Choir: Directed by Mary Heaton
 Accompanied by Senator Mary Kramer

IN MEMORIAM

SERVED IN THE HOUSE OF REPRESENTATIVES AND SENATE

Honorable Charles Balloun (Tama County) **House** – 59th, 60th and 60X. (1961–1964) **Senate** – 62nd, 63rd and 64th. (1967–1972)

Honorable Francis Messerly (Black Hawk County) **House** – 59th, 60th and 60X. (1961–1964) **Senate** – 61st, 62nd, 63rd and 64th. (1965–1972)

Honorable Charles P. Miller (Des Moines County) **House** – 60th, 60X, 61st, 62nd and 63rd. (1963–1970) **Senate** – 64th, 65th, 66th, 67th, 67X, 68th, 69th, 69X, 70th, 71st, 72nd and 72X. (1971–1980)

Honorable Jack Miller (Woodbury County) **House** – 56th. (1955–1956) **Senate** – 57th and 58th. (1957–1960)

Honorable Dale L. Tieden (Clayton County) **House** – 61st, 62nd, 63rd and 64th. (1965–1972) **Senate** – 65th, 66th, 67th, 67X, 68th, 69th, 69X, 70th, 71st, 72nd, 72X, 73rd and 74th. (1973–1992)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Philip A. Davitt (Warren County) 67th, 67X, 68th, 69th, 69X and 70th. (1977–1984)

Honorable Kenneth R. De Groot (Lyon County) 68th, 69th, 69X, 70th, 71st, 72nd, 72X, 73rd, 74th and 74X. (1979–1992)

Honorable Milton H. Distelhorst (Des Moines County) 61st and 62nd. (1965–1968)

Honorable Fred W. Hall (Humboldt County) 57th and 58th. (1957–1960)

Honorable Joseph G. Knock (Union County) 59th, 60th and 60X. (1961–1964)

Honorable James I. Middleswart (Warren County) 62nd, 63rd, 64th, 65th, 66th, 67th and 67X. (1967–1978)

Honorable Alfred Nielsen (Shelby County) 60th, 60X, 61st, 62nd, 63rd and 64th. (1963–1972)

Honorable Carroll I. Redfern (Lee County) 61st and 62nd. (1965–1968)

Honorable C.F. “Frank” Shimanek (Jones County) 48th, 49th, 50th and 50X. (1939–1944)

Honorable Virgil E. Smith (Madison County) 52nd. (1947–1948)

Honorable Vince Steffen (Chickasaw County) 60th, 60X, 61st and 62nd.
(1963-1968)

Honorable Semor C. Tofte (Winneshiek County) 65th, 66th, 67th, 67X,
68th, 69th, 69X and 70th. (1973-1984)

Honorable Miss Percie Van Alstine (Humboldt County) 59th, 60th and
60X. (1961-1963)

Honorable Keith Kennedy (Linn County) 61st. (1965-1966)

SERVED IN THE SENATE

Honorable Linn Fuhrman (Buena Vista County) 72nd, 72X, (June and
October), 73rd, 74th, 74X and 75th. (1987-1994)

Honorable George W. Gross (Woodbury County) 64th. (1971-1972)

Honorable Jacob Grimstead (Winnebago County) 55th, 56th, 57th, 58th,
59th, 60th and 60X. (1953-1964)

Honorable Harry G. Slife (Black Hawk County) 74th, 74X and 1st half
75th. (1991-1993)

Honorable Edward A. Wearin (Montgomery County) 59th, 60th and 60X.
(1961-1964)

Candlelighters

Senator Eugene Fraise
Senator Maggie Tinsman
Representative Donna M. Hammitt
Representative Richard E. Myers

Hosts

Senator Patty Judge
Senator and Mrs. John P. Kibbie
Senator and Mrs. Lyle E. Ziemann
Representative and Mrs. John H. Connors
Representative Mona Martin and Mr. Martin
Representative and Mrs. Jerry J. Welter

SENATE MEMORIAL COMMITTEE

Honorable William D. Palmer, Chair
Honorable Brad Banks
Honorable Nancy Boettger
Honorable Berl E. Priebe

HOUSE MEMORIAL COMMITTEE

Honorable Horace Daggett, Chair
Honorable John H. Connors
Honorable Minnette Doderer
Honorable Richard Vande Hoef

Piano compliments of Critchett's Piano and Organ Co., Inc., Des Moines, Iowa

Flowers arranged by The Bloomin' Greenery
Indianola, Iowa

JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 29, 1995

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Father Ralph Simington, St. Mary's Catholic Church, Marshalltown.

The Legislative Choir sang "Prayer Changes Things", directed by Mary Heaton and accompanied by Sharron Main.

The Journal of March 28, 1995 was approved.

PETITION FILED

By Arnold of Lucas, from twenty-three citizens of District 91 favoring reinstating funding for the Older Iowans Legislature.

INTRODUCTION OF BILL

House File 547, by Siegrist and Schrader, a bill for an act relating to the raffle of real property by a qualified organization and providing an effective date and date of repeal.

Read first time and referred to committee on **state government**.

SENATE MESSAGES CONSIDERED

Senate File 208, by committee on human resources, a bill for an act relating to child abuse and termination of parental rights provisions, and providing an effective date.

Read first time and referred to committee on **human resources**.

Senate File 282, by Fink, a bill for an act relating to child abuse investigations by prohibiting release of the identity of a reporter of child abuse.

Read first time and referred to committee on **human resources**.

Senate File 436, by committee on human resources, a bill for an act relating to the child abuse registry by providing access for purposes of certifying sex offender treatment providers, for certain publicly operated facilities or programs, and for certain purposes of public employers.

Read first time and referred to committee on **human resources**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the State of Iowa abolishing the perpetual school support fund.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 10, a bill for an act relating to the appointment and senate confirmation of the executive director of the office of the state board of regents and providing an effective date.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 83, a bill for an act extending for an additional budget year the regular program district cost guarantee for school districts and increasing the amount of that guarantee and providing an effective date.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 388, a bill for an act relating to child development assistance.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act providing for technology for classrooms for the twenty-first century.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 406, a bill for an act extending the periods in which a school or school district may apply to the department of education to waive the requirement that the school or school district provide an articulated sequential elementary-secondary guidance program and the requirement that the school or school district provide a media services program.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 431, a bill for an act relating to child support collection, including alternative measures for payment of costs for nonpublic assistance services, the establishment of the amount of child support required by certain parents who are nineteen years of age or younger, payment of a child support obligation under a modified order, provisions relating to the suspension, revocation, nonissuance, and nonrenewal of certain licenses for failure to pay support, and implementation provisions.

Also: That the Senate has on March 28, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 433, a bill for an act relating to the family investment program and related human services programs by requiring the department of human services to apply for a federal waiver regarding limited benefit plans and providing applicability provisions.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie the House was recessed at 9:04 a.m., until 10:00 a.m.

The House reconvened at 10:00 a.m., Speaker Corbett in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Grubbs of Scott on request of Siegrist of Pottawattamie; Brand of Benton, until his arrival, on request of Bernau of Story.

CONSIDERATION OF BILLS

Regular Calendar

House File 405, a bill for an act relating to the powers and duties of the department of natural resources by authorizing distinguishing license plates to vehicles assigned to the department of natural resources, by amending procedures for granting easements and leases by the natural resource commission, by amending procedures for issuing and establishing fees for scientific collector's licenses or permits, by authorizing the use of certain revenue to repay loans related to sewage collection and treatment plants in state parks and recreation areas, by providing a definition of resident for hunting, fishing, trapping, or taking protected species of animals, and by providing for penalties and other related matters, was taken up for consideration.

Brauns of Muscatine offered the following amendment H-3354 filed by him and moved its adoption:

H-3354

- 1 Amend House File 405 as follows:
- 2 1. Title page, line 4, by striking the words "and
- 3 leases".

Amendment H-3354 was adopted.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 405)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Brammer Brand Grubbs

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 405** be immediately messaged to the Senate.

House File 198, a bill for an act creating a lien arising from the care and feeding of livestock in a custom cattle feedlot, with report of committee recommending passage, was taken up for consideration.

Greig of Emmet offered the following amendment H-3453 filed by him and moved its adoption:

H-3453

- 1 Amend House File 198 as follows:
- 2 1. Page 1, by inserting after line 22 the

3 following:

4 ._. "Custom cattle feedlot operator" means the
5 owner of a custom cattle feedlot or a person managing
6 the custom cattle feedlot, if the person is authorized
7 by the owner to file and enforce a lien under this
8 chapter."

9 2. Page 1, by inserting after line 23 the
10 following:

11 "_. "Processor" means the same as defined in
12 section 9H.1."

13 3. By striking page 1, line 26, through page 2,
14 line 6, and inserting the following:

15 "1. A custom cattle feedlot operator shall have a
16 lien upon the cattle and the identifiable cash
17 proceeds from the sale of the cattle for the amount of
18 the contract price for the feed and care of the
19 livestock at the custom cattle feedlot agreed upon by
20 the custom cattle feedlot operator and the person who
21 owns the cattle, which may be enforced as provided in
22 section 579A.3.

23 2. The lien is created at the time the cattle
24 arrive at the custom cattle feedlot and continues for
25 one year after the cattle have left the custom cattle
26 feedlot. In order to preserve the lien, the custom
27 cattle feedlot operator must, within twenty days after
28 the cattle arrive at the custom cattle feedlot, file
29 in the office of the secretary of state, a lien
30 statement on a form prescribed by the secretary of
31 state. The secretary of state shall charge a fee of
32 not more than ten dollars for filing the statement.
33 The secretary of state may adopt rules pursuant to
34 chapter 17A for the electronic filing of the
35 statements. The statement must include all of the
36 following:

37 a. An estimate of the amount of feed and care
38 provided to the cattle pursuant to the contract.

39 b. The estimated duration of the period when the
40 cattle are subject to feed and care at the custom
41 cattle feedlot.

42 c. The name of the party to the contract whose
43 cattle are subject to feed and care at the custom
44 cattle feedlot.

45 d. The description of the location of the custom
46 cattle feedlot, by county and township.

47 e. The signature of the person filing the form.

48 3. Except as provided in chapter 581, a lien
49 created under this section until preserved and a lien
50 preserved under this section is superior to and shall

Page 2

- 1 have priority over a conflicting lien or security
- 2 interest in the cattle, including a lien that was
- 3 perfected prior to the creation of the lien provided

- 4 under this section.”
 5 4. Page 2, by striking lines 8 through 17 and
 6 inserting the following:
 7 “While the cattle are located at the custom cattle
 8 feedlot, the custom cattle feedlot operator may
 9 foreclose a lien created in section 579A.2 in the
 10 manner provided for the foreclosure of secured
 11 transactions as provided in sections 554.9504,
 12 554.9506, and 554.9507. After the cattle have left
 13 the custom cattle feedlot, the custom cattle feedlot
 14 operator may enforce the lien by commencing an action
 15 at law for the amount of the lien against either of
 16 the following:
 17 1. The holder of the identifiable cash proceeds
 18 from the sale of the cattle.
 19 2. The processor who has purchased the cattle
 20 within three days after the cattle have left the
 21 custom cattle feedlot.”
 22 5. By renumbering as necessary.

Amendment H-3453 was adopted.

Greig of Emmet moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 198)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunckhorst	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Corbett

The nays were, none.

Absent or not voting, 4:

Brammer Brand Carroll Grubbs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 487, a bill for an act relating to streamlining government activities, was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 487)

The ayes were, 94:

Arnold	Baker	Bernau	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 1:

Running

Absent or not voting, 5:

Bell Brammer Brand Garman
Grubbs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 198 and 487.**

House File 507, a bill for an act relating to state government personnel systems, including affirmative action reports, disability programs, deferred compensation, experimental research projects, the state training system, and health insurance contracts for public employees, was taken up for consideration.

Tyrrell of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 507)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammit	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Corbett

The nays were, none.

Absent or not voting, 4:

Brammer

Brand

Grubbs

Teig

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 474, a bill for an act making an appropriation to the community grant fund for juvenile crime prevention programs, was taken up for consideration.

Gipp of Winneshiek in the chair at 10:55 a.m.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 474)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer

Brand

Grubbs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 474 and 507.**

Speaker Corbett in the chair at 11:12 a.m.

Regular Calendar

House File 230, a bill for an act relating to procedural requirements for the enforcement of certain copyrights, and providing for penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Brunkhorst of Bremer offered amendment H-3307 filed by the committee on economic development as follows:

H-3307

- 1 Amend House File 230 as follows:
- 2 1. Page 3, line 26, by striking the words
- 3 "broadcast music inc." and inserting the following:
- 4 "BMI",
- 5 2. Page 4, line 5, by striking the words
- 6 "seventy-two hours" and inserting the following:
- 7 "seven days".
- 8 3. Page 4, by striking line 6 and inserting the
- 9 following: "contract. The initial disclosure must be
- 10 presented to the proprietor or the proprietor's
- 11 representative in person by the copyright owner or the
- 12 owner's representative or the performing rights
- 13 society representative. The initial disclosure shall
- 14 include all of the".
- 15 4. Page 5, line 4, by striking the words
- 16 "seventy-two hours" and inserting the following:
- 17 "seven days".
- 18 5. Page 6, lines 26 and 27, by striking the words
- 19 "with an intent to cause reliance" and inserting the
- 20 following: "in retaliation".

Brunkhorst of Bremer offered the following amendment H-3414, to the committee amendment H-3307, filed by him and Heaton and moved its adoption:

H-3414

- 1 Amend the amendment, H-3307, to House File 230, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the words
- 4 "striking the words" and inserting the following:
- 5 "inserting after the word "inc." the following:
- 6 "(BMI)."
- 7 2. Page 1, by striking lines 3 and 4.

Amendment H-3414 was adopted.

On motion by Brunkhorst of Bremer, the committee amendment H-3307, as amended, was adopted.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 230)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 1:

Cormack

Absent or not voting, 4:

Brammer

Brand

Grubbs

Lamberti

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 230** be immediately messaged to the Senate.

House File 395, a bill for an act relating to solid waste by removing wine and alcoholic liquor from the definition of beverage in the mandatory beverage container deposit law, requesting the allocation of landfill alternative grant moneys, and making encouragement of curbside recycling a public policy of the state, was taken up for consideration.

Greiner of Washington offered amendment H-3304 filed by her and Bradley as follows:

H-3304

- 1 Amend House File 395 as follows:
- 2 1. Page 2, line 19, by striking the word "shall"
- 3 and inserting the following: "may".

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-3552, to amendment H-3304, filed by him from the floor.

Shoultz of Black Hawk offered the following amendment H-3556, to amendment H-3304, filed by him from the floor and moved its adoption:

H-3556

- 1 Amend the amendment, H-3304, to House File 395 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "_. Page 2, by striking lines 19 through 21 and
- 6 inserting the following: "may use landfill
- 7 alternative financial assistance moneys under section
- 8 455E.11 to provide incentives with the goal of
- 9 locating an end manufacturer or processor for crushed
- 10 recycled glass in a central location within".
- 11 _ . Title page, line 4, by striking the word
- 12 "grant" and inserting the following: "financial
- 13 assistance".
- 14 2. By renumbering as necessary.

Amendment H-3556 was adopted.

On motion by Greiner of Washington, amendment H-3304, as amended, was adopted.

Amendments H-3553 and H-3554 filed by Shoultz from the floor, were not timely filed and therefore ruled out of order.

Rants of Woodbury in the chair at 11:52 a.m.

Speaker Corbett in the chair at 12:05 p.m.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 395)

The ayes were, 54:

Blodgett	Boddicker	Boguess	Bradley
Carroll	Churchill	Coon	Cormack
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Hahn
Halvorson	Hammitt	Harrison	Heaton
Houser	Hurley	Huseman	Klemme
Kremer,	Lamberti	Larson	Lord
Main	May	Meyer	Millage
Nelson, B.	Nelson, L.	Nutt	Rants
Renken	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

The nays were, 41:

Arnold	Baker	Bell	Bernau
Branstad	Brauns	Brunkhorst	Burnett
Cataldo	Cohoon	Connors	Dinkla
Doderer	Fallon	Grundberg	Hanson
Harper	Holveck	Jacobs	Jochum
Koenigs	Kreiman	Larkin	Martin
Mascher	McCoy	Mertz	Metcalf
Moreland	Mundie	Murphy	O'Brien
Ollie	Running	Salton	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 5:

Brammer	Brand	Drees	Grubbs
Myers			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 395** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 30, a bill for an act relating to the fee for a combined hunting and fishing license and providing an effective date and applicability provision.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 186, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Also: That the Senate has on March 29, 1995, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 20, a concurrent resolution in support of improvement in the wetland delineation process and a moratorium on wetlands determination until the 1995 farm bill has been passed and signed into the law by the Congress and the President.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 255, a bill for an act relating to the administration of the department of agriculture and land stewardship, providing for moneys previously appropriated to the department, and providing an effective date.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 333, a bill for an act relating to notice requirements required for work involving drainage and levee districts and water districts.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 400, a bill for an act providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 402, a bill for an act relating to brands registered by the department of agriculture and land stewardship and providing for penalties.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 407, a bill for an act relating to alkaline manganese batteries.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 420, a bill for an act relating to the establishment of a career pathways program to encourage career pathways program efforts by local consortia.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 440, a bill for an act relating to probate including the lien period for estates which have not been administered, the amount which may be passed to a minor without appointing a conservator, the distribution of an intestate estate to the parents, and special use trusts.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 12:15 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:40 p.m., Speaker Corbett in the chair.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 481, 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 an effective and retro-active applicability date, was taken up for consideration.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

Cormack of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 481)

The ayes were, 95:

Arnold
Blodgett

Baker
Boddicker

Bell
Boggess

Bernau
Bradley

Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker Corbett	

The nays were, none.

Absent or not voting, 5:

Brammer	Brand	Brunkhorst	Grubbs
Holveck			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 481** be immediately messaged to the Senate.

Regular Calendar

House File 346, a bill for an act relating to the verification and defendant's signature required for uniform citations and complaints, was taken up for consideration.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 346)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brunkhorst	Burnett	Carroll

Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drees
Eddie	Ertl	Fallon	Garman
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schradèr	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 8:

Brammer	Brand	Brauns	Drake
Gipp	Grubbs	Holveck	Moreland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 346** be immediately messaged to the Senate.

House File 84, a bill for an act relating to a city's power to allow eligible electors of the city to propose or request reconsideration of a city ordinance, with report of committee recommending passage, was taken up for consideration.

Ollie of Clinton offered the following amendment H-3461 filed by him and moved its adoption:

H-3461

- 1 Amend House File 84 as follows:
- 2 1. Page 1, by striking lines 6 through 8 and
- 3 inserting the following: "the registered voters of a
- 4 city the right to request reconsideration of a city
- 5 ordinance upon the filing of a petition signed by

- 6 registered voters of the city equal in number to not
 7 less than twenty-five percent of the persons who voted
 8 at the last preceding city election.
 9 The right to request reconsideration of city
 10 ordinances shall not extend to the following:
 11 a. Any ordinance primarily of an administrative
 12 nature, including one that sets the salaries of city
 13 officers or employees.
 14 b. The collection and expenditure of revenue by
 15 the city.
 16 c. The creation and payment of public debt.
 17 d. The letting of contracts and granting of
 18 franchises pursuant to this section.
 19 e. Any ordinance required to be enacted by state
 20 or federal law.
 21 f. Amendments affecting the city zoning
 22 ordinance.”
 23 2. Title page, line 1, by striking the words
 24 “eligible electors” and inserting the following:
 25 “registered voters”.
 26 3. Title page, line 2, by striking the words
 27 “propose or”.

Amendment H-3461 was adopted.

Hanson 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. 84)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader

Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 6:

Brammer	Brand	Carroll	Gipp
Grubbs	Houser		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 84** be immediately messaged to the Senate.

House File 111, a bill for an act exempting from regulation certain homeowners' association swimming pools, with report of committee recommending amendment and passage, was taken up for consideration.

Larson of Linn asked and received unanimous consent to defer action on the committee amendment H-3335.

O'Brien of Boone offered the following amendment H-3076 filed by him and moved its adoption:

H-3076

- 1 Amend House File 111 as follows:
- 2 1. Page 1, lines 11 and 12, by striking the
- 3 words: "representing twenty-five or fewer dwelling
- 4 units".

Amendment H-3076 was adopted, placing out of order the committee amendment H-3335, previously deferred, filed on March 17, 1995.

Larson 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. 111)

The ayes were, 72:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Branstad

Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Myers	Nutt	O'Brien	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Mr. Speaker Corbett

The nays were, 25:

Bernau	Burnett	Cphoon	Connors
Doderer	Drees	Hanson	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Murphy
Nelson, B.	Nelson, L.	Ollie	Running
Schrader	Shoultz	Weigel	Wise
Witt			

Absent or not voting, 3:

Brammer	Brand	Grubbs
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 111** be immediately messaged to the Senate.

House File 281, a bill for an act relating to the radio-based communications system transmission of communicable disease information relative to persons being sought or assisted by certain persons in an emergency situation and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Kremer of Buchanan offered the following amendment H-3383 filed by the committee on judiciary and moved its adoption:

H-3383

- 1 Amend House File 281 as follows:
- 2 1. Page 2, line 32, by inserting after the word
- 3 "who" the following: "knowingly".

The committee amendment H-3383 was adopted.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 281)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalfe	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 1:

Moreland

Absent or not voting, 3:

Brammer

Brand

Grubbs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 281** be immediately messaged to the Senate.

House File 163, a bill for an act providing for interests by persons in certain entities owning or leasing agricultural land, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 2:43 p.m., until the fall of the gavel.

The House resumed session at 4:07 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-six members present, forty-four absent.

Weigel of Chickasaw asked and received unanimous consent to defer action on amendment H-3376.

Mundie of Webster offered the following amendment H-3416 filed by him and moved its adoption:

H-3416

- 1 Amend House File 163 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 7 the
- 6 following:
- 7 NEW SUBSECTION. 10A. "Farmer" means a person who
- 8 is one of the following:
- 9 a. A person who regularly participates in physical
- 10 labor or the day-to-day management of a farming
- 11 operation and who files a schedule F as part of the
- 12 person's annual form 1040 filing with the United
- 13 States internal revenue service.
- 14 b. A person who qualified under paragraph "a" for
- 15 twenty or more years in the past."
- 16 3. Page 1, by inserting after line 30, the
- 17 following:
- 18 "Sec. ____ Section 9H.5, Code 1995, is amended by
- 19 adding the following new subsection:
- 20 NEW SUBSECTION. 2A. If a person who is a
- 21 stockholder of an authorized farm corporation, a
- 22 member of an authorized limited liability company, a
- 23 beneficiary of an authorized trust, or a limited

24 partner of a limited partnership proposes to transfer
25 an interest in the authorized entity to a person other
26 than a farmer stockholder, a farmer member, a farmer
27 beneficiary, or a farmer limited partner, the
28 transferor must first offer to sell or dispose of the
29 interest to each of the farmer stockholders, farmer
30 members, farmer beneficiaries, or farmer limited
31 partners on the same terms and at the same price as
32 proposed to the person who is not a farmer
33 stockholder, farmer member, farmer beneficiary, or
34 farmer limited partner. Each farmer stockholder,
35 farmer member, farmer beneficiary, or farmer limited
36 partner shall have ten business days after being given
37 notice of the terms and price of the proposed transfer
38 in which to exercise the right to purchase the
39 interest by submitting a binding offer to the
40 transferor on the same terms as the proposed transfer,
41 with execution of the transfer to occur within thirty
42 days after the offer unless otherwise agreed by the
43 parties. If more than one farmer stockholder, farmer
44 member, farmer beneficiary, or farmer limited partner
45 exercises the right to purchase the interest, the
46 transferor shall transfer the interest according to
47 terms negotiated between the parties. After the
48 expiration of either the period for offer or the
49 period for execution without the submission of an
50 offer or an execution, the transferor may sell or

Page 2

1 otherwise dispose of the interest to any other person
2 on the terms upon which it was offered to the farmer
3 stockholders, farmer members, farmer beneficiaries, or
4 farmer limited partners. However, this subsection
5 shall not apply to a transfer of an interest between
6 persons related to each other as spouse, parent,
7 grandparent, lineal ascendants of grandparents or
8 their spouses and other lineal descendants of the
9 grandparents or their spouses or persons acting in a
10 fiduciary capacity for persons so related.”
11 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 30, nays 39.

Amendment H-3416 lost.

Weigel of Chickasaw offered the following amendment H-3426 filed by him and moved its adoption:

H-3426

- 1 Amend House File 163 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 7 the
 6 following:
 7 "NEW SUBSECTION. 8B. "Family farm entity" means a
 8 family farm corporation, family farm limited liability
 9 company, family farm partnership, or family trust.
 10 NEW SUBSECTION. 10A. "Farmer" means a natural
 11 person who is one of the following:
 12 a. A person who regularly participates in physical
 13 labor or the day-to-day management of a farming
 14 operation and who files a schedule F as part of the
 15 person's annual form 1040 filing with the United
 16 States internal revenue service.
 17 b. A person who qualified under paragraph "a" for
 18 twenty or more years in the past."
 19 3. Page 1, line 11, by inserting after the word
 20 "person" the following: ", other than a family farm
 21 entity or a farmer,".
 22 4. Page 1, by striking line 13 and inserting the
 23 following: "entity. A farmer or family farm entity
 24 who holds an interest in an authorized entity shall
 25 not hold an interest in another authorized entity, if
 26 all authorized entities in which the farmer or family
 27 farm entity would".
 28 5. Page 1, line 16, by striking the word "person"
 29 and inserting the following: "farmer or family farm
 30 entity".
 31 6. Page 1, line 17, by striking the word "person"
 32 and inserting the following: "farmer or family farm
 33 entity".

Roll call was requested by Weigel of Chickasaw and Murphy of Dubuque.

On the question "Shall amendment H-3426 be adopted?" (H.F. 163)

The ayes were, 37:

Arnold	Baker	Bernau	Branstad
Burnett	Cataldo	Cohoon	Connors
Coon	Cormack	Doderer	Drees
Fallon	Garman	Harper	Holveck
Jochum	Koenigs	Kreiman	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Running	Schrader	Shoultz
Sukup	Warnstadt	Weigel	Wise
Witt			

The nays were, 55:

Bell	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll

Churchill	Corbett, Spkr.	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Teig
Thomson	Tyrrell	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 8:

Brammer	Brand	Grubbs	Halvorson
Larkin	Millage	Ollie	Van Fossen

Amendment H-3426 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3381 filed by him on March 21, 1995.

Weigel of Chickasaw asked and received unanimous consent to defer action on amendment H-3424.

Weigel of Chickasaw offered the following amendment H-3425 filed by him and moved its adoption:

H-3425

- 1 Amend House File 163 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ Section 9H.1, subsection 3, Code 1995,
- 5 is amended to read as follows:
- 6 3. "Authorized farm corporation" means a
- 7 corporation other than a family farm corporation
- 8 founded for the purpose of farming and the ownership
- 9 of agricultural land in which all of the following
- 10 applies:
- 11 a. The stockholders do not exceed twenty-five in
- 12 number; and
- 13 b. The stockholders are all natural persons or
- 14 persons acting in a fiduciary capacity for the benefit
- 15 of natural persons or nonprofit corporations.
- 16 c. The stockholders holding seventy-five percent
- 17 or more of the control and financial investment in the
- 18 corporation are farmers residing in Iowa.
- 19 Sec. ____ Section 9H.1, Code 1995, is amended by
- 20 adding the following new subsection:
- 21 NEW SUBSECTION. 10A. "Farmer" means a person who
- 22 regularly participates in physical labor or the day-

- 23 to-day management of a farming operation and who files
 24 a schedule F as part of the person's annual form 1040
 25 filing with the United States internal revenue
 26 service."
 27 2. Page 2, by inserting after line 17 the
 28 following:
 29 "Sec. ____ NEW SECTION. 9H.12 AUTHORIZED FARM
 30 CORPORATIONS ESTABLISHED PRIOR TO THE EFFECTIVE DATE
 31 OF THIS ACT.
 32 An authorized farm corporation established before
 33 the effective date of this Act may continue to hold or
 34 lease agricultural land as provided prior to the
 35 effective date of this Act for as long as the
 36 authorized farm corporation continues to hold or lease
 37 such agricultural land."
 38 3. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Fallon of Polk.

On the question "Shall amendment H-3425 be adopted?" (H.F. 163)

The ayes were, 34:

Baker	Bell	Bernau	Burnett
Cataldo	Cphoon	Coon	Doderer
Drees	Fallon	Garman	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 59:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 7:

Brammer	Brand	Branstad	Connors
Grubbs	Houser	O'Brien	

Amendment H-3425 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3413 filed by him on March 22, 1995.

Weigel of Chickasaw offered the following amendment H-3535 filed by him and moved its adoption:

H-3535

- 1 Amend House File 163 as follows:
- 2 1. Page 1, line 11, by inserting before the word
- 3 "A" the following: "A person shall not hold an
- 4 interest in more than two authorized entities."
- 5 2. Page 1, line 12, by striking the word
- 6 "another" and inserting the following: "a second".
- 7 3. Page 1, line 13, by striking the word "all"
- 8 and inserting the following: "both".
- 9 4. Page 1, line 16, by striking the words "more
- 10 than one" and inserting the following: "two".
- 11 5. Page 1, lines 16 and 17, by striking the words
- 12 "entity, all" and inserting the following: "entities,
- 13 both".

Roll call was requested by Weigel of Chickasaw and Fallon of Polk.

On the question "Shall amendment H-3535 be adopted?" (H.F. 163)

The ayes were, 33:

Baker	Bell	Bernau	Burnett
Cataldo	Cohoon	Doderer	Drees
Fallon	Garman	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Sukup	Warnstadt	Weigel
Wise			

The nays were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brunkhorst	Carrall
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage

Nelson, B.
Salton
Thomson
Weidman

Nutt
Schulte
Tyrrell
Welter

Rants
Siegrist
Vande Hoef
Witt

Renken
Teig
Veenstra
Van Maanen,
Presiding

Absent or not voting, 7:

Brammer
Grubbs

Brand
McCoy

Brauns
Van Fossen

Connors

Amendment H-3535 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3376, previously deferred, filed by him on March 21, 1995.

Weigel of Chickasaw offered the following amendment H-3424, previously deferred, filed by him and moved its adoption:

H-3424

1 Amend House File 163 as follows:

2 1. Page 1, by inserting after line 7 the
3 following:

4 "Sec. ____ Section 9H.1, subsection 3, Code 1995,
5 is amended to read as follows:

6 3. "Authorized farm corporation" means a
7 corporation other than a family farm corporation
8 founded for the purpose of farming and the ownership
9 of agricultural land in which all of the following
10 applies:

11 a. The stockholders do not exceed twenty-five in
12 number; and

13 b. The stockholders are all natural persons or
14 persons acting in a fiduciary capacity for the benefit
15 of natural persons or nonprofit corporations.

16 c. The revenue of the corporation from rent,
17 royalties, dividends, interest, and annuities does not
18 exceed twenty percent of its gross receipts."

19 2. Page 2, by inserting after line 17 the
20 following:

21 "Sec. ____ NEW SECTION. 9H.12 AUTHORIZED FARM
22 CORPORATIONS ESTABLISHED PRIOR TO THE EFFECTIVE DATE
23 OF THIS ACT.

24 An authorized farm corporation established before
25 the effective date of this Act may continue to hold or
26 lease agricultural land as provided prior to the
27 effective date of this Act for as long as the
28 authorized farm corporation continues to hold or lease
29 such agricultural land."

30 3. By renumbering as necessary.

Roll call was requested by Weigel of Chickasaw and Fallon of Polk.

On the question "Shall amendment H-3424 be adopted?" (H.F. 163)

The ayes were, 31:

Baker	Bell	Bernau	Burnett
Cataldo	Cohoon	Doderer	Drees
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Weigel	Wise	Witt	

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 7:

Brammer	Brand	Connors	Grubbs
Grundberg	Myers	Warnstadt	

Amendment H-3424 lost.

Meyer of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 163)

The ayes were, 65:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie

Ertl	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Mertz
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Witt
Van Maanen, Presiding			

The nays were, 32:

Bernau	Brand	Branstad	Burnett
Cataldo	Cohoon	Doderer	Drees
Fallon	Garman	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise

Absent or not voting, 3:

Brammer	Connors	Grubbs
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 163** be immediately messaged to the Senate.

Special Order Calendar

House File 166, a bill for an act relating to procedures and criteria for recovery by private property owners due to inverse condemnation of real property by state government action and providing an applicability date, with report of committee recommending amendment and passage, was taken up for consideration.

Mertz of Kossuth offered amendment H-3327 filed by the committee on agriculture as follows:

H-3327

- 1 Amend House File 166 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:

4 "Section 1. NEW SECTION. 651A.1 WHO MAY BRING
5 ACTION.

6 An action to recover just compensation for an
7 inverse condemnation of private farm property may be
8 brought by any person having an ownership interest in
9 the private farm property.

10 Sec. 2. NEW SECTION. 651A.2 DEFINITIONS.

11 As used in this chapter, unless the context
12 otherwise requires:

13 1. "Constitutional taking" means that due to a
14 governmental action, private farm property is taken in
15 such a manner that compensation to the owner is
16 required by either the fifth or fourteenth amendment
17 to the Constitution of the United States, or article
18 I, section 18, of the Constitution of the State of
19 Iowa.

20 2. "Farm operation" means a condition or activity
21 which occurs on a farm in connection with the
22 production of agricultural commodities, including, but
23 not limited to, the raising, harvesting, drying, or
24 storage of crops; the maintenance of pasture or
25 grassland; the care or feeding of livestock including
26 poultry; the handling or transportation of crops or
27 livestock including poultry; the production of eggs or
28 milk; the production of fruit or other horticultural
29 crops; the treatment or disposal of wastes resulting
30 from livestock; the creation of noise, odor, dust, or
31 fumes; the operation of machinery and irrigation
32 pumps; ground and aerial seeding and spraying; the
33 application of pesticides as defined in section 206.2;
34 and the employment and use of labor.

35 3. a. "Governmental action" means any of the
36 following:

37 (1) Rules of a state agency adopted pursuant to
38 chapter 17A that, if enforced against private farm
39 property, would directly limit the use of private farm
40 property.

41 (2) Conditions, requirements, or limitations for
42 licenses or permits issued or granted by a state
43 agency which, if applied to private farm property,
44 directly limits the use of the private farm property.

45 (3) Required dedications or exactions from owners
46 of private farm property by a state agency.

47 b. "Governmental action" does not include any of
48 the following:

49 (1) Activities as to which the power of eminent
50 domain is formally exercised.

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1 (2) The repeal or amendment of rules which results
2 in the discontinuation of government programs or
3 changes to rules which lessen the interference with
4 the use of private farm property.

5 (3) Law enforcement activities involving seizure
6 or forfeiture of private farm property for violations
7 of law or for use as evidence in criminal proceedings.

8 (4) Orders that are authorized by statute, are
9 issued by a state agency or court, and result from the
10 violation of a state law.

11 (5) A rule or regulation required to be adopted by
12 the state pursuant to federal law.

13 (6) A rule, regulation, or requirement adopted by
14 a municipality, as defined by section 670.1.

15 (7) A rule, regulation, or requirement adopted by
16 a county including, but not limited to, county
17 legislation as provided in section 331.302.

18 4. "Inverse condemnation" means an action to
19 recover just compensation for a constitutional or
20 regulatory taking of private farm property.

21 5. "Private farm property" means any real property
22 suitable for use in a farm operation, including farm
23 dwellings, improvements, and buildings or structures
24 incidental to farm operations, in this state that is
25 owned by a person other than the state, a political
26 subdivision, or other governmental entity and if the
27 property is protected pursuant to either the fifth or
28 fourteenth amendment to the Constitution of the United
29 States, or article I, section 18, of the Constitution
30 of the State of Iowa.

31 6. "Regulatory taking" means government action
32 that reduces the fair market value of the private farm
33 property by more than fifty percent.

34 Sec. 3. NEW SECTION. 651A.3 JURISDICTION.

35 An action for inverse condemnation shall be brought
36 in the county where the private farm property alleged
37 to be subject to an inverse condemnation is located.

38 The action shall be tried by ordinary proceedings.

39 Sec. 4. NEW SECTION. 651A.4 VERDICT — SPECIAL.

40 The verdict shall initially indicate whether the
41 plaintiff is entitled to recover for an inverse
42 condemnation of the plaintiff's private farm property.
43 If the plaintiff is entitled to recover, the verdict
44 shall then indicate the amount of the reduction in the
45 fair market value of the plaintiff's private farm
46 property due to the inverse condemnation and any
47 economic losses sustained by the plaintiff due to the
48 inverse condemnation from the time the government
49 action is taken until suit was brought. The reduction
50 in fair market value shall be shown by specifying the

Page 3

1 fair market value of the plaintiff's private farm
2 property prior to or absent the constitutional or
3 regulatory taking and by indicating the percentage
4 reduction in value caused by the constitutional or
5 regulatory taking.

6 Sec. 5. NEW SECTION. 651A.5 JUDGMENT.

7 1. If the special verdict indicates the plaintiff
8 is not entitled to recover, the district court shall
9 enter judgment for the defendant.

10 2. If the special verdict indicates the plaintiff
11 is entitled to recover, the district court shall enter
12 an order acknowledging the special verdict. Within
13 forty-five days following the expiration of time for
14 appeal or issuance of procedendo following appeal, the
15 defendant shall file a notice of election with the
16 district court indicating whether or not the defendant
17 will agree to rescind the government action
18 constituting the constitutional or regulatory taking.
19 If the defendant elects to agree to rescind the
20 government action, the district court shall enter
21 judgment accordingly and award the plaintiff damages
22 equal to the economic loss indicated in the special
23 verdict. If the defendant does not elect to rescind
24 the government action, the district court shall enter
25 a judgment for damages equal to the percentage
26 reduction in the fair market value of the property.
27 In a case where judgment for the full fair market
28 value is entered and paid, the defendant shall obtain
29 title to the property.

30 The district court shall order the payment of all
31 costs and reasonable attorney fees to any party
32 successfully establishing an inverse condemnation
33 pursuant to this chapter.

34 Sec. 6. NEW SECTION. 651A.6 REMEDY NOT
35 EXCLUSIVE.

36 This chapter does not prevent a party from seeking
37 to recover just compensation for a constitutional
38 taking in any other manner allowed by law.

39 Sec. 7. NEW SECTION. 651A.7 WAIVER OF RIGHTS
40 VOID.

41 An agreement by a person having an ownership
42 interest to waive or otherwise release the rights
43 under this chapter as a condition of obtaining
44 government action is void unless it is in settlement
45 of a legal claim brought under the provisions of this
46 chapter.

47 Sec. 8. NEW SECTION. 651A.8 APPLICABILITY.

48 This chapter applies only to government action
49 adopted or enforced on or after July 1, 1995."

Shultz of Black Hawk offered the following amendment H-3486,
to the committee amendment H-3327, filed by him and moved its adop-
tion:

H-3486

1 Amend the amendment, H-3327, to House File 166 as
2 follows:

- 3 1. Page 1, by inserting after line 3 the
4 following:
5 "Section 1. NEW SECTION. 6A.15 GIVINGS.
6 To the extent that the state is required by a
7 statute, rule, executive order, or policy to pay a
8 person on account of any effect on the value of land
9 as a result of official government action, including
10 but not limited to, pollution control, worker
11 protection, or public health and safety rules, when
12 the public payment has not been determined to be
13 constitutionally required by a court, the amount of
14 any such payment shall be reduced in whole or in part
15 by the amount by which the value of the land has been
16 increased by any act of the state, including but not
17 limited to, public funding for highways, schools, and
18 other public facilities; deductions or credits
19 reducing taxes; state grant programs; or state
20 technical or business assistance programs."
21 2. Page 3, by inserting after line 49 the
22 following:
23 "_. Title page, line 3, by inserting after the
24 word "action" the following: "or other action,"."

A non-record roll call was requested.

The ayes were 22, nays 65.

Amendment H-3486 lost.

Dinkla of Guthrie offered the following amendment H-3447, to the committee amendment H-3327, filed by Dinkla, et. al., and moved its adoption:

H-3447

- 1 Amend the amendment, H-3327, to House File 166 as
2 follows:
3 1. Page 1, line 14, by striking the word
4 "governmental" and inserting the following:
5 "government".
6 2. Page 1, line 35, by striking the word
7 "'Governmental" and inserting the following:
8 "'Government".
9 3. Page 1, line 47, by striking the word
10 "'Governmental" and inserting the following:
11 "'Government".
12 4. Page 2, by inserting after line 17 the
13 following:
14 "() The sale of private farm property subject to
15 a lien held by a governmental entity.
16 "() An action involving private parties which is
17 conducted under state law, or enforced by an officer
18 of a governmental entity, including but not limited
19 to, a proceeding to enforce a debt against private

20 farm property under chapter 624, to forfeit a contract
21 to purchase private farm property under chapter 656,
22 or to otherwise levy on, execute on, seize, or attach
23 private farm property.

24 () An easement granted pursuant to section
25 308.4.

26 () The reduction or elimination of a benefit
27 directly or indirectly conferred upon an owner which
28 is not related to the use of the private farm property
29 and resulting from a government action, including but
30 not limited to, the removal of a facility or
31 infrastructure.

32 () An action which constitutes the exercise of
33 the state's police power to prevent a demonstrable
34 harm to the public health and safety, including any
35 use of private farm property that is structurally
36 unsafe; that constitutes a fire hazard; that consti-
37 tutes a hazard to the public health or safety because
38 of inadequate maintenance, dilapidation, or
39 abandonment; or that is otherwise dangerous to human
40 life."

41 5. Page 2, line 35, by striking the word "shall"
42 and inserting the following: "may".

43 6. Page 2, line 36, by inserting after the word
44 "in" the following: "the district court sitting in".

45 7. Page 3, by striking lines 21 through 23 and
46 inserting the following: "judgment accordingly.
47 However, if the defendant rescinds the government
48 action, the damages shall be limited only to the
49 actual and demonstrable economic losses incurred by
50 the plaintiff as a result of the government action

Page 2

1 during the period when the government action was in
2 effect. If the defendant does not elect to rescind".

3 8. Page 3, line 31, by inserting before the word
4 "costs" the following: "court".

5 9. Page 3, by striking lines 39 through 46.

6 10. By renumbering as necessary.

Amendment H-3447 was adopted, placing the following amend-
ments out of order:

H-3457 filed by Witt of Black Hawk, et. al., on March 24, 1995.

H-3471 filed by Koenigs of Mitchell on March 27, 1995.

H-3487 filed by Shoultz of Black Hawk on March 27, 1995.

H-3509 filed by Moreland of Wapello on March 27, 1995.

Koenigs of Mitchell offered the following amendment H-3473, to
the committee amendment H-3327, filed by him and moved its adop-
tion:

H-3473

1 Amend the amendment, H-3327, to House File 166 as
 2 follows:
 3 1. Page 1, by inserting after line 19 the
 4 following:
 5 "_. "Economic loss" means the future loss of
 6 income or revenue earned by the private farm property
 7 which is calculated by projecting forward income or
 8 revenue previously earned by the private farm
 9 property, but does not include the capacity of the
 10 private farm property to earn income or revenue based
 11 on speculative or possible uses of the private farm
 12 property."

A non-record roll call was requested.

The ayes were 24, nays 59.

Amendment H-3473 lost.

Witt of Black Hawk offered the following amendment H-3458, to the committee amendment H-3327, filed by Witt, et. al., and moved its adoption:

H-3458

1 Amend the amendment, H-3327, to House File 166 as
 2 follows:
 3 1. Page 2, by inserting after line 17, the
 4 following:
 5 "() An action necessary to protect environmental
 6 quality, including measures to preserve air and water
 7 quality, the disposal of solid or hazardous wastes,
 8 and the loss of soil from erosion."
 9 2. By renumbering as necessary.

Roll call was requested by Witt of Black Hawk and Nelson of Pottawattamie.

On the question "Shall amendment H-3458, to the committee amendment H-3327, be adopted?" (H.F. 166)

The ayes were, 30:

Bernau	Brand	Burnett	Doderer
Drees	Fallon	Grundberg	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 66:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Mertz	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 4:

Brammer	Cohoon	Connors	Grubbs
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Amendment H-3458 lost.

Koenigs of Mitchell offered amendment H-3472, to the committee amendment H-3327, filed by him as follows:

H-3472

- 1 Amend the amendment, H-3327, to House File 166 as
- 2 follows:
- 3 1. Page 2, by inserting after line 17 the
- 4 following:
- 5 "_. "Homeowner" means a person who owns and
- 6 permanently occupies a residence that the person may
- 7 claim as a homestead under chapter 425."
- 8 2. Page 3, by inserting after line 46 the follow-
- 9 ing:
- 10 "Sec. NEW SECTION. 651A.7A HOMEOWNER RIGHT
- 11 OF ACTION.
- 12 1. A homeowner may commence an action in state
- 13 court in the district where the homeowner's residence
- 14 is located to recover financial compensation for any
- 15 diminution or loss in the value of the homeowner's
- 16 homestead against any person whose activity conducted
- 17 pursuant to state law has caused or significantly
- 18 contributed to the diminution or loss in value of the
- 19 homestead. In bringing such action, the homeowner
- 20 shall have the burden of demonstrating that the
- 21 activity conducted by the defendant pursuant to state
- 22 law caused a reduction in the value or use of the

23 homeowner's homestead.

24 2. A homeowner authorized to bring suit under this
25 section shall be entitled to recover against the
26 person an amount equal to the diminution or loss in
27 value of the homestead. Compensation for diminution
28 or loss in value shall be determined by the fair
29 market value of the homestead in the absence of the
30 challenged activity minus the fair market value of the
31 homestead reduced by the effects of the activity. The
32 court also may enjoin violations of any statute, rule,
33 or permit, the violation of which has caused or
34 contributed to the diminution or loss of the
35 homeowner's homestead value.

36 3. A homeowner who receives a compensation award
37 under this section shall be awarded reasonable
38 attorney's fees, including the cost of expert
39 witnesses and other reasonable court costs as are
40 necessarily incurred by the prevailing homeowner.

41 4. Prior to filing suit under this section, a
42 homeowner shall deliver a notice of intent to sue to
43 the person allegedly liable under this section, and to
44 the head of the agency implementing the law governing
45 the challenged activity, at least thirty days prior to
46 the filing of the suit. If either party requests that
47 the agency attempt to achieve an informal resolution
48 of a claim, the agency head shall convene a meeting of
49 the parties and use best efforts to arrive at a just
50 resolution of the claim in order to avoid unnecessary

Page 2

1 litigation costs."

2 3. Page 3, by inserting after line 49 the
3 following:

4 " Title page, line 3, by inserting after the

5 word "action" the following: "or other action,".

Eddie of Buena Vista rose on a point of order that amendment H-3472 was not germane to the committee amendment H-3327.

The Speaker ruled the point well taken and amendment H-3472 not germane to the committee amendment H-3327.

Schrader of Marion offered the following amendment H-3544, to the committee amendment H-3327, filed by him and moved its adoption:

H-3544

1 Amend the amendment, H-3327, to House File 166 as
2 follows:

3 1. Page 2, line 22, by striking the words

4 "suitable for use" and inserting the following:

5 "used".

Amendment H-3544 lost.

Schrader of Marion offered amendment H-3578, to the committee amendment H-3327, filed by him from the floor as follows:

H-3578

1 Amend the amendment, H-3327, to House File 166, as
2 follows:

- 3 1. Page 2, line 32, by striking the words "the
- 4 private" and inserting the following: "private".
- 5 2. Page 2, line 33, by inserting after the word
- 6 "property" the following: ", including all real
- 7 property contiguous to the impacted parcel owned by a
- 8 person claiming that a taking has occurred,".

Gipp of Winneshiek in the chair at 8:23 p.m.

Speaker pro tempore Van Maanen of Marion in the chair at 8:32 p.m.

On motion by Schrader of Marion, amendment H-3578, to the committee amendment H-3327, lost.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 166** be deferred and that the bill be placed on the **unfinished business calendar, Special Order Calendar March 29, 1995.**

(The committee amendment H-3327 pending)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 113, a bill for an act relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals.

Also: That the Senate has on March 29, 1995, amended and passed the following bill in which the concurrence of the House is asked:

House File 132, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 1994, and providing an effective date.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 79, a bill for an act relating to the transfer of dogs to educational and scientific institutions by pounds.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 292, a bill for an act relating to the powers and duties of the department of natural resources by authorizing the use of certain revenue to repay loans related to sewage collection and treatment plants in state parks and recreation areas.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 447, a bill for an act relating to erosion occurring on the site of construction projects by providing civil penalties for violations.

Also: That the Senate has on March 29, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 462, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 28, 1995. Had I been present, I would have voted "aye" on House File 528.

BRADLEY of Clinton

I was necessarily absent from the House chamber on March 27, 1995. Had I been present, I would have voted "aye" on House File 135.

MORELAND of Wapello

I was necessarily absent from the House chamber on March 27 and March 28, 1995. Had I been present, I would have voted "aye" on House Files 394 and 528.

THOMSON of Linn

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-one students from Ruthven High School, Ruthven, accompanied by Jon Josephson. By Salton of Palo Alto.

Fifteen senior students from Charles City Community School, Charles City, accompanied by Chuck Redenius. By Koenigs of Mitchell.

Thirty twelfth grade students from Woodbury Central High School, Menville, accompanied by Karl Bahrke and Cindy Baird. By Klemme of Plymouth.

Eighty-eight fifth grade students from Western Hills Elementary, West Des Moines, accompanied by Mary Huggins, Mrs. Strentz and Mrs. Waninger. By Jacobs of Polk.

Thirty-four Junior Class students from Underwood High School, Underwood, accompanied by Ms. Amy Miller and five teachers from Underwood. By Drake of Pottawattamie.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\163 Natalie Siefer, Storm Lake – For being named to the Class 3A Basketball 1st All State Team.
- 1995\164 Larry Peterson, Sioux Rapids – For being elected to the Iowa High School Officials Hall of Fame.
- 1995\165 J.D. Rios, Davenport – For being named the Mississippi Athletic Conference Coach of the Year.
- 1995\166 Michael Chrisman, Sheldon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

Senate File 106

State Government: Jacobs, Chair; Bradley and Connors.

Senate File 197

State Government: Drake, Chair; Houser and Running.

Senate File 239

Judiciary: Kremer, Chair; Bernau and Veenstra.

Senate File 258

Judiciary: Dinkla, Chair; Holveck and Hurley.

Senate File 284

Judiciary: Veenstra, Chair; Greiner and Moreland.

Senate File 285

Labor and Industrial Relations: Lord, Chair; Harper and Kremer.

Senate File 286

Labor and Industrial Relations: Kremer, Chair; Bell and Veenstra.

Senate File 337

State Government: Bradley, Chair; Connors and Gipp.

Senate File 349

Judiciary: Hurley, Chair; Kreiman and Lamberti.

Senate File 371

Judiciary: Schulte, Chair; Doderer and Greiner.

Senate File 373

Judiciary: Harrison, Chair; Greiner and Shoultz.

Senate File 386

Judiciary: Harrison, Chair; Bell and Greiner.

Senate File 398

Judiciary: Lamberti, Chair; Bernau and Harrison.

Senate File 403

Judiciary: Greiner, Chair; Harrison and Moreland.

Senate File 409

Judiciary: Nutt, Chair; Greiner and Kreiman.

Senate File 417

Judiciary: Dinkla, Chair; Boddicker and Moreland.

Senate File 428

Judiciary: Lamberti, Chair; Harrison and Moreland.

Senate File 432

Judiciary: Coon, Chair; Doderer and Lamberti.

Senate File 437

State Government: Gipp, Chair; Jacobs, Jochum, Larkin and Martin.

Senate File 438

Judiciary: Schulte, Chair; Greiner and Moreland.

Senate File 439

Judiciary: Kremer, Chair; Bell and Nutt.

Senate File 446

Judiciary: Grubbs, Chair; Kreiman and Veenstra.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 324

Ways and Means: Dinkla, Chair; Bernau, Greig, Halvorson and Myers.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 85, a bill for an act providing for the regulation of farm deer and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3555** March 28, 1995.

COMMITTEE ON APPROPRIATIONS

House File 482, a bill for an act relating to the funding for the Iowa communications network and providing an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1995.

COMMITTEE ON COMMERCE-REGULATION

Senate File 162, a bill for an act eliminating the minimum amount which must be borrowed under a home equity line of credit.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1995.

Senate File 175, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1995.

Senate File 271, a bill for an act relating to the authorization of a bank office where a state bank may maintain its management and bookkeeping functions.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1995.

COMMITTEE ON HUMAN RESOURCES

Senate File 352, a bill for an act relating to the family investment program and related human services programs by requiring the department of human services to apply for certain federal waivers and providing applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 141), relating to the collection of taxes and debts owed to or collected by the state, including the renewal of registrations and certificates of title, the publication of information pertaining to certain taxes and debts, providing for an administrative levy to seize certain accounts of a debtor, the denial, revocation, suspension, or renewal of licenses authorized by the state, providing for thirty-day delinquencies for collection of fines, penalties, fees, court costs, surcharges, and restitutions, redistributing collected amounts, creating a driver's license indebtedness clearance pilot project, and other related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 29, 1995.

Committee Bill (Formerly House Study Bill 324), relating to the definition of business income for purposes of the state corporate income tax and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 1995.

RESOLUTION FILED

HCR 36, by Weigel, Koenigs, Warnstadt and Gipp, a concurrent resolution urging the release of two United States citizens, including one Iowan, from confinement in Iraq.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3555	S.F.	85	Committee on Agriculture
H-3557	H.F.	530	Mascher of Johnson Murphy of Dubuque
H-3558	H.J.R.	14	Siegrist of Pottawattamie
H-3559	H.F.	256	Sukup of Franklin Wise of Lee
H-3560	H.F.	330	Kremer of Buchanan Grundberg of Polk
H-3561	H.F.	334	Cornelius of Jackson
H-3562	H.F.	343	Shoultz of Black Hawk
H-3563	H.F.	519	Drees of Carroll
H-3564	H.F.	519	Drees of Carroll
H-3565	H.F.	519	Fallon of Polk
H-3566	H.F.	519	Fallon of Polk

H-3567	H.F.	519	Fallon of Polk
H-3568	H.F.	519	Fallon of Polk
H-3569	H.F.	519	Fallon of Polk
H-3570	H.F.	519	Fallon of Polk
H-3571	H.F.	519	Mundie of Webster
H-3572	H.F.	519	Mundie of Webster
H-3573	H.F.	535	Wise of Lee
H-3574	S.F.	352	Harper of Black Hawk
H-3575	S.F.	278	Boggess of Taylor
H-3576	S.F.	266	Ollie of Clinton
H-3577	H.F.	530	Weigel of Chickasaw
H-3579	H.F.	530	Kremer of Buchanan Murphy of Dubuque Brunkhorst of Bremer Metcalf of Polk
H-3580	H.F.	519	Koenigs of Mitchell
H-3581	H.F.	519	Teig of Hamilton Sukup of Franklin
H-3582	H.F.	519	Mundie of Webster
H-3583	H.F.	519	Koenigs of Mitchell
H-3584	H.F.	519	Koenigs of Mitchell
H-3585	H.F.	519	Koenigs of Mitchell
H-3586	H.F.	519	Koenigs of Mitchell
H-3587	H.F.	519	Koenigs of Mitchell
H-3588	H.F.	519	Koenigs of Mitchell
H-3589	H.F.	519	Koenigs of Mitchell
H-3590	H.F.	519	Koenigs of Mitchell
H-3591	H.F.	519	Mundie of Webster
H-3592	H.F.	373	Weigel of Chickasaw
H-3593	H.F.	530	Mascher of Johnson Running of Linn
			Murphy of Dubuque Wise of Lee Bernau of Story
H-3594	H.F.	519	Teig of Hamilton
H-3595	H.F.	519	Koenigs of Mitchell
H-3596	H.F.	519	Koenigs of Mitchell
H-3597	H.F.	519	Garman of Story Coon of Warren
H-3598	H.F.	519	Garman of Story Coon of Warren
H-3599	H.F.	519	Garman of Story Coon of Warren
H-3600	H.F.	519	Mertz of Kossuth

H-3601	H.F.	519	Fallon of Polk Burnett of Story Drees of Carroll Koenigs of Mitchell
H-3602	H.F.	527	Hurley of Fayette
H-3603	H.F.	132	Senate amendment
H-3604	H.F.	519	Mertz of Kossuth Mundie of Webster
H-3605	H.F.	535	Harrison of Scott
H-3606	H.F.	113	Senate amendment
H-3607	H.F.	519	Bernau of Story
H-3608	H.F.	530	Murphy of Dubuque
H-3609	H.F.	519	Houser of Pottawattamie
H-3610	H.F.	518	Metcalf of Polk
H-3611	H.F.	518	Weigel of Chickasaw
H-3612	H.F.	518	Brand of Benton
H-3613	H.F.	518	Weigel of Chickasaw
H-3614	H.F.	518	Weigel of Chickasaw
H-3615	H.F.	518	Fallon of Polk
H-3616	H.F.	518	Brand of Benton
H-3617	H.F.	518	Brand of Benton
H-3618	H.F.	518	Holveck of Polk
H-3619	H.F.	518	Holveck of Polk
H-3620	H.F.	518	Bell of Jasper
H-3621	H.F.	518	Bernau of Story
H-3622	H.F.	132	Millage of Scott
H-3623	H.F.	535	Harrison of Scott
H-3624	H.F.	515	Holveck of Polk Jacobs of Polk
H-3625	H.F.	515	Holveck of Polk
H-3626	H.F.	515	Holveck of Polk
H-3627	H.F.	518	Weigel of Chickasaw
H-3628	H.F.	518	Bell of Jasper
H-3629	H.F.	518	Weigel of Chickasaw
H-3630	H.F.	518	Holveck of Polk
H-3631	H.F.	518	Brand of Benton
H-3632	H.F.	518	Holveck of Polk
H-3633	H.F.	518	Weigel of Chickasaw
H-3634	H.F.	519	Garman of Story
H-3635	H.F.	519	Garman of Story Coon of Warren
H-3636	H.F.	519	Mertz of Kossuth Mundie of Webster

H-3637	H.F.	519	Eddie of Buena Vista
H-3638	H.F.	519	Fallon of Polk Coon of Warren
H-3639	H.F.	535	Ollie of Clinton

On motion by Siegrist of Pottawattamie, the House adjourned at 8:40 p.m. until 8:45 a.m., Thursday, March 30, 1995.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 30, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend John E. Hulsizer, The Church of the Nazarene, Dubuque.

The Journal of Wednesday, March 29, 1995 was approved.

INTRODUCTION OF BILLS

House File 548, by committee on ways and means, a bill for an act relating to the definition of business income for purposes of the state corporate income tax and providing effective and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

House File 549, by committee on ways and means, a bill for an act relating to the collection of taxes and debts owed to or collected by the state, including the renewal of registrations, the publication of information pertaining to certain taxes and debts, providing for an administrative levy to seize certain accounts of a debtor, the denial, revocation, suspension, or renewal of licenses authorized by the state, redistributing collected amounts, creating a driver's license indebtedness clearance pilot project, and other related matters, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 13, by Kibbie, a Joint Resolution proposing an amendment to the Constitution of the State of Iowa abolishing the perpetual school support fund.

Read first time and referred to committee on **state government**.

Senate File 10, by Kibbie, a bill for an act relating to the appointment and senate confirmation of the executive director of the office of the state board of regents and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 79, by Bartz, a bill for an act relating to the transfer of dogs to educational and scientific institutions by pounds.

Read first time and referred to committee on **agriculture**.

Senate File 83, by committee on education, a bill for an act extending for an additional budget year the regular program district cost guarantee for school districts and increasing the amount of that guarantee and providing an effective date.

Read first time and referred to committee on **education**.

Senate File 255, by committee on agriculture, a bill for an act relating to the administration of the department of agriculture and land stewardship, providing for moneys previously appropriated to the department, and providing an effective date.

Read first time and **passed on file**.

Senate File 292, by committee on natural resources, environment and energy, a bill for an act relating to the powers and duties of the department of natural resources by authorizing the use of certain revenue to repay loans related to sewage collection and treatment plants in state parks and recreation areas.

Read first time and referred to committee on **natural resources**.

Senate File 333, by committee on agriculture, a bill for an act relating to notice requirements required for work involving drainage and levee districts and water districts.

Read first time and **passed on file**.

Senate File 388, by committee on education, a bill for an act relating to child development assistance.

Read first time and referred to committee on **education**.

Senate File 389, by committee on education, a bill for an act providing for technology for classrooms for the twenty-first century.

Read first time and referred to committee on **education**.

Senate File 400, by committee on commerce, a bill for an act providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates.

Read first time and **passed on file**.

Senate File 402, by committee on agriculture, a bill for an act relating to brands registered by the department of agriculture and land stewardship and providing for penalties.

Read first time and referred to committee on **agriculture**.

Senate File 406, by committee on education, a bill for an act extending the periods in which a school or school district may apply to the department of education to waive the requirement that the school

or school district provide an articulated sequential elementary-secondary guidance program and the requirement that the school or school district provide a media services program.

Read first time and **passed on file.**

Senate File 407, by committee on natural resources, environment and energy, a bill for an act relating to alkaline manganese batteries.

Read first time and referred to committee on **natural resources.**

Senate File 420, by committee on education, a bill for an act relating to the establishment of a career pathways program to encourage career pathways program efforts by local consortia.

Read first time and referred to committee on **education.**

Senate File 431, by committee on human resources, a bill for an act relating to child support collection, including alternative measures for payment of costs for nonpublic assistance services, the establishment of the amount of child support required by certain parents who are nineteen years of age or younger, payment of a child support obligation under a modified order, provisions relating to the suspension, revocation, nonissuance, and nonrenewal of certain licenses for failure to pay support, and implementation provisions.

Read first time and referred to committee on **human resources.**

Senate File 433, by committee on human resources, a bill for an act relating to the family investment program and related human services programs by requiring the department of human services to apply for a federal waiver regarding limited benefit plans and providing applicability provisions.

Read first time and referred to committee on **human resources.**

Senate File 440, by committee on judiciary, a bill for an act relating to probate including the lien period for estates which have not been administered, the amount which may be passed to a minor without appointing a conservator, the distribution of an intestate estate to the parents, and special use trusts.

Read first time and **passed on file.**

Senate File 447, by committee on natural resources, environment and energy, a bill for an act relating to erosion occurring on the site of construction projects by providing civil penalties for violations.

Read first time and referred to committee on **natural resources.**

Senate File 462, by committee on appropriations, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Read first time and referred to committee on **appropriations**.

On motion by Siegrist of Pottawattamie the House was recessed at 8:59 a.m., until 10:00 a.m.

The House reconvened at 10:00 a.m., Speaker Corbett in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Disney of Polk on request of Siegrist of Pottawattamie.

CONSIDERATION OF BILLS

Regular Calendar

House File 393, a bill for an act relating to certain exemptions from federal motor carrier safety regulations, was taken up for consideration.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 393)

The ayes were, 94:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Cormack	Cornelius	Daggett	Dinkla
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.

Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 6:

Baker	Brammer	Brunkhorst	Connors
Disney	Doderer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 393** be immediately messaged to the Senate.

RULE 25 SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 25 for the immediate consideration of House Concurrent Resolution 36.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 36

Weigel of Chickasaw asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 36, a concurrent resolution urging the release of two United States citizens, including one Iowan, from confinement in Iraq, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 36** be immediately messaged to the Senate.

Regular Calendar

House File 515, a bill for an act relating to the relationship between a licensed real estate salesperson or broker and the parties to a transaction and providing an effective date, was taken up for consideration.

Holveck of Polk offered the following amendment H-3624 filed by him and Jacobs and moved its adoption:

H-3624

- 1 Amend House File 515 as follows:
- 2 1. Page 3, line 23, by inserting after the word
- 3 "inspection" the following: ", and which would be
- 4 discovered by a reasonably prudent person under like
- 5 or similar circumstances".
- 6 2. Page 3, by inserting after line 25 the
- 7 following:
- 8 "(4) Material adverse facts that are known to a
- 9 person who conducts an inspection on behalf of the
- 10 party."

Amendment H-3624 was adopted.

Holveck of Polk offered the following amendment H-3625 filed by him and moved its adoption:

H-3625

- 1 Amend House File 515 as follows:
- 2 1. Page 6, by striking lines 1 through 27.
- 3 2. By renumbering as necessary.

Amendment H-3625 lost.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-3626 filed by him on March 29, 1995.

Jacobs 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. 515)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Doderer	Drake
Drees	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer

Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, 3:

Fallon	Harper	Holveck
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Absent or not voting, 7:

Brammer	Brunkhorst	Disney	Eddie
Meyer	Shoultz	Siegrist	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 515** be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Polk, until his return, on request of Schrader of Marion.

Unfinished Business Calendar

The House resumed consideration of **House File 535**, a bill for an act relating to a reduction in aid to a recipient of the family investment program for continued truancy by a recipient's child and establishing a penalty for providing aid, support, or shelter to a runaway or truant, and providing a conditional effectiveness provision, previously deferred and placed on the unfinished business calendar.

Ollie of Clinton asked and received unanimous consent to withdraw the following amendments filed by him:

H-3490 filed on March 27, 1995.

H-3491 filed on March 27, 1995, placing out of order amendment H-3527, to amendment H-3491, filed on March 28, 1995.

Ollie of Clinton offered the following amendment H-3513 filed by him and moved its adoption:

H-3513

- 1 Amend House File 535 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. 1001. Section 232.2, subsection 12, Code
5 1995, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. c. The violation of the statutory
8 compulsory attendance age requirement or the
9 attendance policy of a public or an accredited
10 nonpublic school with at least one unexcused absence
11 during a semester which results in the child being
12 deemed a truant pursuant to section 299.8."
13 2. Page 3, line 19, by striking the word and
14 figure "Section 1" and inserting the following:
15 "Sections 1001 and 1".
16 3. By renumbering as necessary.

Amendment H-3513 lost.

Wise of Lee offered the following amendment H-3517 filed by him and moved its adoption:

H-3517

- 1 Amend House File 535 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1002. Section 232.2, subsection 12, Code
5 1995, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. c. If a child has reached the age
8 of twelve and is under the age of sixteen, the
9 violation of statutory compulsory attendance age
10 requirement or the attendance policy of a public or an
11 accredited nonpublic school during a semester which
12 results in the child being deemed a truant pursuant to
13 section 299.8."
14 2. Page 3, line 19, by striking the word and
15 figure "Section 1" and inserting the following:
16 "Section 1002 and 1".
17 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 47.

Amendment H-3517 lost.

Grubbs of Scott offered amendment H-3518 filed by him as follows:

H-3518

- 1 Amend House File 535 as follows:
2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 101. Section 232.2, subsection 12, Code
5 1995, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. c. If a child has reached the age
8 of twelve and is under the age of sixteen, the
9 violation of the statutory compulsory attendance age
10 requirement or the attendance policy of a public or an
11 accredited nonpublic school with at least six
12 unexcused absences during a semester which results in
13 the child being deemed a truant pursuant to section
14 299.8. However, this provision shall not apply to a
15 child attending a nonaccredited nonpublic school or
16 receiving competent private instruction.

17 Sec. 102. NEW SECTION. 232.52B DISPOSITION OF
18 DELINQUENT TRUANTS.

19 Notwithstanding section 232.52, if the evidence
20 received at an adjudicatory or dispositional hearing
21 indicates that the child is a delinquent truant as
22 provided under section 232.2, subsection 12, paragraph
23 "c", the court shall order the child to perform unpaid
24 community service at a nonprofit organization exempt
25 from federal income taxation under section 501(c)(3)
26 of the Internal Revenue Code. If the child fails to
27 perform the unpaid community service as ordered under
28 this section, the court may modify the order to
29 include any of the dispositional alternatives in
30 section 232.52, with the exception of secure custody."

31 2. Page 1, line 5, by striking the words
32 "custodian of the truant" and inserting the following:
33 "custodian of the truancy."

34 3. Page 1, line 16, by striking the words "and
35 shall" and inserting the following: "If the child
36 is under the age of twelve, the county attorney shall
37 also".

38 4. Page 1, line 20, by striking the figure "239."
39 and inserting the following: "239."

40 5. Page 3, by inserting before line 11 the
41 following:

42 "However, the provisions of this section shall not
43 apply if a parent, guardian, or legal or actual
44 custodian of a child who is truant has made reasonable
45 efforts to comply with the provisions of sections
46 299.1 through 299.5, but is unable to cause the child
47 to attend school and files with the department an
48 affidavit listing the reasonable efforts made by the
49 parent, guardian, or legal or actual custodian to
50 cause the child's attendance."

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1 6. Page 3, by striking lines 16 through 18 and
2 inserting the following: "section, the department
3 shall prepare and submit to the legislative service

- 4 bureau a proposed legislative bill, in accordance with
 5 the provisions of section 2.16, that provides for
 6 statutory reference to the provisions granted by the
 7 federal government under the waiver.”
 8 7. Page 3, line 19, by striking the word and
 9 figure “Section 1” and inserting the following:
 10 “Sections 101, 102, and 1”.
 11 8. Title page, line 3, by striking the word “and”
 12 and inserting the following: “, defining truancy as a
 13 delinquent act in certain cases and providing a
 14 penalty,”.
 15 9. By renumbering as necessary.

Harrison of Scott offered the following amendment H-3605, to amendment H-3518, filed by him and moved its adoption:

H-3605

- 1 Amend the amendment, H-3518, to House File 535 as
 2 follows:
 3 1. Page 1, by striking lines 7 through 16 and
 4 inserting the following:
 5 “NEW PARAGRAPH. c. The violation of the statutory
 6 compulsory attendance age requirement or the
 7 attendance policy of a public or an accredited
 8 nonpublic school by a child who has reached the age of
 9 twelve and is under the age of sixteen and who has run
 10 away from home to avoid attending school or is
 11 refusing to attend school, or who has been deemed
 12 truant under section 299.8 six or more school days in
 13 one semester, where the child’s parent, guardian, or
 14 legal or actual custodian and the school in which the
 15 child is enrolled have made every reasonable effort to
 16 cause the child to attend school. This provision
 17 shall not apply to a child attending a nonaccredited
 18 nonpublic school or receiving competent private
 19 instruction.”

Amendment H-3605 was adopted.

Wise of Lee offered the following amendment H-3528, to amendment H-3518, filed by him and Grubbs and moved its adoption:

H-3528

- 1 Amend the amendment, H-3518, to House File 535 as
 2 follows:
 3 1. Page 1, by inserting after line 39 the
 4 following:
 5 “_. Page 1, line 22, by inserting after the
 6 word “If” the following: “the child is under the age
 7 of twelve and”.”
 8 _ . Page 2, line 34, by inserting after the word
 9 “child” the following: “who is under the age of

10 twelve and”.

11 2. By renumbering as necessary.

Amendment H-3528 was adopted.

On motion by Grubbs of Scott, amendment H-3518, as amended, was adopted.

Harrison of Scott asked and received unanimous consent to withdraw amendment H-3519 filed by him on March 27, 1995.

Harrison of Scott asked and received unanimous consent to defer action on amendment H-3623.

Ollie of Clinton offered the following amendment H-3639 filed by him and moved its adoption:

H-3639

1 Amend House File 535 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 “Section 1. Section 256.9, Code 1995, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 49. Develop and implement a model
7 parenting program for the parents, guardians, or legal
8 or actual custodians of children deemed to be truant
9 under section 299.8. The model program shall provide
10 information to parents to assist and support them in
11 their parenting roles and shall include activities and
12 materials designed to encourage and enhance parenting
13 skills and foster an appreciation of the benefits of
14 education.”

15 2. Page 1, by inserting after line 28 the
16 following:

17 “Sec. ____ Section 299.5A, unnumbered paragraph 2,
18 Code 1995, is amended to read as follows:

19 If the matter is referred for mediation, the county
20 attorney shall cause a notice of the referral to be
21 sent to the parent, guardian, or legal or actual
22 custodian and designate a person to serve as mediator
23 in the matter. If mediation services are available in
24 the community, those services may be used as the
25 designated mediation service. If mediation services
26 are not available in the community, mediation shall be
27 provided by the county attorney or the county
28 attorney’s designee. The mediator shall contact the
29 school, the parent, guardian, or legal or actual
30 custodian, and any other person the mediator deems
31 appropriate in the matter and arrange meeting dates
32 and times for discussion of the child’s nonattendance.
33 The mediator shall attempt to ascertain the cause of
34 the child’s nonattendance, attempt to cause the

35 parties to arrive at an agreement relative to the
36 child's attendance, and initiate referrals to any
37 agencies or counseling that the mediator believes to
38 be appropriate under the circumstances. The mediation
39 agreement may include a provision whereby the child's
40 parent, guardian, or legal or actual custodian agrees
41 to attend and successfully complete a parenting skills
42 class offered by the school district or school under
43 section 299.14."

44 3. Page 1, line 35, by inserting after the
45 numbers "299.5" the following: "or section 299.14".

46 4. Page 2, by inserting after line 4 the
47 following:

48 "Sec. NEW SECTION. 299.14 PARENTING SKILLS
49 PROGRAM.

50 1. The board of directors of a public school

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1 district and the authorities in charge of an
2 accredited nonpublic school shall offer and make
3 available to parents, guardians, or legal or actual
4 custodians of children deemed truant under section
5 299.8, a parenting skills program. The class shall be
6 based upon a model program developed by the department
7 of education under section 256.9, subsection 49.

8 2. The juvenile court or the district court,
9 pursuant to a conviction under section 299.6, may
10 order the parent, guardian, or legal or actual
11 custodian of a child to attend and successfully
12 complete the parenting skills class offered by the
13 school district or school, and shall provide the
14 school district or school with a copy of the order. A
15 mediation agreement may include a provision whereby
16 the parent, guardian, or legal or actual custodian of
17 a child agrees to attend and successfully complete the
18 parenting skills class offered by the school district
19 or school, pursuant to section 299.5A.

20 3. The parent, guardian, or legal or actual
21 custodian shall notify the clerk of court of the
22 parent's, guardian's, or legal or actual custodian's
23 successful completion of the parenting skills class.
24 The school district or school conducting the class
25 shall notify the county attorney if the parent,
26 guardian, or legal or actual custodian fails to
27 successfully complete a parenting skills class
28 required by order of the court or the county attorney.
29 If a parent, guardian, or legal or actual custodian
30 refuses to attend and successfully complete a
31 parenting skills class as provided in a mediation
32 agreement, the matter shall be referred to the county
33 attorney for prosecution under section 299.6."

34 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 25, nays 50.

Amendment H-3639 lost.

Grubbs of Scott offered amendment H-3516 filed by him and Wise as follows:

H-3516

1 Amend House File 535 as follows:

2 1. Page 1, line 1, by inserting after the word
3 and figure "paragraphs 1" the following: ", 4".

4 2. Page 1, line 16, by striking the words "or
5 prosecution" and inserting the following: "or
6 prosecution, or the filing of a petition under section
7 299.6A".

8 3. Page 1, by inserting after line 20 the
9 following:

10 "The school district shall be responsible for
11 monitoring any agreements arrived at through
12 mediation. If a parent, guardian, or legal or actual
13 custodian refuses to engage in mediation or violates a
14 term of the agreement, the matter shall be rereferred
15 to the county attorney for prosecution under section
16 299.6 or the filing of a petition under section
17 299.6A. The county attorney's office or the mediation
18 service shall require the parent, guardian, or legal
19 or actual custodian and the school to pay a fee to
20 help defray the administrative cost of mediation
21 services. The county attorney's office or the
22 mediation service shall establish a sliding scale of
23 fees to be charged parents, guardians, and legal or
24 actual custodians based upon ability to pay. A
25 parent, guardian, or legal or actual custodian shall
26 not be denied the services of a mediator solely
27 because of inability to pay the fee."

28 4. Page 2, by inserting after line 4 the
29 following:

30 "Sec. ____ NEW SECTION. 299.6A CIVIL PENALTY —
31 DISTRIBUTION OF FUNDS.

32 1. In lieu of proceeding under section 299.6, a
33 county attorney may bring a civil action against a
34 parent, guardian, or legal or actual custodian of a
35 child who is of compulsory attendance age, if the
36 child is under the age of twelve and is truant, if the
37 parent, guardian, or legal or actual custodian has
38 failed to cause the child to attend a public school,
39 an accredited nonpublic school, or competent private
40 instruction in the manner provided in this chapter.
41 If the court finds that the parent, guardian, or legal
42 or actual custodian has failed to cause the child to

43 attend as required in this section, the court shall
 44 assess a civil penalty of not less than one hundred
 45 but not more than one thousand dollars, for each
 46 violation established.
 47 2. From the funds received from civil penalties
 48 assessed pursuant to this section, one-half shall be
 49 paid to the office of the county attorney which
 50 brought the action and one-half shall be paid to the

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1 school district in which the child resides. Funds
 2 received by a school district under this section are
 3 miscellaneous income for purposes of chapter 257.”
 4 5. Page 3, by striking lines 7 through 10 and in-
 5 serting the following: “The sanction shall be to
 6 reduce the amount of the grant paid to the child’s
 7 family under the family investment program by reducing
 8 by one the family size used to compute the grant
 9 amount. The sanction shall continue until the truancy
 10 matter is resolved.”
 11 6. Title page, line 4, by inserting after the
 12 word “providing” the following: “for a civil penalty
 13 for truancy, and”.
 14 7. By renumbering as necessary.

Wise of Lee offered the following amendment H-3573, to amend-
 ment H-3516, filed by him and moved its adoption:

H-3573

1 Amend the amendment, H-3516, to House File 535 as
 2 follows:
 3 1. By striking page 1, line 47 through page 2,
 4 line 3 and inserting the following:
 5 “2. Funds received from civil penalties assessed
 6 pursuant to this section shall be paid to the office
 7 of the county attorney that brought the action.””

Amendment H-3573 was adopted.

Speaker pro tempore Van Maanen of Marion in the chair at 11:46
 a.m.

On motion by Grubbs of Scott, amendment H-3516, as amended,
 was adopted.

Harrison of Scott offered the following amendment H-3623, previ-
 ously deferred, filed by him and moved its adoption:

H-3623

1 Amend House File 535 as follows:
 2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. Section 92.19, unnumbered paragraphs
5 2, 3, and 4, Code 1995, are amended to read as
6 follows:

7 No person shall willfully make, certify to, or
8 cause to be made or certified any statement,
9 certificate, or other paper for the purpose of
10 procuring the employment of any person in violation of
11 this chapter or section 299.12.

12 No person shall make, file, execute, or deliver any
13 statement, certificate, or other paper containing
14 false statements for the purpose of procuring
15 employment of any person in violation of this chapter
16 or section 299.12.

17 No person, firm, or corporation, or any agent
18 thereof shall willfully conceal or permit a person to
19 be employed in violation of this chapter or section
20 299.12.

21 Sec. 2. Section 232.2, subsection 6, Code 1995, is
22 amended by adding the following new paragraph:
23 NEW PARAGRAPH. p. Who is under the age of twelve
24 and is deemed truant under section 299.8. However,
25 this provision shall not apply to a child attending a
26 nonaccredited nonpublic school or receiving competent
27 private instruction."

28 2. Page 1, line 34, by inserting after the figure
29 "299.5," the following: "who employs a child in
30 violation of section 299.12."

31 3. Page 2, by inserting after line 4 the
32 following:

33 "Sec. ____ Section 299.8, Code 1995, is amended to
34 read as follows:

35 299.8 "TRUANT" DEFINED.

36 Any child of compulsory attendance age who fails to
37 attend school as provided in this chapter, or as
38 required by the school board's or school governing
39 body's attendance policy, or who fails to attend
40 competent private instruction under chapter 299A,
41 without reasonable excuse for the absence, shall be
42 deemed to be a truant. A finding that a child age
43 twelve or older is truant, ~~however,~~ shall not by
44 itself mean that the child is a child in need of
45 assistance within the meaning of chapter 232 and shall
46 not be the sole basis for a child in need of
47 assistance petition. A child under the age of twelve
48 deemed truant is a child in need of assistance as
49 provided in section 232.2, subsection 6. However, the
50 department of human services shall not make an out-of-

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1 home placement under this section until all available
2 alternatives are exhausted.

3 Sec. ____ NEW SECTION. 299.12 EMPLOYMENT OF

4 TRUANT DURING SCHOOL DAY PROHIBITED.

5 A person having custody or control of a child of
6 compulsory school age shall not knowingly employ the
7 child or allow the child to be employed, with or
8 without consideration, during the hours of the school
9 day in which the child is required to attend school as
10 provided in this chapter."

11 4. Page 2, by striking line 22 and inserting the
12 following: "or actual custodian, or other responsible
13 adult relative shall not harbor a runaway child. A
14 person or a charitable organization providing shelter
15 care services to at-risk children is exempt from this
16 provision. A".

17 5. Title page, line 3, by inserting after the
18 word "child" the following: ", the employment of a
19 truant, making truancy by a child under the age of
20 twelve a basis for a child in need of assistance
21 petition,".

Amendment H-3623 lost.

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?" (H.F. 535)

The ayes were, 75:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	O'Brien	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Wise	Van Maanen	
		Presiding	

The nays were, 23:

Bell	Bernau	Brand	Burnett
Cohoon	Connors	Doderer	Fallon

Harper
Mascher
Nelson, L.
Shoultz

Holveck
Moreland
Ollie
Weigel

Jochum
Murphy
Running
Witt

Kreiman
Myers
Schrader

Absent or not voting, 2:

Baker

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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 535** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 73, a bill for an act requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 164, a bill for an act relating to the meetings of the commission on the status of African-Americans.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act relating to instruments filed or recorded with the county recorder.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 410, a bill for an act relating to health care and health care coverage by establishing a health education and advocacy program, and providing for the Act's conditional effectiveness.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 427, a bill for an act relating to authorizing the payment of salaries to senior judges, providing for a maximum retirement annuity amount paid to senior judges, affecting senior judge retirement benefits, the appointment of judges to senior judge status, and providing effective and applicability dates.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie the House was recessed at 1:20 p.m., until 2:15 p.m.

AFTERNOON SESSION

The House reconvened at 2:15 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty members present, forty absent.

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **House File 132**, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 1994, and providing an effective date, amended by the Senate amendment H-3603 as follows:

H-3603

1 Amend House File 132, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. ____ DEPARTMENT OF HUMAN SERVICES —
6 ADOPTION SERVICES. The department of human services
7 shall as expeditiously as possible increase the
8 quantity of services provided for the permanent
9 placement of children for whom parental rights have
10 been terminated and who are under the guardianship of
11 the department. The department shall utilize \$306,082
12 of the moneys appropriated to the department for child
13 and family services in 1994 Iowa Acts, chapter 1186,
14 section 10, for the services increase and for other
15 actions to address the permanent placement of children
16 under the department's guardianship, including
17 adoption activities and implementation of related
18 recommendations made by the committee on foster care
19 chaired by the lieutenant governor. The efforts to
20 increase services shall result in the employment of
21 8.5 FTEs for adoption services. The department's
22 authorized number of full-time equivalent positions is
23 increased by the number of additional full-time
24 equivalent positions authorized by this section. The
25 department of human services, department of personnel,
26 and the department of management shall take all
27 necessary actions to expedite the employment of
28 persons in full-time equivalent positions authorized
29 by this section. Moneys allocated by this section
30 which remain unobligated or unexpended at the close of
31 the fiscal year shall not revert to the general fund
32 of the state but shall remain available to be used in
33 addition to other funding provided for the same
34 purposes in the succeeding fiscal year. The

35 performance measure for implementing the provisions of
36 this section is a reduction of 205 children in the
37 backlog of children waiting for permanent placement.

38 Sec. ____ DEPARTMENT OF HUMAN SERVICES —
39 REHABILITATIVE TREATMENT PROGRAM FOR CHILDREN.

40 1. The department of human services shall adopt
41 rules applicable to agencies providing services under
42 the department's rehabilitative treatment program for
43 children and their families. The rules shall modify
44 the service utilization reimbursement rates under the
45 program to include the time a child is away from the
46 agency for good cause, to eliminate reimbursement rate
47 limits on service components which are within a
48 category of cost which itself has a reimbursement rate
49 limit, and to adjust rates prospectively for
50 inflation. Notwithstanding section 8.33, up to

Page 2

1 \$1,700,000 of moneys appropriated pursuant to 1994
2 Iowa Acts, chapter 1186, section 10, which remain
3 unobligated or unencumbered at the close of the fiscal
4 year ending June 30, 1995, shall not revert to the
5 general fund of the state but shall remain available
6 in the succeeding fiscal year and used to adjust rates
7 in accordance with the rules required by this section.

8 2. The department of human services shall adopt
9 emergency rules under section 17A.4, subsection 2, and
10 section 17A.5, subsection 2, paragraph "b", to
11 implement the provisions of this section on or before
12 July 1, 1995, and the rules shall be effective
13 immediately upon filing unless a later date is
14 specified in the rules. Any rules adopted in
15 accordance with this section shall also be published
16 as a notice of intended action as provided in section
17 17A.4."

18 2. Page 1, by inserting after line 10 the
19 following:

20 "Sec. ____ CAPITOL BUILDING. There is
21 appropriated from the general fund of the state to the
22 department of general services for the fiscal year
23 beginning July 1, 1994, and ending June 30, 1995, the
24 following amounts, or so much thereof as is necessary,
25 to be used for the purposes designated:

26 1. For capitol building restoration, including
27 installation of stone on the state capitol building:
28 \$ 250,000

29 2. For costs associated with installation of a
30 sprinkler system in the state capitol building:
31 \$ 200,000

32 Notwithstanding section 8.33, moneys appropriated
33 in this section which remain unexpended or unobligated
34 at the close of the fiscal year shall not revert to

35 the general fund of the state but shall remain
 36 available for expenditure for the designated purposes
 37 in the succeeding fiscal year.”

38 3. Page 1, by inserting after line 20 the
 39 following:

40 “Sec. ____ JUDICIAL DEPARTMENT — IOWA COURT
 41 INFORMATION SYSTEM. There is appropriated from the
 42 general fund of the state to the judicial department
 43 for the fiscal year beginning July 1, 1994, and ending
 44 June 30, 1995, to supplement the appropriation made in
 45 1994 Iowa Acts, chapter 1196, section 7, the following
 46 amount, or so much thereof as is necessary, to be used
 47 for the purpose designated:

48 For completion of the Iowa court information
 49 system:

50 \$ 4,000,000

Page 3

1 Notwithstanding section 8.33, moneys appropriated
 2 in this section which remain unencumbered or
 3 unobligated at the close of the fiscal year shall not
 4 revert to the general fund of the state but shall
 5 remain available for the purpose designated in the
 6 succeeding fiscal year.

7 Sec. ____ DEPARTMENT OF GENERAL SERVICES —
 8 TERRACE HILL. There is appropriated from the general
 9 fund of the state to the department of general
 10 services for the fiscal year beginning July 1, 1994,
 11 and ending June 30, 1995, the following amount, or so
 12 much thereof as is necessary, to be used for the
 13 purpose designated:

14 For installation of fire safety equipment and
 15 devices at Terrace Hill:

16 \$ 36,451

17 Notwithstanding section 8.33, moneys appropriated
 18 in this section which remain unencumbered or
 19 unobligated at the close of the fiscal year shall not
 20 revert to the general fund of the state but shall
 21 remain available for the purpose designated in the
 22 succeeding fiscal year.”

23 4. Page 1, by striking lines 21 through 33.

24 5. Page 2, by inserting after line 8 the
 25 following:

26 “The director of the department of economic
 27 development shall develop a proposed decision-making
 28 process for managing the community economic betterment
 29 program so that moneys available to the program for a
 30 fiscal year are sufficient for the entire fiscal year
 31 and a supplemental appropriation for the program is
 32 not requested. The director shall submit the proposed
 33 decision-making process to the general assembly and
 34 the economic development board on or before January
 35 15, 1996.

36 Sec. ____ DEPARTMENT OF CORRECTIONS —
37 CORRECTIONAL FACILITY. The department of corrections
38 shall construct a 750-bed medium security correctional
39 facility for men on state-owned land. In reviewing
40 the merits of proposals to construct the facility, the
41 department of corrections shall consider the speed of
42 project completion as its top criteria in selecting
43 the site of the facility. Bonds shall be issued under
44 the provisions of sections 16.177 and 602.8108A to
45 finance the construction of the facility. The cost of
46 constructing the facility, exclusive of financing
47 costs, shall not exceed \$36,000,000.
48 Sec. ____ SUBSTANCE ABUSE MANAGED CARE SYSTEM.
49 For the fiscal year beginning July 1, 1994, and
50 succeeding fiscal years, if the Iowa department of

Page 4

1 public health, division of substance abuse, implements
2 an integrated managed care system for substance abuse,
3 the system shall use outcome measures and shall be
4 developed to promote competition among providers and,
5 if possible, provide a preference to Iowa providers.
6 The managed care system shall allow substance abuse
7 providers to participate in regional provider networks
8 and the division shall encourage providers to develop
9 creative approaches to substance abuse services.

10 Sec. ____ Section 16.177, subsection 10, Code
11 1995, is amended by striking the subsection.

12 Sec. ____ Section 602.8108A, subsection 1, is
13 amended to read as follows:

14 1. The Iowa prison infrastructure fund is created
15 and established as a separate and distinct fund in the
16 state treasury. Notwithstanding any other provision
17 of this chapter to the contrary, the first ~~four~~ eight
18 million dollars of moneys remitted to the treasurer of
19 state from fines, fees, costs, and forfeited bail
20 collected by the clerks of the district court in
21 criminal cases, including those collected for both
22 scheduled and nonscheduled violations, collected in
23 each fiscal year commencing with the fiscal year
24 beginning July 1, 1995, shall be deposited in the
25 fund. Interest and other income earned by the fund
26 shall be deposited in the fund. If the treasurer of
27 state determines pursuant to 1994 Iowa Acts, chapter
28 1196, that bonds can be issued pursuant to this
29 section and section 16.177, then the moneys in the
30 fund are appropriated to and for the purpose of paying
31 the principal of, premium, if any, and interest on
32 bonds issued by the Iowa finance authority under
33 section 16.177. Except as otherwise provided in
34 subsection 2, amounts in the funds shall not be
35 subject to appropriation for any purpose by the
36 general assembly, but shall be used only for the

37 purposes set forth in this section. The treasurer of
 38 state shall act as custodian of the fund and disburse
 39 amounts contained in it as directed by the department
 40 of corrections including the automatic disbursement of
 41 funds pursuant to the terms of bond indentures and
 42 documents and security provisions to trustees and
 43 custodians. The treasurer of state is authorized to
 44 invest the funds deposited in the fund subject to any
 45 limitations contained in any applicable bond
 46 proceedings. Any amounts remaining in the fund at the
 47 end of each fiscal year shall be transferred to the
 48 general fund.
 49 Sec. 100. MEDICAL ASSISTANCE COSTS FOR SERVICES TO
 50 MINORS WITH MENTAL RETARDATION. There is appropriated

Page 5

1 from the general fund of the state to the department
 2 of human services for the fiscal year beginning July
 3 1, 1994, and ending June 30, 1995, the following
 4 amount, or so much thereof as is necessary, to be used
 5 for the purposes designated:
 6 For the nonfederal share of the costs of services
 7 provided to minors with mental retardation under
 8 medical assistance to meet the requirements of the
 9 provisions of section 249A.12, subsection 4:
 10 \$ 6,600,000

11 Notwithstanding section 8.33, moneys appropriated
 12 in this section which remain unexpended or unobligated
 13 at the close of the fiscal year shall not revert to
 14 the general fund of the state but shall remain
 15 available for the purposes designated in the
 16 succeeding fiscal year.

17 Sec. ____ FUNDING OF SESSION LAW REQUIREMENTS. If
 18 section 100 of this Act is enacted on or before March
 19 31, 1995, the requirements of 1994 Iowa Acts, chapter
 20 1163, section 8, subsection 1, to enact an
 21 appropriation to fully fund the provisions of section
 22 249A.12, subsection 4, shall be considered to be met
 23 and the repeals contained in 1994 Iowa Acts, chapter
 24 1163, section 8, subsection 1, shall be void."

25 6. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

The House stood at ease at 2:26 p.m., until the fall of the gavel.

The House reconvened at 3:32 p.m., Speaker Corbett in the chair.

Millage of Scott offered amendment H-3622, to the Senate amend-
 ment H-3603, filed by him and requested division as follows:

H-3622

1 Amend the Senate amendment, H-3603, to House File
 2 132, as amended, passed, and reprinted by the House,
 3 as follows:

H-3622A

- 4 1. Page 3, line 39, by striking the words "on
5 state-owned land".
6 2. Page 3, line 41, by inserting after the word
7 "speed" the following: "and cost-effectiveness".

H-3622B

- 8 3. Page 3, line 47, by striking the figure
9 "36,000,000" and inserting the following:
10 "32,000,000".

H-3622A

- 11 4. Page 4, by striking lines 4 and 5 and
12 inserting the following: "developed to promote
13 competition among providers."
14 5. Page 5, by striking line 3 and inserting the
15 following: "1, 1995, and ending June 30, 1996, the
16 following".
17 6. Page 5, by striking lines 11 through 16.
18 7. Page 5, by inserting after line 24 the
19 following:
20 "_. Title page, by striking lines 1 and 2 and
21 inserting the following: "An Act relating to and
22 making appropriations for the fiscal years beginning
23 July 1, 1994, and July 1, 1995, and providing an
24 effective date.""

On motion by Millage of Scott, amendment H-3622A, to the Senate amendment H-3603, was adopted.

Millage of Scott asked and received unanimous consent to withdraw amendment H-3622B, to the Senate amendment H-3603.

On motion by Millage of Scott the House concurred in the Senate amendment H-3603, 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. 132)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Cormack

Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Warnstadt	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brammer Moreland Vande Hoef Weidman

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Rule 76 invoked. Under the provisions of Rule 76, conflict of interest, Moreland of Wapello refrained from voting.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 132** be immediately messaged to the Senate.

Unfinished Business Calendar Special Order

The House resumed consideration of **House Joint Resolution 14**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, previously deferred and placed on the unfinished business calendar.

The following amendments were deferred by unanimous consent: H-3239, H-3242, H-3243, H-3246, H-3248 and H-3249.

Rants of Woodbury in the chair at 3:52 p.m.

Ollie of Clinton offered amendment H-3250 filed by him as follows:

H-3250

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor;" the following: "() revenues committed
- 4 by the State to funding all aspects of public
- 5 education, grades kindergarten through twelve, in the
- 6 state;"
- 7 2. By renumbering as necessary.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar and Van Maanen of Marion, both for the remainder of the day, on request of Gipp of Winneshiek.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-seven members present, forty-three absent.

Millage of Scott in the chair at 6:55 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque and Wise of Lee, until their return, on request of Cohoon of Des Moines.

Ollie of Clinton moved the adoption of amendment H-3250.

Roll call was requested by Schrader of Marion and Ollie of Clinton.

On the question "Shall amendment H-3250 be adopted?"
(H.J.R. 14)

The ayes were, 38:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Dinkla	Doderer	Drees	Fallon
Grundberg	Harper	Harrison	Holveck
Jacobs	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Metcalf
Moreland	Murphy	Myers	Nelson, B.
Nelson, L.	O'Brien	Ollie	Rants
Running	Schrader	Shoultz	Warnstadt
Weigel	Witt		

The nays were, 57:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Heaton	Houser	Hurley	Huseman
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Mertz
Meyer	Mundie	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Millage, Presiding			

Absent or not voting, 5:

Boddicker	Brammer	Jochum	Van Maanen
Wise			

Amendment H-3250 lost.

Running of Linn asked and received unanimous consent to defer action on amendment H-3251.

Bernau of Story offered the following amendment H-3256 filed by him and moved its adoption:

H-3256

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. page 2, line 10, by inserting after the word
- 3 "governor;" the following: "() receipts for a
- 4 government's trust funds for unemployment benefits;"
- 5 2. Page 3, line 14, by striking the word
- 6 "unemployment."

A non-record roll call was requested.

The ayes were 24, nays 59.

Amendment H-3256 lost.

The following amendments were deferred by unanimous consent: H-3258; H-3260, H-3263, H-3264, H-3273, H-3272, H-3241, H-3254, H-3255, H-3267 and H-3236.

Doderer of Johnson offered amendment H-3231 filed by her as follows:

H-3231

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, by striking lines 23 through 25 and
- 3 inserting the following: "effective for no more than
- 4 five fiscal years. Each such referendum shall be
- 5 held".

Speaker Corbett in the chair at 8:40 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gipp of Winneshiek, Eddie of Buena Vista and Weidman of Cass, on request of Siegrist of Pottawattamie; Moreland of Wapello and Cataldo of Polk, on request of Schrader of Marion, all until their return.

Doderer of Johnson moved the adoption of amendment H-3231.

Roll call was requested by Doderer of Johnson and Mascher of Johnson.

On the question "Shall amendment H-3231 be adopted?"
(H.J.R. 14)

The ayes were, 27:

Baker	Bell	Bernau	Brand
Burnett	Cohoon	Coon	Doderer
Drees	Fallon	Harper	Holveck
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Murphy	Myers
Nelson, L.	Ollie	Running	Schrader
Warnstadt	Weigel	Witt	

The nays were, 60:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Ertl
Garman	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Welter	Mr. Speaker

Corbett

Absent or not voting, 13:

Boddicker	Brammer	Cataldo	Connors
Eddie	Gipp	Jochum	Moreland
O'Brien	Shultz	Van Maanen	Weidman
Wise			

Amendment H-3231 lost.

Shultz of Black Hawk offered amendment H-3234 filed by him and requested division as follows:

H-3234

1 Amend House Joint Resolution 14 as follows:

H-3234A

2 1. Page 2, line 29, by striking the words "two-
3 thirds vote" and inserting the following: "a
4 majority".

H-3234B

5 2. Page 2, line 33, by striking the word "three-
6 fourths" and inserting the following: "a majority".

On motion by Shultz of Black Hawk, amendment H-3234A lost.

Rants of Woodbury moved that debate be closed and the question be put on House Joint Resolution 14 and the pending subsidiary questions at 3:00 p.m., Friday, March 31, 1995.

Schrader of Marion rose on a point that the motion was not in order.

The Speaker ruled the point not well taken and the motion in order.

Roll call was requested by Schrader of Marion and Fallon of Polk.

Rule 75 was invoked.

On the question "Shall the motion prevail?" (H.J.R. 14)

The ayes were, 61:

Arnold	Blodgett	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt

Hanson	Harrison	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Doderer
Drees	Fallon	Harper	Heaton
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 5:

Boddicker	Brammer	Connors	O'Brien
Van Maanen			

The motion prevailed.

The House stood at ease at 10:00 p.m., until the fall of the gavel.

The House resumed session at 11:17 p.m., Speaker Corbett in the chair.

The House stood at ease at 11:46 p.m., until the fall of the gavel.

The House resumed session at 12:25 a.m., Speaker Corbett in the chair.

The House stood at ease at 12:26 a.m., until the fall of the gavel.

The House resumed session at 1:15 a.m., Speaker Corbett in the chair.

Rants of Woodbury asked and recieved unanimous consent to rescind the previous motion to set the date for time certain.

(House Joint Resolution 14 pending at adjournment.)

SENATE FILES REREFERRED

The Speaker announced that the following Senate Files have been rereferred:

Senate File 400, presently **passed on file**, was referred to committee on **state government**.

Senate File 403, presently in the committee on **judiciary**, was rereferred 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 March 30, 1995, 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 132, a bill for an act relating to and making appropriations for the fiscal years beginning July 1, 1994, and July 1, 1995, and providing an effective date.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 170, a bill for an act relating to exempting employees of the state fair authority from the state merit personnel system.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 477, a bill for an act requiring that a publication whose standards are incorporated by reference in agency rulemaking be purchased and provided by the agency to the administrative rules coordinator for deposit in the state law library.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 478, a bill for an act providing limited immunity for persons responding to oil spills.

Also: That the Senate has on March 30, 1995, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 36, a concurrent resolution urging the release of two United States citizens, including one Iowan, from confinement in Iraq.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 291, a bill for an act relating to issuance of motor vehicle licenses by county treasurers and providing moneys to the counties for implementation of the Act.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 358, a bill for an act relating to habitual offenders of the motor vehicle laws, by providing for an administrative adjudication of the habitual offender status, and providing for the payment of fees.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 385, a bill for an act authorizing the appointment of a city board of review by certain cities.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 422, a bill for an act relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing effective dates.

Also: That the Senate has on March 30, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 457, a bill for an act relating to the civil rights commission concerning the enforcement of civil rights laws, and the promotion and transfer of employed disabled persons.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was temporarily absent from the House chamber on March 30, 1995. Had I been present, I would have voted "aye" on House File 515.

MEYER of Sac

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of March, 1995: House Files 30 and 186.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Six FHA students from St. Ansgar Community High School, St. Ansgar, accompanied by Bonnie Wendt. By Koenigs of Mitchell.

Thirty twelfth grade students from Tri-County High School, Thornburg, accompanied by James Freeze. By Greiner of Washington.

Four (student council officers) students from Lyons Middle School, Clinton, accompanied by Teachers Linda Smith and Joyce Ollie. By Ollie of Clinton.

Forty-five students from Clarinda Middle School, Clarinda, accompanied by Connie Richardson. By Boggess of Taylor.

Fourteen students from Shenandoah High School, accompanied by Kathy Rego and Dale Sandquist. By Boggess of Taylor.

Three students from Forest Ridge School, Estherville, accompanied by Cindy Cox. By Greig of Emmet.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\ 167 Business and Financial Assistance Program, Cedar Falls – For being named a Top Winner in the “Main Street” Program sponsored by the Iowa Department of Economic Development.

SUBCOMMITTEE ASSIGNMENTS

House File 547

State Government: Ertl, Chair; Disney and Running.

Senate File 176

Local Government: Weidman, Chair; Klemme and Mundie.

Senate File 179

Local Government: Jacobs, Chair; Connors and Disney.

Senate File 204 Reassigned

State Government: Ertl, Chair; Cataldo and Tyrrell.

Senate File 225

Local Government: Welter, Chair; Koenigs and Weidman.

Senate File 226

Local Government: Disney, Chair; Houser and Larkin.

Senate File 227

Local Government: Jacobs, Chair; Connors and Martin.

Senate File 228

Local Government: Klemme, Chair; Arnold and Drees.

Senate File 229

Local Government: Arnold, Chair; Mertz and Weidman.

Senate File 280

Local Government: Brauns, Chair; Houser and Myers.

Senate File 292

Natural Resources: Brauns, Chair; Garman and Mundie.

Senate File 351

Local Government: Carroll, Chair; Brauns and Drees.

Senate File 370

Local Government: Houser, Chair; Brauns and Mundie.

Senate File 391

Local Government: Huseman, Chair; Carroll and Larkin.

Senate File 447

Natural Resources: Klemme, Chair; Cornelius and Drees.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 325 Ways and Means

Relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in subsidiaries and providing effective and applicability dates.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to appropriations and revenue involving agriculture and natural resources, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 29, 1995.

COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 156, a bill for an act relating to corporate, franchise, and insurance premiums tax credits for entities investing in a qualified venture capital company and providing applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3647** March 30, 1995.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 176, a bill for an act relating to the filing of intergovernmental agreements for the joint exercise of governmental powers in certain counties.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

Senate File 179, a bill for an act relating to the maximum property tax levy for certain county hospitals.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

Senate File 226, a bill for an act relating to the disposition of valueless mobile homes, modular homes, and manufactured homes.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

Senate File 228, a bill for an act relating to the statewide notification center by providing that the center is subject to the open meetings and public records law, requiring certain financial information to be reported, establishing an audit requirement, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

Senate File 229, a bill for an act eliminating certain requirements regarding the purchase of coal by public agencies.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

Senate File 280, a bill for an act authorizing townships to provide emergency medical services.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

Senate File 351, a bill for an act authorizing certain cities to appoint additional members to certain city commissions.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

Senate File 391, a bill for an act relating to the payment of medical costs of temporary prisoners.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

COMMITTEE ON TRANSPORTATION

Senate File 290, a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning retention of records and documents, registration plates and stickers, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, motorcycle license requirements, leased motor vehicles, proof of financial responsibility, charges for handicapped identification devices, single state registration for motor carriers, commodity base state registration, other technical changes, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3640** March 29, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 351), relating to the exemption of the statewide notification center and its vendors from sales, services, and use taxes and providing for the Act's effectiveness and retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 1995.

Committee Bill (Formerly House Study Bill 130), relating to state and local taxes including appeals of department of revenue and finance actions, the prohibition of unconstitutional or illegal tax collections, assessment procedures pertaining to amended returns, corporate income tax rates, sales tax on test laboratory services, collection of sales tax by out-of-state retailers, interest accrual on sales and use tax refunds, sales and use tax exemption for machinery and equipment replacement parts, sales tax permit denial for delinquent taxes, bonding provisions for sales tax and environmental protection charge contested case decisions, costs associated with contested case hearings, penalty for underpayment of corporation income and franchise taxes, services subject to use tax, penalty for underpayment of use tax, disclosure of tax return information, the repeal of obsolete property tax provisions, and imposition of the drug excise tax on unprocessed marijuana plants.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 1995.

Committee Bill (Formerly House Study Bill 321), relating to changing the point of taxation of motor vehicle fuel by requiring suppliers, restrictive suppliers, importers, exporters, dealers, users, or blenders licenses, changing reporting periods, and adding penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1995.

RESOLUTION FILED

SCR 20, by committee on agriculture, a concurrent resolution in support of improvement in the wetland delineation process and a

moratorium on wetlands determination until the 1995 farm bill has been passed and signed into the law by the Congress and the President.

Referred to committee on **agriculture**.

AMENDMENTS FILED

H-3640	S.F.	290	Committee on Transportation
H-3641	H.F.	344	Welter of Jones
H-3642	S.F.	446	Garman of Story
H-3643	H.F.	508	Gipp of Winneshiek
H-3644	H.F.	508	Gipp of Winneshiek Witt of Black Hawk
H-3645	H.F.	485	Nutt of Woodbury Kreiman of Davis
H-3646	S.F.	93	Coon of Warren Kreiman of Davis Hurley of Fayette Lamberti of Polk
H-3647	S.F.	156	Committee on Economic Development
H-3648	H.F.	519	Mundie of Webster
H-3649	H.F.	518	Holveck of Polk
H-3650	H.F.	518	Brand of Benton
H-3651	H.F.	518	Bell of Jasper
H-3652	H.F.	518	Bernau of Story
H-3653	H.F.	518	Bell of Jasper
H-3654	H.F.	518	Fallon of Polk
H-3655	H.F.	519	Bernau of Story
H-3656	H.F.	519	Fallon of Polk Coon of Warren
H-3657	H.F.	519	Koenigs of Mitchell
H-3658	H.F.	511	Holveck of Polk Baker of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 1:17 a.m., until 8:45 a.m., Friday, March 31, 1995.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 31, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Rod Debs, The Unitarian Universalist Society of Black Hawk County, Cedar Falls.

The Journal of Thursday, March 30, 1995 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar and Dinkla of Guthrie, on request of Gipp of Winneshiek; Harrison of Scott, on request of Blodgett of Cerro Gordo.

PETITION FILED

Arnold of Lucas from twenty citizens of District 91 favoring reinstating funding for the Older Iowans Legislature.

INTRODUCTION OF BILLS

House File 550, by committee on ways and means, a bill for an act relating to the exemption of the statewide notification center and its vendors from sales, services, and use taxes and providing for the Act's effectiveness and retroactive applicability.

Read first time and placed on the **ways and means calendar**.

House File 551, by Kreiman, a bill for an act relating to the homestead credit by establishing a refundable income tax credit rather than a property tax credit and providing applicability dates.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

Senate File 73, by Gronstal and Tinsman, a bill for an act requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable.

Read first time and referred to committee on **state government**.

Senate File 164, by Tinsman, a bill for an act relating to the meetings of the commission on the status of African-Americans.

Read first time and referred to committee on **state government**.

Senate File 291, by committee on transportation, a bill for an act relating to issuance of motor vehicle licenses by county treasurers and providing moneys to the counties for implementation of the Act.

Read first time and referred to committee on **transportation**.

Senate File 358, by committee on judiciary, a bill for an act relating to habitual offenders of the motor vehicle laws, by providing for an administrative adjudication of the habitual offender status, and providing for the payment of fees.

Read first time and referred to committee on **judiciary**.

Senate File 385, by committee on local government, a bill for an act authorizing the appointment of a city board of review by certain cities.

Read first time and **passed on file**.

Senate File 394, by committee on local government, a bill for an act relating to instruments filed or recorded with the county recorder.

Read first time and referred to committee on **local government**.

Senate File 410, by committee on commerce, a bill for an act relating to health care and health care coverage by establishing a health education and advocacy program, and providing for the Act's conditional effectiveness.

Read first time and referred to committee on **commerce-regulation**.

Senate File 422, by committee on local government, a bill for an act relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing effective dates.

Read first time and referred to committee on **local government**.

Senate File 427, by committee on state government, a bill for an act relating to authorizing the payment of salaries to senior judges, providing for a maximum retirement annuity amount paid to senior judges, affecting senior judge retirement benefits, the appointment of judges to senior judge status, and providing effective and applicability dates.

Read first time and referred to committee on **appropriations**.

Senate File 457, by committee on judiciary, a bill for an act relating to the civil rights commission concerning the enforcement of civil rights laws, and the promotion and transfer of employed disabled persons.

Read first time and referred to committee on **judiciary**.

BUSINESS PENDING AT ADJOURNMENT
Special Order

The House resumed consideration of **House Joint Resolution 14**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, pending at adjournment.

Shultz called up for consideration amendment H-3234B, found on page 1114 of the House Journal, and moved its adoption.

Amendment H-3234B lost.

Blodgett of Cerro Gordo in the chair at 10:20 a.m.

Weigel of Chickasaw offered the following amendment H-3245 filed by him and moved its adoption:

H-3245

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 3, by striking lines 23 through 31 and
- 3 inserting the following: "revenue limit."

Amendment H-3245 lost.

Weigel of Chickasaw offered the following amendment H-3261 filed by him and moved its adoption:

H-3261

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 3, by inserting after line 31 the
- 3 following:
- 4 "SEC. ____ The property tax levy rate that may be
- 5 imposed by a school corporation on agricultural land
- 6 shall not exceed five dollars and forty cents per one
- 7 thousand dollars of assessed valuation."

A non-record roll call was requested.

The ayes were 24, nays 54.

Amendment H-3261 lost.

Weigel of Chickasaw offered amendment H-3265 filed by him as follows:

H-3265

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 3, by inserting after line 31 the
- 3 following:
- 4 "SEC. ____ The state shall fully fund all property
- 5 tax credits which are in existence on the effective
- 6 date of this Article within one year after this
- 7 Article becomes effective."

Speaker Corbett in the chair at 11:11 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Drees of Carroll on request of Nelson of Pottawattamie.

Weigel of Chickasaw moved the adoption of amendment H-3265.

Roll call was requested by Weigel of Chickasaw and Bernau of Story.

Rule 75 was invoked.

On the question "Shall amendment H-3265 be adopted?"

(H.J.R. 14)

The ayes were, 32:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Moreland
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Warnstadt	Weigel	Wise	Witt

The nays were, 61:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Cornelius
Daggett	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Heaton	Houser	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen

Van Maanen	Veenstra	Weidman	Welter
Mr. Speaker,			
Corbett			

Absent or not voting, 7:

Boddicker	Brammer	Dinkla	Drees
Harrison	Hurley	Vande Hoef	

Amendment H-3265 lost.

Myers of Johnson offered the following amendment H-3240 filed by him and moved its adoption:

H-3240

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 4, line 5, by inserting after the word
- 3 "section." the following: "Except for public
- 4 education, grades kindergarten through twelve, or as
- 5 required of a local government by federal law, a local
- 6 government may reduce or end its subsidy to any
- 7 program the administration of which is delegated to
- 8 the local government by the General Assembly. The
- 9 State may require ninety days' notice before a local
- 10 government may reduce or end its subsidy and that the
- 11 adjustment in subsidy occur in a maximum of three
- 12 equal annual installments."

Roll call was requested by Kreiman of Davis and Bernau of Story.

Rule 75 was invoked.

On the question "Shall amendment H-3240 be adopted?"
(H.J.R. 14)

The ayes were, 33:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Fallon	Grundberg	Hanson
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 58:

Arnold	Blodgett	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Cornelius
Daggett	Disney	Drake	Eddie

Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Harrison	Heaton
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

Absent or not voting, 9:

Boddicker	Brammer	Dinkla	Drees
Houser	Hurley	Running	Sukup
Vande Hoef			

Amendment H-3240 lost.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:05 p.m., until 12:45 p.m.

(House Joint Resolution 14, Special Order, pending at recess.)

AFTERNOON SESSION

The House reconvened at 12:50 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

BUSINESS PENDING AT RECESS

Special Order

The House resumed consideration of **House Joint Resolution 14**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, pending at recess.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-eight members present, forty-two absent.

Millage of Scott in the chair at 12:58 p.m.

Myers of Johnson offered the following amendment H-3238 filed by him and moved its adoption:

H-3238

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. By striking page 3, line 32, through page 4,
- 3 line 5, and inserting the following:
- 4 "SEC. 11. A state law or rule adopted after this
- 5 Article becomes effective, which mandates any
- 6 political subdivision to engage in any new activity,
- 7 to provide any new service, to increase any current
- 8 level of activity, or to provide any service beyond
- 9 that required by existing laws, shall not have the
- 10 force of law unless the state provides sufficient new
- 11 funding or a means of new funding to the political
- 12 subdivisions to pay the cost of performing the
- 13 mandated activity or service for the period of time
- 14 during which the activity or service is required to be
- 15 performed."

A non-record roll call was requested.

The ayes were 22, nays 48.

Amendment H-3238 lost.

Doderer of Johnson offered amendment H-3276 filed by her as follows:

H-3276

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. By striking page 3, line 32, through page 4,
- 3 line 13.
- 4 2. By renumbering as necessary.

Rants of Woodbury in the chair at 1:22 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Maanen of Marion on request of Gipp of Winneshiek; Mascher of Johnson, on request of Cohoon of Des Moines.

Speaker Corbett in the chair at 2:30 p.m.

On motion by Doderer of Johnson, amendment H-3276 lost.

Weigel of Chickasaw offered the following amendment H-3257 filed by him and moved its adoption:

H-3257

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 4, by inserting after line 13 the
- 3 following:

4 "SEC. ____ The homestead credit allowed in
5 sections 425.1 through 425.15, Code 1995, in effect on
6 January 1, 1995, shall continue to be allowed after
7 the effective date of this Article."

Roll call was requested by Bernau of Story and Weigel of Chickasaw.

On the question "Shall amendment H-3257 be adopted?"
(H.J.R. 14)

The ayes were, 28:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Fallon	Harper	Jochum
Koenigs	Kreiman	Larkin	May
McCoy	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Warnstadt	Weigel	Witt

The nays were, 61:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Mundie
Nutt	Rants	Renken	Salton
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Veenstra	Weidman	Welter	Wise
Mr. Speaker			
Corbett			

Absent or not voting, 11:

Boddicker	Brammer	Drees	Eddie
Grundberg	Holveck	Mascher	Mertz
Nelson, B.	Van Maanen	Vande Hoef	

Amendment H-3257 lost.

Bernau of Story asked and received unanimous consent to withdraw amendment H-3259 filed by him on March 7, 1995.

Weigel of Chickasaw offered the following amendment H-3269 filed by him and moved its adoption:

H-3269

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 4, by inserting after line 13 the
- 3 following:
- 4 "SEC. ____ The family farm tax credit allowed in
- 5 chapter 425A, Code 1995, in effect on January 1, 1995,
- 6 and the agricultural land tax credit allowed in
- 7 chapter 426, Code 1995, in effect on January 1, 1995,
- 8 shall continue to be allowed after the effective date
- 9 of this Article."

Amendment H-3269 lost.

Bernau of Story offered the following amendment H-3262 filed by him and moved its adoption:

H-3262

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 4, by inserting before line 29 the
- 3 following:
- 4 "SEC. 16. This Article shall be effective for six
- 5 years from the date of the general election at which
- 6 the Article is adopted. At the general election
- 7 occurring in the sixth year subsequent to adoption and
- 8 every general election six years thereafter, the
- 9 electors of the state qualified to vote for members of
- 10 the General Assembly shall vote to adopt and ratify
- 11 this Article."

A non-record roll call was requested.

The ayes were 27, nays 44.

Amendment H-3262 lost.

Doderer of Johnson offered the following amendment H-3268 filed by her and moved its adoption:

H-3268

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. By striking page 4, line 29, through page 6,
- 3 line 8.
- 4 2. By renumbering as necessary.

Roll call was requested by Doderer of Johnson and Koenigs of Mitchell.

On the question "Shall amendment H-3268 be adopted?"
(H.J.R. 14)

The ayes were, 30:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Fallon	Harper	Jochum
Koenigs	Kreiman	Larkin	May
Moreland	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Rants	Running
Schrader	Shultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 57:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Carroll	Churchill
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Grubbs	Grundberg	Hahn
Halvorson	Hammit	Hanson	Harrison
Heaton	Houser	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Mertz
Metcalf	Meyer	Mundie	Nelson, B.
Nutt	Renken	Salton	Schulte
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 13:

Boddicker	Brammer	Brunkhorst	Drees
Gries	Holveck	Hurley	Mascher
McCoy	Millage	Siegrist	Van Maanen
Vande Hoef			

Amendment H-3268 lost.

Shultz of Black Hawk offered amendment H-3237 filed by him as follows:

H-3237

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. By striking page 1, line 7, through page 6,
- 3 line 8, and inserting the following:
- 4 "STATE AND LOCAL GOVERNMENT REVENUE LIMITS.
- 5 Section 1. State government and each local government
- 6 is subject to a revenue limit for each fiscal year.
- 7 The revenue limit shall be increased from the previous
- 8 fiscal year using a generally accepted measure for
- 9 inflation and population growth. No revenue limit
- 10 shall be adjusted below the government's previous

11 year's revenue limit.

12 TEMPORARY REVENUE EXPANSION. Sec. 2. The general

13 assembly may at any time enact a measure to

14 temporarily increase a government's revenue limit.

15 The governing body of any local government may

16 temporarily increase the local government's budget for

17 a specific fiscal year by not more than ten percent,

18 after prominent notice and a public hearing, with a

19 vote of three-fourths of the membership in favor of

20 the temporary increase. The general assembly or the

21 governing body of the local government may submit to

22 the people a resolution to temporarily increase a

23 revenue limit for not more than five fiscal years in

24 an amount approved by a majority of the electors.

25 STATE AND LOCAL GOVERNMENT SPENDING LIMITS. Sec.

26 3. State government and each local government is

27 subject to a spending limit for each fiscal year. The

28 spending limit is not to exceed the revenue limit set

29 for the government for the fiscal year.

30 UNFUNDED STATE MANDATES. Sec. 4. If a state law

31 or rule, or change in a state law or rule, that takes

32 effect after this Article becomes effective requires a

33 local government to incur a net cost increase, the

34 State shall pay to the local government the amount of

35 the necessary net cost increase. The local government

36 need not comply with the law, rule, or change until

37 the State has complied with this section."

Shoultz of Black Hawk offered the following amendment H-3279,
to amendment H-3237, filed by him and moved its adoption:

H-3279

1 Amend the amendment, H-3237, to House Joint

2 Resolution 14 as follows:

3 1. Page 1, line 19, by striking the word "three-
4 fourths" and inserting the following: "a majority".

Amendment H-3279 was adopted.

On motion by Shoultz of Black Hawk, amendment H-3237, as
amended, lost.

Shoultz of Black Hawk offered the following amendment H-3247
filed by him and moved its adoption:

H-3247

1 Amend House Joint Resolution 14 as follows:

2 1. By striking page 1, line 3 through page 6,

3 line 8 and inserting the following:

4 "Article VII, Constitution of the State of Iowa, is

5 amended by adding the following new section:

6 ECONOMIC EMERGENCY ACCOUNT. Sec. 9. An economic

7 emergency account shall be maintained by the state and
 8 moneys in the economic emergency account shall be
 9 separate from the general fund of the state and shall
 10 not be considered part of the general fund of the
 11 state except in determining the cash position of the
 12 state. Moneys in the economic emergency account may
 13 be used for cash flow purposes provided that any
 14 moneys so allocated during a fiscal year are returned
 15 to the cash reserve by the end of that fiscal year.
 16 The amount of moneys to be maintained in the economic
 17 emergency account shall be five percent of the
 18 adjusted revenue estimate for the general fund of the
 19 state for that fiscal year.
 20 Moneys in the economic emergency account may be
 21 appropriated by the General Assembly only for use in
 22 the fiscal year in which the appropriation is made.
 23 The moneys shall only be appropriated in a bill or
 24 joint resolution in which the appropriation is the
 25 only subject matter of the bill or joint resolution
 26 and which contains a statement of the reasons why the
 27 appropriation is necessary. In addition, moneys shall
 28 not be appropriated from the economic emergency
 29 account unless the bill or joint resolution making the
 30 appropriation is approved by vote of at least three-
 31 fifths of the members of each house of the General
 32 Assembly and approved by the Governor.
 33 This section applies to fiscal years commencing on
 34 or after July 1, 1999."

35 2. Title page, by striking lines 2 through 6, and
 36 inserting the following: "the State of Iowa
 37 establishing a cash reserve fund separate from the
 38 general fund of the state fund and providing for the
 39 amendment's application."

Amendment H-3247 lost.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-3252 filed by him on March 7, 1995.

Connors of Polk asked and received unanimous consent to defer action on amendment H-3270.

Moreland of Wapello offered the following amendment H-3266 filed by him and moved its adoption:

H-3266

1 Amend House Joint Resolution 14 as follows:
 2 1. Page 6, by inserting before line 9 the
 3 following:
 4 "9. It is the intent of the General Assembly that
 5 this declaration of intent be placed on the ballot
 6 containing the question of ratification of this
 7 proposed amendment to the Constitution."

Amendment H-3266 was adopted.

Siegrist of Pottawattamie offered the following amendment H-3558 filed by him and moved its adoption:

H-3558

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 1, line 17, by striking the word "since"
- 3 and inserting the following: "above the population
- 4 at".
- 5 2. Page 1, line 18, by striking the word "since"
- 6 and inserting the following: "below the population
- 7 at".
- 8 3. Page 2, line 9, by striking the word "entire"
- 9 and inserting the following: "whole".

Amendment H-3558 was adopted.

Bernau of Story asked and received unanimous consent to withdraw the following amendments filed by him on March 7, 1995: H-3274, H-3275, H-3277, H-3271, H-3239, H-3273, and H-3254.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cormack of Webster on request of Siegrist of Pottawattamie.

Bernau of Story offered the following amendment H-3244, previously deferred, filed by him and moved its adoption:

H-3244

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 1, line 17, by inserting after the word
- 3 "date" the following: ", and (3) real property
- 4 valuation increases since the base date".
- 5 2. Page 2, line 10, by inserting after the word
- 6 "governor," the following: "() revenue received
- 7 from regulatory or licensing fees imposed on users of
- 8 the regulated or licensed services if the fees
- 9 collected are used to fund the regulation or licensure
- 10 of the activity;".

A non-record roll call was requested.

The ayes were 24, nays 43.

Amendment H-3244 lost.

Doderer of Johnson asked and received unanimous consent to withdraw the following amendments: H-3241 and H-3267, filed by her on March 7, 1995.

Weigel of Chickasaw asked and received unanimous consent to withdraw the following amendments: H-3242 and H-3246, filed by him on March 7, 1995.

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 14** be deferred and placed on the **Unfinished Business Calendar, Special Order**.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Caucus Secretary	Ingrid L. Johnson	21\2 to 21\3	P-FT	03\10\95
Compositor Desk Top Specialist	David Lee Stanley	17\1 to 17\2	P-FT	04\21\95

RANTS of Woodbury, Chair

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on March 31, 1995. Had I been present, I would have voted "nay" on amendment H-3265 to House Joint Resolution 14.

HARRISON of Scott

I was temporarily absent from the House chamber on March 31, 1995. Had I been present, I would have voted "nay" on amendment H-3240 to House Joint Resolution 14.

SUKUP of Franklin

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 31st day of March, 1995: House File 132

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty eleventh and twelfth grade students from Ames High School, Ames; accompanied by Judith Carlson. By Bernau, Burnett and Garman, all of Story.

SUBCOMMITTEE ASSIGNMENTS

Senate File 21

Education: Gries, Chair; Grubbs and Wise.

Senate File 73

State Government: Bradley, Chair; Tyrrell and Witt.

Senate File 164

State Government: Thomson, Chair; Jacobs and Witt.

Senate File 314

Education: Gries, Chair; Mascher and Rants.

Senate File 390

Education: Lord, Chair; Cohoon and Garman.

Senate File 400

State Government: Ertl, Chair; Coon and Running.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 325

Ways and Means: Halvorson, Chair; Bernau, Dinkla, Greig and Myers.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and is on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Senate File 87, a bill for an act relating to nonsubstantive Code corrections, and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3659 March 30, 1995.

Senate File 93, a bill for an act related to criminal offenses against minors and sexually violent offenses and offenders committing those offenses, by requiring registration by offenders, providing for the establishment of a sex offender registry, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3660** March 30, 1995.

Senate File 140, a bill for an act to legalize the proceedings taken by the administration and board of directors of the Cedar Rapids Community School District concerning the sale of certain school district property and providing an effective date.

Fiscal Note is not required.*

Recommended **Do Pass** March 30, 1995.

AMENDMENTS FILED

H-3659	S.F.	87	Committee on Judiciary
H-3660	S.F.	93	Committee on Judiciary
H-3661	H.F.	518	Bernau of Story
H-3662	H.F.	518	Doderer of Johnson
H-3663	H.F.	518	Weigel of Chickasaw
H-3664	H.F.	518	Brand of Benton
H-3665	H.F.	518	Holveck of Polk
H-3666	H.F.	518	Holveck of Polk
H-3667	H.F.	518	Weigel of Chickasaw
H-3668	H.F.	519	Schrader of Marion
H-3669	H.F.	493	Coon of Warren
			Bell of Jasper
			Tyrrell of Iowa
			Running of Linn
H-3670	H.F.	512	Fallon of Polk
H-3671	S.F.	290	Welter of Jones
H-3672	H.F.	492	Kreiman of Davis

On motion by Siegrist of Pottawattamie, the House adjourned at 5:07 p.m. until 10:00 a.m., Monday, April 3, 1995.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 3, 1995

The House met pursuant to adjournment at 10:00 a.m., Speaker Corbett in the chair.

The "Lord's Prayer" was sung by Harriet Vande Hoef, House Secretary and wife of the Representative Richard Vande Hoef, of Osceola County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the officers of S.O.D.A. (Students O.K. Without Drugs and Alcohol). The members from Marion High School were: Melissa Walderbach, Beth Hatch, Carrie Peiffer, Carie Ciha and Sponsors, Beth Mugan and Madonna Putnam; and from Linn-Mar High School, Ryan Bildstein, Beth Bunting, Molly Edwards, Sarah Shelley and Sponsors, Kevin McCauley and Clark Weaver.

The Journal of Friday, March 31, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Brauns of Muscatine, from eight hundred sixty constituents favoring retaining the issuance of driver's licenses in the Page County Treasurer's office.

By Meyer of Sac, from twenty citizens favoring reinstating funding for the Older Iowans Legislature.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie, Lord of Dallas and Van Maanen of Marion, on request of Siegrist of Pottawattamie; Larkin of Lee, Fallon of Polk, Koenigs of Mitchell and Cohoon of Des Moines, on request of Schrader of Marion, all until their arrival.

INTRODUCTION OF BILLS

House File 552, by committee on ways and means, a bill for an act relating to changing the point of taxation of motor vehicle fuel by requiring suppliers, restrictive suppliers, importers, exporters, dealers, users, or blenders licenses, changing reporting periods, and adding penalties.

Read first time and placed on the ways and means calendar.

House File 553, by committee on appropriations, a bill for an act relating to agriculture and natural resources, including for appropriations involving agriculture and natural resources, providing related statutory changes, and providing effective dates.

Read first time and placed on the **appropriations calendar**.

House File 554, by committee on ways and means, a bill for an act relating to state and local taxes including appeals of department of revenue and finance actions, the prohibition of unconstitutional or illegal tax collections, assessment procedures pertaining to amended returns, corporate income tax rates, sales tax on test laboratory services, collection of sales tax by out-of-state retailers, interest accrual on sales and use tax refunds, sales tax permit denial for delinquent taxes, bonding provisions for sales tax and environmental protection charge contested case decisions, costs associated with contested case hearings, penalty for underpayment of corporation income and franchise taxes, services subject to use tax, penalty for underpayment of use tax, the repeal of obsolete property tax provisions, and imposition of the drug excise tax on unprocessed marijuana plants and providing effective and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

UNFINISHED BUSINESS CALENDAR

Special Order

The House resumed consideration of **House Joint Resolution 14**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, previously deferred and placed on the unfinished business calendar, special order.

The House stood at ease at 10:10 a.m., until the fall of the gavel.

The House resumed session at 10:45 a.m., Speaker Corbett in the chair.

The following amendments, previously deferred, were withdrawn by unanimous consent:

H-3243 filed by Koenigs of Mitchell on March 7, 1995.

H-3248 filed by Shoultz of Black Hawk on March 7, 1995.

Shoultz of Black Hawk offered the following amendment H-3249, previously deferred, filed by him and moved its adoption:

H-3249

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor;" the following: "() revenues committed
- 4 by the General Assembly for the purpose of equipping
- 5 schools, grades kindergarten through twelve, with the
- 6 state of the art technology;"
- 7 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 24, nays 45.

Amendment H-3249 lost.

The following amendments, previously deferred, were withdrawn by unanimous consent:

H-3251 filed by Running of Linn on March 7, 1995.

H-3258 filed by Jochum of Dubuque on March 7, 1995.

H-3260 filed by Weigel of Chickasaw on March 7, 1995.

H-3263 filed by Harper of Black Hawk on March 7, 1995.

Weigel of Chickasaw offered the following amendment H-3264, previously deferred, filed by him and moved its adoption:

H-3264

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 10, by inserting after the word
- 3 "governor;" the following: "() all revenues
- 4 collected from nonresidents of the state;"
- 5 2. By renumbering as necessary.

Amendment H-3264 lost.

The following amendments, previously deferred and filed by Bernau of Story on March 7, 1995, were withdrawn by unanimous consent: H-3272, and H-3255.

Rants of Woodbury in the chair at 11:28 a.m.

Doderer of Johnson offered the following amendment H-3236, previously deferred, filed by her and moved its adoption:

H-3236

- 1 Amend House Joint Resolution 14 as follows:
- 2 1. Page 2, line 20, by inserting after the word
- 3 "temporarily" the following: "or permanently".
- 4 2. Page 2, line 22, by striking the word "The"
- 5 and inserting the following: "If the increase is

6 temporary, the”.

7 3. Page 2, line 29, by striking the words “two-

8 thirds vote” and inserting the following: “a

9 majority”.

10 4. Page 2, line 33, by striking the word “three-

11 fourths” and inserting the following: “a majority”.

12 5. Page 3, line 1, by inserting after the word

13 “Any” the following: “temporary”.

Roll call was requested by Doderer of Johnson and Bernau of Story.

On the question “Shall amendment H-3236 be adopted?”

(H.J.R. 14)

The ayes were, 31:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Connors	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Mascher
May	McCoy	Moreland	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 59:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Mertz	Metcalf	Meyer	Mundie
Nelson, B.	Nutt	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Welter	Rants,	
		Presiding	

Absent or not voting, 10:

Brammer	Cohoon	Greiner	Grundberg
Houser	Hurley	Larkin	Millage
Van Maanen	Weidman		

Amendment H-3236 lost.

Wise of Lee offered the following amendment H-3270, previously deferred, filed by him and moved its adoption:

H-3270

1 Amend House Joint Resolution 14 as follows:
2 1. By striking page 1, line 3, through page 6,
3 line 8, and inserting the following:
4 "Article VII, Constitution of the State of Iowa, is
5 amended by adding the following new section:
6 STATE GENERAL FUND EXPENDITURE LIMITATION. Sec. 9.
7 An expenditure limitation is established for the
8 general fund of the state in accordance with this
9 section.
10 Prior to the convening of the annual regular
11 session of the General Assembly, designees of the
12 executive and legislative departments shall agree to
13 an estimate of the revenues to be deposited in the
14 general fund of the state in the next fiscal year.
15 The revenue estimate shall be adjusted by subtracting
16 estimated tax refunds payable from the estimated
17 revenue and by adding any new revenues which may be
18 considered to be eligible for deposit in the general
19 fund of the state. The adjusted revenue estimate
20 shall be used by the Governor and the General Assembly
21 in the budget process for that fiscal year. However,
22 if the designees agree to a different estimate at a
23 later meeting during the regular session of the
24 General Assembly which projects a lesser amount of
25 revenue than the initial estimate amount, the lesser
26 amount shall be adjusted in the same manner as the
27 initial estimate amount. The Governor and the General
28 Assembly shall then use the adjusted lesser amount as
29 the adjusted revenue estimate in the budget process
30 for that fiscal year.
31 The adjusted revenue estimate for a fiscal year
32 shall be used to calculate the state general fund
33 expenditure limitation for that fiscal year. The
34 state general fund expenditure limitation shall be
35 ninety-nine percent of the adjusted revenue estimate.
36 The state general fund expenditure limitation for a
37 fiscal year shall be used by the Governor and the
38 General Assembly in the budget process for that fiscal
39 year. If a new revenue source is established and
40 implemented for a fiscal year, the state general fund
41 expenditure limitation for that year shall be
42 readjusted to include the estimated revenue from that
43 new source less projected refunds from the new source,
44 multiplied by ninety-five percent.
45 A cash reserve shall be maintained by the state and
46 moneys in the cash reserve shall be separate from the
47 general fund of the state and shall not be considered
48 part of the general fund of the state except in
49 determining the cash position of the state. Moneys in
50 the cash reserve may be used for cash flow purposes

Page 2

1 provided that any moneys so allocated during a fiscal

2 year are returned to the cash reserve by the end of
3 that fiscal year.

4 The amount of moneys to be maintained in the cash
5 reserve shall be five percent of the adjusted revenue
6 estimate for the general fund of the state for that
7 fiscal year. However, this paragraph shall not be
8 construed to require more than one percent of the
9 adjusted revenue estimate for the general fund of the
10 state to be set aside for these purposes in any one
11 fiscal year.

12 Moneys in the cash reserve may be appropriated by
13 the General Assembly only for use in the fiscal year
14 in which the appropriation is made. The moneys shall
15 only be appropriated in a bill or joint resolution in
16 which the appropriation is the only subject matter of
17 the bill or joint resolution and which contains a
18 statement of the reasons why the appropriation is
19 necessary. In addition, moneys shall not be
20 appropriated from the cash reserve unless the bill or
21 joint resolution making the appropriation is approved
22 by a vote of at least three-fifths of the members of
23 each chamber of the General Assembly and approved by
24 the Governor.

25 This section applies to fiscal years commencing on
26 or after July 1, 1999."

27 2. Title page, by striking lines 2 through 6, and
28 inserting the following: "the State of Iowa
29 establishing a state general fund expenditure
30 limitation".

Roll call was requested by Shoultz of Black Hawk and Witt of Black Hawk.

Rule 75 was invoked.

On the question "Shall amendment H-3270 be adopted?"
(H.J.R. 14)

The ayes were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Connors	Dinkla
Doderer	Drees	Fallon	Grundberg
Hanson	Holveck	Jacobs	Jochum
Koenigs	Kreiman	Mascher	May
McCoy	Metcalf	Moreland	Murphy
Myers	Nelson, B.	Nelson, L.	O'Brien
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 55:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst

Carroll	Coon	Cormack	Cornelius
Daggett	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Gries	Grubbs	Hahn	Halvorson
Hammitt	Harper	Harrison	Heaton
Houser	Huseman	Klemme	Kremer
Lamberti	Larson	Main	Martin
Mertz	Meyer	Millage	Mundie
Nutt	Ollie	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Veenstra	Welter	Rants, Presiding	

Absent or not voting, 10:

Brammer	Churchill	Cphoon	Corbett, Spkr.
Greiner	Hurley	Larkin	Lord
Vande Hoef	Weidman		

Amendment H-3270 lost.

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 14**, be deferred and retain its place on the **unfinished business calendar, special order**.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:45 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:40 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

CONSIDERATION OF BILLS

Unfinished Business Calendar

Special Order

The House resumed consideration of **House Joint Resolution 14**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments, previously deferred and placed on the unfinished business calendar, special order.

Running of Linn offered amendment H-3278, previously deferred, filed by Running, et. al., and requested division as follows:

H-3278

1 Amend House Joint Resolution 14 as follows:

H-3278A

2 1. Page 1, line 4, by inserting after the figure
3 "XIII" the following: ", effective for the first
4 state fiscal year beginning at least six months after
5 the article is approved and ratified by the electorate
6 except that the article shall not take effect unless
7 each fund balance of the following funds is restored
8 to the amount of the fund balance as of January 1,
9 1991: marine fuel tax fund; gamblers assistance fund;
10 bellas hess fund; insurance trust fund; security
11 deposit fund; milk fund; commercial feed fund;
12 fertilizer fund; pesticide fund; energy research and
13 development fund; racing commission fund; railroad
14 assistance fund; dairy trade fund; vehicle salvage
15 fund; odometer fraud fund; agriculture drainage wells
16 fund; special railroad facility fund; aviation fund;
17 public transit assistance fund; excursion boat fund;
18 administration fund; alcoholic beverages fund; banking
19 fund; credit union fund; insurance fund; professional
20 licensing fund; savings and loan fund; and utilities
21 fund".

22 2. Page 1, line 4, by inserting after the figure
23 "XIII" the following: ", effective for the first
24 state fiscal year beginning at least six months after
25 the article is approved and ratified by the electorate
26 except that the article shall not take effect until
27 the state fiscal year following the calendar year in
28 which the department of revenue and finance certifies
29 to the general assembly that three-fourths of the for-
30 profit corporations doing business in this state
31 incurred state corporate income tax liability".

32 3. Page 1, line 4, by inserting after the figure
33 "XIII" the following: ", effective for the first
34 state fiscal year beginning at least six months after
35 the article is approved and ratified by the electorate
36 except that the article shall not take effect unless
37 the state income tax structure is simplified by
38 repealing the corporate and individual income tax
39 deduction for federal income tax liability and by
40 repealing the option to file separately on a joint
41 return and the revenue realized by these changes is
42 utilized to reduce the school foundation property tax
43 levy".

44 4. Page 1, line 4, by inserting after the figure
45 "XIII" the following: ", effective for the first
46 state fiscal year beginning at least six months after

H-3278A

47 the article is approved and ratified by the electorate
48 except that the article shall not take effect for any
49 one fiscal year unless the basis for establishing the
50 maximum medical assistance reimbursement rate for

Page 2

1 nursing facilities for that fiscal year is set at the
2 ninety-eighth percentile of facilities' cost as
3 calculated from the unaudited compilation of cost and
4 statistical data from the previous fiscal year".
5 5. Page 1, line 6, by striking the word "RIGHTS"
6 and inserting the following: "PROTECTION".
7 6. Page 1, line 7, by inserting after the words
8 "local government" the following: ",excluding school
9 corporations,".
10 7. Page 1, line 11, by inserting after the word
11 "years" the following: ", and the total revenue limit
12 includes a revenue limit on revenues from the motor
13 fuel tax and the special fuel tax to the extent that
14 these taxes shall not be higher than the lowest such
15 tax in any adjacent state and if in excess of that
16 level when this amendment takes effect, they shall be
17 kept at the level existing when this amendment takes
18 effect until the adjacent state with the lowest level
19 raises such taxes".

H-3278B

20 8. Page 1, line 17, by inserting after the word
21 "date." the following: "In addition, the total
22 revenue limit is adjusted by the inclusion of an
23 amount for each fiscal year equal to the annual amount
24 for the relevant fiscal year committed by the state
25 government to the funding of correctional services."

H-3278A

26 9. Page 1, line 17, by inserting after the word
27 "date." the following: "In addition, the total
28 revenue limit is adjusted by the inclusion of an
29 amount for each fiscal year equal to the annual amount
30 for the relevant fiscal year committed by the state
31 government to the funding of the construction of
32 additional prison cells to house persons convicted of
33 the sale and distribution of an illegal substance."
34 10. Page 1, line 17, by inserting after the word
35 "date." the following: "In addition, the total
36 revenue limit is adjusted by the inclusion of an
37 amount for each fiscal year equal to the annual amount
38 for the relevant fiscal year committed by the state
39 government to the funding of the construction of

H-3278A

40 additional prison cells to house persons convicted of
41 a third offense of operating a motor vehicle while
42 intoxicated."

H-3278B

43 11. Page 1, line 17, by inserting after the word
44 "date." the following: "In addition, the total
45 revenue limit is adjusted by the inclusion of an
46 amount for each fiscal year equal to the annual amount
47 for the relevant fiscal year committed by the state
48 government to the funding of the construction of
49 additional prison beds to ease prison overcrowding and
50 to reduce the number of high-risk offenders placed on

Page 3

1 probation or parole."

H-3278A

2 12. Page 1, lines 20 and 21, by striking the
3 words "A school district's "population" is its full-
4 time equivalent student enrollment."

5 13. Page 1, lines 28 and 29, by striking the
6 words and figure "(2) gifts and contracts from
7 nongovernmental sources;"

8 14. Page 2, line 10, by inserting after the word
9 "governor;" the following: "() revenue committed
10 to the road use tax fund;"

11 15. Page 2, line 6, by inserting after the word
12 "governor;" the following: "() revenue committed
13 to the preservation of elementary and secondary
14 schools with enrollments of less than one thousand
15 students;"

16 16. Page 2, line 6, by inserting after the word
17 "governor;" the following: "() revenue committed
18 to school districts that were formed as a result of
19 reorganization under chapter 275;"

20 17. Page 2, line 6, by inserting after the word
21 "governor;" the following: "() revenue committed
22 to school districts in the process of reorganizing or
23 dissolving under chapter 275;"

24 18. Page 2, line 6, by inserting after the word
25 "governor;" the following: "() revenue of the
26 state government committed to funding salaries for
27 faculty and staff of the estate universities at a
28 level sufficient to establish and maintain
29 competitiveness with comparable universities;"

30 19. Page 2, line 6, by inserting after the word
31 "governor;" the following: "() revenue of the
32 state government and local governments committed to

H-3278A

33 funding construction at the state and county
34 hospitals;”.

35 20. Page 2, line 6, by inserting after the word
36 “governor;” the following: “() revenue of the
37 state government committed to funding collective
38 bargaining agreements between the state of Iowa and
39 its employees and revenue of local governments
40 committed to funding collective bargaining agreements
41 between the local governments and their employees;”.

42 21. Page 2, line 6, by inserting after the word
43 “governor;” the following: “() revenue of the
44 state government and local governments committed to
45 funding affirmative action activities and programs of
46 the state government and local governments required by
47 the laws of the United States to overcome the effects
48 of past or present practices, policies, or activities
49 which are barriers to equal employment opportunity and
50 to reduce the incidents of hate crimes, including but

Page 4

1 not limited to cross burnings and organizational
2 activities of racial supremacy groups;”.

3 22. Page 2, line 6, by inserting after the word
4 “governor;” the following: “() revenue committed
5 to programs dealing with obstetrical care for
6 indigents and for maternal and child health care
7 programs;”.

8 23. Page 2, line 6, by inserting after the word
9 “governor;” the following: “() revenue committed
10 to programs dealing with prenatal care for low-income
11 women and families and dysfunctional families;”.

12 24. Page 2, line 6, by inserting after the word
13 “governor;” the following: “() revenue committed
14 to programs dealing with postnatal care for low-income
15 women and families and dysfunctional families;”.

16 25. Page 2, line 6, by inserting after the word
17 “governor;” the following: “() revenue committed
18 to programs dealing with postnatal care for teenage
19 mothers;”.

20 26. Page 2, line 6, by inserting after the word
21 “governor;” the following: “() revenue committed
22 to the state board of regents, including work study
23 and student loan programs administered by institutions
24 under the state board of regents;”.

25 27. Page 2, line 6, by inserting after the word
26 “governor;” the following: “() amounts received
27 from the Iowa lottery, if used for economic
28 development;”.

29 28. Page 2, line 6, by inserting after the word
30 “governor;” the following: “() revenue committed
31 to any state program to combat the destruction of the

H-3278A

- 32 family unit due to domestic violence;”
- 33 29. Page 2, line 6, by inserting after the word
34 “governor;” the following: “() revenue committed
35 to any state program which provides law enforcement
36 training for dealing with domestic violence;”
- 37 30. Page 2, line 6, by inserting after the word
38 “governor;” the following: “() revenue committed
39 to any state or local program designed to provide for
40 the nutritional needs of Iowa’s children;”
- 41 31. Page 2, line 6, by inserting after the word
42 “governor;” the following: “() revenue committed
43 to any state or local program designed to provide for
44 the nutritional needs of Iowa’s elderly of limited
45 financial means;”
- 46 32. Page 2, line 6, by inserting after the word
47 “governor;” the following: “() revenue committed
48 to any state program to assist in maintaining the
49 viability of the family farm in Iowa;”
- 50 33. Page 2, line 6, by inserting after the word

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- 1 “governor;” the following: “() revenue committed
2 to college scholarship programs designed to provide
3 scholarships to Iowa residents attending college in
4 Iowa;”
- 5 34. Page 2, line 6, by inserting after the word
6 “governor;” the following: “() revenue committed
7 to juvenile institutions administered by the
8 department of human services at Eldora and Toledo;”
- 9 35. Page 2, line 6, by inserting after the word
10 “governor;” the following: “() revenue committed
11 to solid waste disposal services that provide an
12 alternative to landfills;”
- 13 36. Page 2, line 6, by inserting after the word
14 “governor;” the following: “() revenue committed
15 to training and equipment to assist peace officers in
16 sexual abuse investigations;”
- 17 37. Page 2, line 6, by inserting after the word
18 “governor;” the following: “() revenue committed
19 to training and equipment to assist peace officers in
20 drug enforcement investigations;”
- 21 38. Page 2, line 6, by inserting after the word
22 “governor;” the following: “() revenue committed
23 to training and equipment to assist peace officers in
24 child pornography investigations;”
- 25 39. Page 2, line 6, by inserting after the word
26 “governor;” the following: “() revenue committed
27 to provide assistance to peace officers disabled in
28 the line of duty;”
- 29 40. Page 2, line 6, by inserting after the word
30 “governor;” the following: “() revenue committed

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- 31 to provide assistance to the families of peace
32 officers killed in the line of duty;".
33 41. Page 2, line 6, by inserting after the word
34 "governor;" the following: "() revenue committed
35 to training and equipment for fire fighters;".
36 42. Page 2, line 6, by inserting after the word
37 "governor;" the following: "() revenue committed
38 to provide assistance to fire fighters disabled in the
39 line of duty;".
40 43. Page 2, line 6, by inserting after the word
41 "governor;" the following: "() revenue committed
42 to training and equipment for rescue operations,
43 including emergency medical services, ambulance
44 service, and enhanced 911 service;".
45 44. Page 2, line 6, by inserting after the word
46 "governor;" the following: "() revenue committed
47 to public health services, including immunization and
48 disease prevention and counseling for abortion
49 alternatives;".

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- 50 45. Page 2, line 6, by inserting after the word

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- 1 "governor;" the following: "() revenue committed
2 to additions to law enforcement and fire
3 departments;".

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- 4 46. Page 2, line 6, by inserting after the word
5 "governor;" the following: "() revenue committed
6 to elderly services, including but not limited to
7 homemaker, case management, chore, respite care, and
8 day care;".
9 47. Page 2, line 6, by inserting after the word
10 "governor;" the following: "() revenue committed
11 to health care for those infected with acquired immune
12 deficiency syndrome;".
13 48. Page 2, line 6, by inserting after the word
14 "governor;" the following: "() revenue committed
15 to mental health or mental retardation services;".
16 49. Page 2, line 6, by inserting after the word
17 "governor;" the following: "() revenue committed
18 to prenatal nutrition programs intended to prevent
19 disabilities in newborns;".
20 50. Page 2, line 6, by inserting after the word
21 "governor;" the following: "() revenue committed
22 to school districts and area education agencies,
23 including additional revenue necessary to comply with

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24 educational standards under section 256.11;”

25 51. Page 2, line 6, by inserting after the word
26 “governor;” the following: “() revenue committed
27 to any use that is projected to result in future
28 savings in state expenditures;”

29 52. Page 2, line 6, by inserting after the word
30 “governor;” the following: “() an amount
31 necessary to compensate for any reduction in federal
32 or state funds received by local governments in any
33 fiscal year as compared to the amount of federal or
34 state funds received in fiscal year 1990 or any other
35 preceding fiscal year thereafter, whichever is
36 greater;”

37 53. Page 2, line 6, by inserting after the word
38 “governor;” the following: “() revenue committed
39 to economic development in the community services
40 division of the merged area schools and to retire
41 bonds issued to fund job training programs in the
42 merged area schools;”

43 54. Page 2, line 6, by inserting after the word
44 “governor;” the following: “() revenue committed
45 to fund the transportation costs of a rural school
46 district with an enrollment of less than five
47 hundred;”

48 55. Page 2, line 6, by inserting after the word
49 “governor;” the following: “() revenue committed
50 to fund sharing programs between school districts with

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1 enrollments of less than one thousand;”

2 56. Page 2, line 6, by inserting after the word
3 “governor;” the following: “() revenue committed
4 to the preservation of elementary and secondary
5 schools;”

6 57. Page 2, line 23, by inserting after the word
7 “years.” the following: “The referendum shall include
8 the length of time for which the temporary increase
9 will be in effect.”

10 58. Page 3, line 15, by inserting after the word
11 “benefits,” the following: “including receipts from
12 the fish protection, brucellosis eradication,
13 snowmobile and all-terrain vehicle, boat, and
14 groundwater protection trust funds established in the
15 Constitution of the State of Iowa.”

16 59. Page 3, line 31, by inserting after the word
17 “State.” the following: “School districts or other
18 local governments which consolidate after the
19 effective date of this amendment shall not be subject
20 to the revenue and spending limitations established in
21 this amendment unless the ballot proposing
22 consolidation is approved by at least sixty percent of

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23 the total vote cast at the election.”

24 60. Page 4, by striking lines 23 through 28.

25 61. Page 4, by inserting before line 29 the

26 following:

27 “Sec. ____ The following amendment to the state of
28 Iowa is proposed:

29 Article VII of the Constitution of the State of
30 Iowa is amended by adding the following new sections:

31 FISH PROTECTION FUND. Sec. 9. The revenue from
32 all license fees from fishing activities and excise
33 taxes from fishing, and any public or private funds
34 appropriated, allocated, or given for fish protection
35 purposes, shall be used exclusively for activities
36 related to the propagation, management, harvest, and
37 protection of fish resources.

38 BRUCELLOSIS ERADICATION FUND. Sec. 10. The
39 revenue from all permits and fees and penalties, and
40 any public or private funds appropriated, allocated,
41 or given for bovine and swine brucellosis eradication
42 purposes, shall be used exclusively for activities
43 related to the eradication of bovine and swine
44 brucellosis.

45 SNOWMOBILE AND ALL-TERRAIN VEHICLE FUND. Sec. 11.
46 The revenue from all registration, permit, and other
47 fees, fines, and penalties, and any public or private
48 funds appropriated or allocated, or given for
49 snowmobile and all-terrain vehicle programs in the
50 state shall be used exclusively for snowmobile and

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1 all-terrain vehicle programs in the state. All-
2 terrain vehicle fees, fines, and penalties shall be
3 used only for all-terrain vehicle programs and
4 snowmobile fees, fines, and penalties shall be used
5 only for snowmobile programs. Joint programs shall be
6 supported from both types of fees on a usage basis.
7 At least fifty percent of the special fund shall be
8 available for political subdivisions or incorporated
9 private organizations or both.

10 BOAT FUND. Sec. 12. The revenue from all
11 registration, permit, and other fees, fines, and
12 penalties and any public or private funds appropriated
13 or allocated, or given for boating programs in the
14 state shall be used exclusively for programs to
15 promote safety for persons and property in and
16 connected with the use, operation, and equipment of
17 vessels and to promote uniformity of laws relating to
18 vessels.

19 GROUNDWATER PROTECTION FUND. Sec. 13. The
20 revenue, including fees, fines, and penalties,
21 received from sources designated for purposes related

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22 to groundwater monitoring and groundwater quality
23 standards and any public or private funds appropriated
24 or allocated shall be used exclusively to establish a
25 groundwater protection fund to provide for projects
26 and programs related to abating and eliminating the
27 threat of contamination of the state's groundwater."

28 62. Page 4, by inserting before line 29 the
29 following:

30 "Sec. ____ The following amendment to the
31 Constitution of the State of Iowa is proposed:

32 Section 1 of Article X of the Constitution of the
33 State of Iowa is repealed beginning with the general
34 election in the year 1998, and the following adopted
35 in lieu thereof:

36 HOW PROPOSED — SUBMISSION. Section 1. Any
37 amendment or amendments to this Constitution may be
38 proposed in either House of the General Assembly; and
39 if the same shall be agreed to by a majority of the
40 members elected to each of the two houses, such
41 proposed amendment shall be entered on their journals,
42 with the yeas and nays taken thereon, and referred to
43 the Legislature to be chosen at the next general
44 election, and shall be published, as provided by law,
45 for three months previous to the time of making such
46 choice; and if, in the General Assembly so next chosen
47 as aforesaid, such proposed amendment or amendments
48 shall be agreed to, by a majority of all the members
49 elected to each House, then it shall be the duty of
50 the General Assembly to submit such proposed amendment

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1 or amendments to the people, in such manner, and at
2 such time as the General Assembly shall provide; and
3 if the people shall approve and ratify such amendment
4 or amendments, by at least sixty percent of the
5 electors qualified to vote for members of the General
6 Assembly, voting thereon, such amendment or amendments
7 shall become a part of the Constitution of this
8 State."

9 63. Page 6, line 9, by striking the word
10 "amendment" and inserting the following:
11 "amendments".

12 64. Page 6, line 10, by striking the word "is"
13 and inserting the following: "are".

14 65. Page 6, line 13, by striking the word "it"
15 and inserting the following: "them".

16 66. Title page, line 1, by striking the word "an
17 amendment" and inserting the following: "amendments".

18 67. Title page, line 6, by inserting after the
19 word "governments" the following: ", by establishing
20 certain permanent funds, and changing the percentage

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- 21 requirement for ratification of amendments to the
 22 Constitution, and providing effective date
 23 provisions."
 24 68. By renumbering as necessary.

Running of Linn asked and received unanimous consent to withdraw amendment H-3278A.

Connors of Polk asked and received unanimous consent to defer action on amendment H-3235, filed by Doderer of Johnson.

Running of Linn moved the adoption of amendment H-3278B.

Roll call was requested by Running of Linn and Schrader of Marion.

On the question "Shall amendment H-3278B be adopted?"
 (H.J.R. 14)

The ayes were, 31:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Connors	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Mascher
May	McCoy	Moreland	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 5:

Brammer	Churchill	Cphoon	Hurley
Larkin			

Amendment H-3278B lost.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-3235, previously deferred, filed by her on March 7, 1995.

Speaker Corbett in the chair at 2:45 p.m.

Larson 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.

House Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending the state and local governments and by increasing the people's control over taxes, revenue, and spending of the state and local governments.

Be It Resolved By The General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

The Constitution of the State of Iowa is amended by adding the following new Article XIII:

**ARTICLE XIII.
TAXPAYERS' RIGHTS.**

SECTION 1. The state government and each local government is subject to a revenue limit and a spending limit as provided in section 8. Each government's beginning revenue limit is equal to its highest total revenue in any one of the last four fiscal years before this Article becomes effective. This limit is adjusted annually for the total of (1) the cumulative percentage rate of inflation or deflation since the base date, as measured by the federal implicit price deflator for state and local government purchases or its successor index, and (2) that government's cumulative percentage population increase above the population at the base date. There is no reduction or offset for any cumulative population decrease below the population at the base date. "Population" is determined by the most recent federal census or federal census estimate. A school district's "population" is its full-time equivalent student enrollment. The "base date" is the date eighteen months before this Article becomes effective. Each county government's revenue limit includes all townships in the county.

SEC. 2. "Revenue" includes all amounts received from all sources, including but not limited to all taxes, fees, charges, assessments, and other receipts, except these excluded amounts: (1) amounts refunded to the payers; (2) gifts and contracts from nongovernmental sources; (3) receipts from the federal government; (4) fees voluntarily paid for hospital or public utility services, but any part of a fee in excess of the actual cost of providing that service is revenue; (5) an amount equal to a government's net cost increase required by a federal law or rule, or change in a federal law or rule, that takes effect after this Article 1 becomes effective, but only to the extent not offset by federal funds; (6) amounts collected pursuant to section 8 of Article VII; (7) all amounts borrowed lawfully; (8) receipts applied to repay borrowing, including interest, if the borrowing was authorized by vote of the electors; (9) receipts applied to repay borrowing, including interest, if the borrowing is within a class for which the receipts applied to repayment are excluded from revenue by law adopted by two-thirds vote of the whole membership of each house of the general assembly and approved by the governor; and (10) amounts excluded from revenue by sections 3 and 9.

SEC. 3. The state revenue limit excludes, and the local limits include, state revenue transferred to local governments or applied as tax credits against local taxes. Any other amount transferred between governments is counted only once as revenue, by the government first receiving it.

SEC. 4. If a government's revenue in a fiscal year exceeds its revenue limit, its limit for the next fiscal year shall be reduced by the excess amount.

SEC. 5. A government's revenue limit may be temporarily increased in an amount approved by a majority of that government's electors voting in a referendum. The increase is effective for no more than five fiscal years. Each referendum ballot is limited to this issue and shall not include any other proposal or subject. Each such referendum shall be held only on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November.

SEC. 6. One or more revenue limits may be temporarily increased by law adopted by two-thirds vote of the whole membership of each house of the General Assembly and approved by the Governor. A local government's revenue limit may be temporarily increased by not more than ten percent, by vote of three-fourths of the whole membership of its governing body after prominent notice and public hearing. Each increase under this section is effective for only one fiscal year.

SEC. 7. Any change in a limit under section 4, 5, or 6 is effective only for the specified fiscal year or years and does not affect computation of the limit under section 1.

SEC. 8. Each government's total spending in a fiscal year shall not exceed its spending limit, which is equal to the sum of its (1) revenue limit for that year, adjusted for any change under section 4, 5, or 6, or actual revenue, whichever is less; (2) actual receipts in that year which are excluded from revenue by section 2 or 3; and (3) net unspent funds carried over from the preceding year. "Spending" includes all outlays for all purposes, unless expressly excluded by section 9.

SEC. 9. "Revenue" includes all receipts for a government's trust funds for unemployment, retirement, medical, or other benefits, but earnings of these trust funds are excluded from both revenue and spending. "Spending" includes all payments and transfers into these trust funds, and excludes payments out of these trust funds for the purpose for which the payments into the trust fund were made. "Net unspent funds" excludes these trust funds.

SEC. 10. If a new local government is created, the State shall establish its base date and the amount of its beginning revenue limit, and shall reduce the appropriate state or local revenue limit or limits by that amount. If two or more local governments are combined, their revenue limits shall be combined. If a service or program is transferred by law among local governments, their revenue limits shall be proportionally adjusted by law, with no increase in the combined limits. The State may transfer any part of its revenue limit to a local government but shall not transfer any part of a local limit to the State.

SEC. 11. If a state law or rule, or change in a state law or rule, that takes effect after this Article becomes effective requires a local government to incur a net cost increase, the State shall pay to the local government the amount of the necessary net cost increase, and shall increase the local revenue limit and decrease the state revenue limit by that amount. The local government need not comply with the law, rule, or change until the State has complied with this section.

SEC. 12. Any state or local government plan for retirement or other employee benefits shall be completely funded within ten years after this Article becomes effective, and at all times thereafter, in accordance with generally accepted actuarial and accounting principles.

SEC. 13. The state and local governments shall use consistent accounting, in accordance with generally accepted accounting principles, for all purposes.

SEC. 14. This Article creates fundamental and inalienable rights in each taxpayer and each citizen. Any infringement of these rights shall be subjected to strictest scrutiny. This Article shall be interpreted and implemented to achieve its purpose to limit the growth rate of revenue and spending of the state and local governments. Any taxpayer or citizen has standing to sue by individual or class action to enforce this Article and laws implementing it and, if successful, shall be reimbursed for all reasonable expenses of the suit.

SEC. 15. This Article becomes effective for the first state fiscal year beginning at least six months after its approval and ratification by the electors. The State, by law, shall implement this Article and may adopt further restrictions and limits. However, all provisions of this Article are self-executing and severable.

Sec. 2. DECLARATION OF INTENT. It is the intent of the General Assembly in agreeing to the foregoing proposed amendment that:

1. This declaration of intent shall be relied on by the electors and the courts, with the same results as if it were in the Constitution.

2. Article XIII does not authorize any borrowing and does not impair the debt limits and other provisions of Article VII. It does not impair any law that limits taxes, revenue, spending, borrowing, or debt or that requires approval by the electors for a tax, tax increase, borrowing, or debt, including laws requiring more than a majority vote and laws allowing the electors to approve borrowing or debt for any stated number of years. It does not impair any contract in existence when Article XIII becomes effective.

3. In each referendum under section 5 of Article XIII, the ballot and published notice shall clearly state: that the proposal would allow the specified government to increase its taxes and other revenue by a stated amount above its constitutional limit for each fiscal year during a stated period; the total increase for that period; and the amount of the government's revenue limit under section 1 of Article XIII for the preceding and current fiscal years and for the next fiscal year, estimated if necessary.

4. Official revisions of inflation and population data affect revenue limits for future fiscal years, but do not change limits for the fiscal year in which a revision is made or for prior years.

5. A government which excludes an amount from revenue or spending under any provision of Article XIII must accurately determine and establish the correct amount excluded.

6. "Government" includes all parts, agencies, enterprises, and operations of a government. "Local government" includes each city, county, school district, special district, and political subdivision in the State, except that townships are included with county governments. An agreement or joint action by two or more governments does not create a new government unless expressly provided by state law, but all revenue and spending related to the agreement or joint action are included in revenue and spending of the appropriate governments.

7. Because county limits include townships, a county government may limit the total revenue and spending of townships in that county.

8. If a government has a deficit of net unspent funds at the end of a fiscal year, the deficit is subtracted in computing the next year's spending limit under section 8 of Article XIII. However, section 8 is intended to prevent any such deficit and to require each government to operate on a balanced budget.

9. It is the intent of the General Assembly that this declaration of intent be placed on the ballot containing the question of ratification of this proposed amendment to the Constitution.

Sec. 3. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause it to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 14)

The yeas were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Mertz	Meyer	Millage
Mundie	Nutt	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

The nays were, 38:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Grundberg
Harper	Holveck	Jacobs	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Metcalf	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Rants	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 1:

Brammer

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 14** be immediately messaged to the Senate.

Regular Calendar

House File 256, a bill for an act relating to the definition of the practice of engineering and the suspension or revocation of the certificate of registration of a professional engineer or land surveyor, was taken up for consideration.

Sukup of Franklin offered the following amendment H-3559 filed by him and Wise and moved its adoption:

H-3559

- 1 Amend House File 256 as follows:
- 2 1. Page 2, lines.1 and 2, by striking the words
- 3 "teaching of advanced engineering subjects,".

Amendment H-3559 was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 256)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley

Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Brammer Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 256** be immediately messaged to the Senate.

House File 387, a bill for an act relating to the appointment of the student member to the state board of regents, reducing the student member's term, and providing implementation and transition provisions, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 387)

The ayes were, 81:

Baker	Bell	Bernau	Blodgett
Boddicker	Boggett	Bradley	Brand

Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Cormack	Daggett	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Gries	Grubbs
Grundberg	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Thomson
Tyrrell	Van Fossen	Veenstra	Warnstadt
Weidman	Weigel	Wise	Witt
Mr. Speaker Corbett			

The nays were, 16:

Arnold	Brunkhorst	Cornelius	Dinkla
Fallon	Greig	Greiner	Hahn
Houser	Lamberti	Meyer	Renken
Sukup	Teig	Van Maanen	Vande Hoef

Absent or not voting, 3:

Brammer	Connors	Welter
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 470, a bill for an act relating to the assessment of certain public improvement costs to abutting property at the request of the property owner, was taken up for consideration.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 470)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig

Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brammer	Connors	Shoultz	Siegrist
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 504, a bill for an act relating to a motor vehicle owner's liability for damages caused by the driver, was taken up for consideration.

Heaton of Henry offered the following amendment H-3454 filed by him and moved its adoption:

H-3454

- 1 Amend House File 504 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "assigned," the following: "For purposes of this
- 4 subsection, "leased" means the transfer of the
- 5 possession or right to possession of a vehicle to a
- 6 lessee for a valuable consideration for a continuous
- 7 period of twelve months or more, pursuant to a written
- 8 agreement."

Amendment H-3454 was adopted.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 504)

The ayes were, 87:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Wise	Mr. Speaker	
		Corbett	

The nays were, 11:

Baker	Doderer	Drees	Fallon
Gries	Harper	Holveck	Kreiman
Schrader	Veenstra	Witt	

Absent or not voting, 2:

Brammer	Connors
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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

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 387, 470 and 504.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 154, a bill for an act relating to the exemption of certain dentists and dental hygienists from state licensing requirements.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 168, a bill for an act relating to child abuse and child sexual abuse reporting and increasing a penalty.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 201, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing retroactive applicability and effective dates.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 331, a bill for an act changing the number of state employees required to activate automatic payroll deduction for payment of professional or trade association dues or fees.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 347, a bill for an act establishing a study regarding the inclusion of health care coverage costs for preventive care services and mental health and substance abuse treatment services under basic and standard health benefit plans, and providing for conditional effectiveness.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 354, a bill for an act relating to autopsies of certain children under the age of two years.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 360, a bill for an act to increase the fee for the transfer of property in county transfer records.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 392, a bill for an act relating to notice requirements for voluntary annexation of property by a city.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 443, a bill for an act to prohibit assaults upon peace officers, basic emergency medical care providers, advanced emergency medical care providers, and fire fighters by providing penalties and enhancing penalties for resisting or obstructing peace officers, basic emergency medical care providers, advanced emergency medical care providers, and fire fighters who are performing their duties.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 450, a bill for an act relating to the imposition of an additional fee for the entering of a final decree of dissolution of marriage and appropriating the fees to fund the displaced homemaker program.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 454, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties.

Also, that the Senate has on April 3, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 458, a bill for an act relating to the duties of the county treasurer and providing effective and applicability dates.

JOHN F. DWYER, Secretary

Special Order Calendar

House File 519, a bill for an act providing for the regulation of animal feeding operations, fees, the expenditure of moneys, penalties, and an effective date, was taken up for consideration.

The House stood at ease at 6:15 p.m., until the fall of the gavel.

The House resumed session at 7:10 p.m., Rants of Woodbury in the chair.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3601, filed by Fallon, et. al., on March 29, 1995.

Koenigs of Mitchell asked and received unanimous consent to defer action on amendment H-3580.

Fallon of Polk offered the following amendment H-3569 filed by him and moved its adoption:

H-3569

- 1 Amend House File 519 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. LEGISLATIVE INTERIM STUDY. The
- 5 legislative council is requested to establish an
- 6 interim study committee to consider the impact of
- 7 large confinement feeding operations upon family farm
- 8 agriculture in this state."
- 9 2. By renumbering as necessary.

Amendment H-3569 lost.

Speaker pro tempore Van Maanen of Marion in the chair at 7:44 p.m.

Teig of Hamilton offered the following amendment H-3581 filed by him and Sukup and moved its adoption:

H-3581

1 Amend House File 519 as follows:

2 1. Page 1, line 2, by inserting after the word
3 "AREAS" the following: " — ADOPTION OF RULES".

4 2. Page 14, line 21, by inserting after the word
5 "pending." the following: "The department shall not
6 issue a permit to a person under this subsection for
7 five years after the date of the last offense
8 committed by a person or animal feeding operation in
9 which the person holds a controlling interest during
10 which the person or operation was classified as a
11 habitual offender under section 455B.191. The
12 department shall conduct an annual review of each
13 confinement feeding operation which is a habitual
14 offender and each confinement feeding operation in
15 which a habitual offender holds a controlling
16 interest. The department shall notify persons
17 classified as habitual offenders of their
18 classification, additional restrictions imposed upon
19 the persons pursuant to the classification, and
20 special civil penalties that may be imposed upon the
21 persons. The notice shall be sent to the persons by
22 certified mail."

23 3. Page 14, by striking lines 24 through 32 and
24 inserting the following:

25 NEW SUBSECTION. 7. The department may impose a
26 civil penalty upon a habitual offender which shall not
27 exceed twenty-five thousand dollars for each day the
28 offense continues. A person shall be classified as a
29 habitual offender, if the person has committed three
30 or more offenses as described in this subsection prior
31 to or after the effective date of this Act, and was
32 subject to the assessment of a civil penalty or a
33 court conviction, in the five years prior to the date
34 of the latest offense, counting any offense committed
35 by a confinement feeding operation in which the person
36 holds a controlling interest. A person shall be
37 removed from the classification of habitual offender
38 on the date on which the person and all animal feeding
39 operations in which the person holds a controlling
40 interest have committed less than three offenses
41 described in this subsection for the prior five years.
42 For purposes of counting offenses, a continuing and
43 uninterrupted offense shall be considered as one
44 offense. Different types of offenses shall be counted
45 as separate offenses regardless of whether the
46 offenses were committed during the same period. An
47 offense must relate to one of the following:
48 a. The construction or operation of a confinement
49 feeding operation structure or anaerobic lagoon which
50 is part of a confinement feeding operation, or the

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1 installation or use of a related pollution control
2 device or practice, for which the person must obtain a

3 permit, in violation of this chapter, or rules adopted
4 by the department, including the terms or conditions
5 of the permit.

6 b. Intentionally making a false statement or
7 misrepresenting information to the department as part
8 of an application for a construction permit for a
9 confinement feeding operation structure or anaerobic
10 lagoon which is part of a confinement feeding
11 operation, or the installation of a related pollution
12 control device or practice for which the person must
13 obtain a construction permit.

14 c. Failing to obtain a permit or approval by the
15 department in violation of this chapter or
16 departmental rule which requires a permit to construct
17 or operate a confinement feeding operation or use a
18 confinement feeding operation structure, anaerobic
19 lagoon, or a pollution control device or practice
20 which is part of a confinement feeding operation.

21 d. Operating a confinement feeding operation,
22 including a confinement feeding operation structure
23 or anaerobic lagoon which is part of a confinement
24 feeding operation, or the related pollution control
25 device or practice, which causes pollution to the
26 waters of the state, if the pollution was caused
27 intentionally, or caused by a failure to take measures
28 required to abate the pollution which resulted from an
29 act of God.

30 e. Failing to submit a manure management plan as
31 required pursuant to section 455B.203, or operating a
32 confinement feeding operation without having a manure
33 management plan approved by the department.

34 This subsection shall not apply, unless the
35 department of natural resources has previously
36 notified the person of the person's classification as
37 a habitual offender as provided in section 455B.173."

38 4. Page 16, line 17, by inserting after the
39 figure "17A." the following: "A person classified as
40 a habitual offender or a confinement feeding operation
41 in which a habitual offender owns a controlling
42 interest, pursuant to section 455B.191, must submit a
43 manure management plan to the department on an annual
44 basis, which must be approved by the department for
45 the following year of operation."

46 5. Page 17, line 25, by inserting after the word
47 "plan." the following: "The department shall
48 regularly inspect a confinement feeding operation if
49 the operation or a person holding a controlling
50 interest in the operation is classified as a habitual

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1 offender pursuant to section 455B.191. The department
2 shall assess and the confinement feeding operation
3 shall pay the actual costs of the inspection."

Amendment H-3581 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brunkhorst of Bremer, on request of Siegrist of Pottawattamie; Wise of Lee, on request of Cohoon of Des Moines, both until they return.

Garman of Story offered the following amendment H-3597 filed by her and Coon as follows and moved its adoption:

H-3597

- 1 Amend House File 519 as follows:
- 2 1. Page 1, line 5, by striking the word "fifty"
- 3 and inserting the following: "two hundred".

Roll call was requested by Garman of Story and Fallon of Polk.

On the question "Shall amendment H-3597 be adopted?" (H.F. 519)

The ayes were, 58:

Arnold	Baker	Bell	Bernau
Brand	Branstad	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drees	Ertl
Fallon	Garman	Gries	Grundberg
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Jochum	Koenigs
Kreiman	Larkin	Lord	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Nelson, L.	O'Brien
Ollie	Running	Salton	Schrader
Schulte	Shoultz	Sukup	Teig
Thomson	Van Fossen	Veenstra	Warnstadt
Weigel	Witt		

The nays were, 34:

Blodgett	Boddicker	Bogges	Brauns
Drake	Eddie	Gipp	Greig
Greiner	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Tyrrell	Vande Hoef	Weidman
Welter	Van Maanen		
	Presiding		

Absent or not voting, 8:

Bradley	Brammer	Brunkhorst	Connors
Corbett, Spkr.	Myers	Siegrist	Wise

Amendment H-3597 was adopted.

Rants of Woodbury in the chair at 8:27 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Maanen of Marion, for the remainder of the evening, on request of Gipp of Winneshiek.

Eddie of Buena Vista offered the following amendment H-3637 filed by him and moved its adoption:

H-3637

- 1 Amend House File 519 as follows:
- 2 1. Page 4, line 22, by inserting before the word
- 3 "fixed" the following: "amount of the claim required
- 4 in this section, based on the".
- 5 2. Page 4, line 26, by inserting before the word
- 6 "fixed" the following: "amount of the claim required
- 7 in this section, based on the".
- 8 3. Page 7, line 30, by inserting after the word
- 9 "building" the following: ", constructed prior to the
- 10 effective date of this Act,".
- 11 4. Page 9, line 13, by striking the words "Act
- 12 or" and inserting the following: "Act,".
- 13 5. Page 9, line 14, by inserting after the word
- 14 "Act" the following: "; or, except as provided in
- 15 section 455B.163, to the expansion of structures
- 16 constructed prior to the effective date of this Act".
- 17 6. Page 10, by striking lines 31 through 35 and
- 18 inserting the following:
- 19 "An animal feeding operation which does not comply
- 20 with the distance requirements of section 455B.162, on
- 21 the effective date of this Act, may continue to
- 22 operate regardless of those separation distances.
- 23 The".
- 24 7. Page 11, by striking lines 3 and 4 and
- 25 inserting the following: "distances, if either of the
- 26 following applies:
- 27 1. The animal feeding operation structure as
- 28 constructed or expanded complies with the distance
- 29 requirements of section 455B.162.
- 30 2. All of the following apply to the expansion of
- 31 the animal feeding operation:
- 32 a. No portion of the animal feeding operation".
- 33 8. Page 11, line 8, by striking the figure "2"
- 34 and inserting the following: "b."
- 35 9. Page 11, line 11, by striking the letter "a."
- 36 and inserting the following: "(1)".
- 37 10. Page 11, line 12, by striking the letter "b."
- 38 and inserting the following: "(2)".

- 39 11. Page 11, line 13, by striking the figure
 40 "(1)" and inserting the following: "(a)".
 41 12. Page 11, line 15, by striking the figure
 42 "(2)" and inserting the following: "(b)".
 43 13. Page 15, line 13, by striking the word "this"
 44 and inserting the following: "the provisions of state
 45 law, including this".
 46 14. Page 15, line 14, by striking the figure
 47 "159.27" and inserting the following: "159.27".
 48 15. Page 20, line 3, by inserting after the word
 49 "dairy" the following: "products".

Amendment H-3637 was adopted, placing out of order the following amendments:

H-3584 filed by Koenigs of Mitchell on March 29, 1995.

H-3657 filed by Koenigs of Mitchell on March 30, 1995.

Fallon of Polk offered the following amendment H-3568 filed by him and moved its adoption:

H-3568

- 1 Amend House File 519 as follows:
 2 1. Page 4, line 30, by striking the word "fifty"
 3 and inserting the following: "one hundred".
 4 2 Page 4, by striking lines 31 and 32 and
 5 inserting the following: "percent of the claim, as
 6 provided in this section. If".

Roll call was requested by Fallon of Polk and McCoy of Polk.

On the question "Shall amendment H-3568 be adopted?" (H.F. 519)

The ayes were, 40:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Carroll	Cphoon
Coon	Cormack	Dinkla	Doderer
Drees	Fallon	Garman	Grundberg
Halvorson	Harper	Holveck	Hurley
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Moreland
Mundie	Murphy	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Teig	Warnstadt	Weigel	Witt

The nays were, 52:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Cataldo	Churchill
Cornelius	Daggett	Disney	Drake
Eddie	Ertl	Gipp	Greig

Greiner	Gries	Grubbs	Hahn
Hammit	Hanson	Harrison	Heaton
Houser	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Mertz	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Renken	Salton	Schulte	Sukup
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Rants
			Presiding

Absent or not voting, 8:

Brammer	Brunkhorst	Connors	Corbett, Spkr.
Myers	Siegrist	Van Maanen	Wise

Amendment H-3568 lost.

Garman of Story offered the following amendment H-3598 filed by her and Coon and moved its adoption:

H-3598

- 1 Amend House File 519 as follows:
- 2 1. Page 5, by inserting after line 23 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 204.4A PERSONAL
- 5 LIABILITY.
- 6 For purposes of reimbursing a county that has
- 7 acquired real estate containing an animal feeding
- 8 operation structure as defined in section 455B.161,
- 9 following the nonpayment of taxes pursuant to section
- 10 446.19, as provided in this chapter, all shareholders
- 11 of any corporation, partners of any partnership,
- 12 members of any limited liability company, limited
- 13 partners of any limited partnership, or beneficiaries
- 14 of any trust shall be liable for the entire costs of
- 15 removing and disposing of the manure from a manure
- 16 storage structure, as if they owned the animal feeding
- 17 operation personally, regardless of the amount of
- 18 interest that is held in the corporation, partnership,
- 19 limited liability company, limited partnership, or
- 20 trust."
- 21 2. By renumbering as necessary.

Amendment H-3598 lost.

Koenigs of Mitchell offered the following amendment H-3595 filed by him and moved its adoption:

H-3595

- 1 Amend House File 519 as follows:
- 2 1. By striking page 1, line 12, through page 5,

3 line 31, and inserting the following:

4 "Sec. ____ NEW SECTION. 204.1 DEFINITIONS.

5 1. "Animal unit" means a unit of measurement used
6 to determine the animal capacity of an animal feeding
7 operation, based upon the product of multiplying the
8 number of animals of each species by the following:

9 a. Slaughter and feeder cattle	1.0
10 b. Mature dairy cattle	1.4
11 c. Butcher and breeding swine, over fifty-five pounds	0.4
12 d. Sheep or lambs	0.1
13 e. Horses	2.0
14 f. Turkeys	0.018
15 g. Broiler or layer chickens	0.01

16 2. "Annual fee" means the fee provided in section
17 204.3.

18 3. "Confinement feeding operation" means a
19 confinement feeding operation as defined in section
20 455B.161.

21 4. "Department" means the department of
22 agriculture and land stewardship.

23 5. "Fund" means the manure storage indemnity fund
24 created in section 204.2.

25 6. "Manure" means animal excreta or other commonly
26 associated wastes of animals, including but not
27 limited to bedding, litter, or feed losses.

28 7. "Manure storage structure" means a structure
29 used to store manure as part of a confinement feeding
30 operation required to be constructed pursuant to a
31 permit issued by the department of natural resources
32 pursuant to section 455B.173.

33 8. "Permittee" means a person who obtains a permit
34 for the construction of a confinement feeding
35 operation, if a manure storage structure is connected
36 to the confinement feeding operation.

37 Sec. ____ NEW SECTION. 204.2 MANURE STORAGE
38 INDEMNITY FUND.

39 1. A manure storage indemnity fund is created as a
40 separate fund in the state treasury under the control
41 of the department. The general fund of the state is
42 not liable for claims presented against the fund.

43 2. The fund consists of moneys from annual fees
44 remitted by manure storage permittees as provided in
45 section 204.3; delinquency penalties; sums collected
46 on behalf of the fund by the department through legal
47 action or settlement; moneys required to be repaid to
48 the department by a county pursuant to this chapter;
49 civil penalties assessed and collected by the
50 department of natural resources pursuant to section

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1 455B.191, against persons required to obtain a permit
2 for the construction of a confinement feeding
3 operation; moneys paid as a settlement involving an

4 enforcement action for a civil penalty subject to
5 assessment and collection by the department of natural
6 resources pursuant to section 455B.191; interest,
7 property, and securities acquired through the use of
8 moneys in the fund; or moneys contributed to the fund
9 from other sources.

10 3. The moneys collected under this section and
11 deposited in the fund shall be used exclusively to
12 indemnify a county for expenses related to removing
13 and disposing of manure from a manure storage
14 structure, and to pay the administrative costs of this
15 chapter. The moneys in the fund are appropriated to
16 and for this purpose. Moneys in the fund shall not be
17 subject to appropriation for any other purpose.

18 4. The treasurer of state shall act as custodian
19 of the fund and disburse amounts contained in the fund
20 as directed by the department. The treasurer of state
21 is authorized to invest the moneys deposited in the
22 fund. The income from such investment shall be
23 credited to and deposited in the fund.

24 Notwithstanding section 8.33, moneys in the fund are
25 not subject to reversion. The fund shall be
26 administered by the department which shall make
27 expenditures from the fund consistent with the
28 purposes set out in this chapter. The moneys in the
29 fund shall be disbursed upon warrants drawn by the
30 director of revenue and finance pursuant to the order
31 of the department. The fiscal year of the fund begins
32 July 1. The finances of the fund shall be calculated
33 on an accrual basis in accordance with generally
34 accepted accounting principles. The auditor of state
35 shall regularly perform audits of the fund.

36 Sec. ____ NEW SECTION. 204.3 FEES.

37 1. a. A permittee shall pay an annual fee to the
38 department of agriculture and land stewardship which
39 shall be remitted to the department as provided in
40 rules adopted by the department. The department shall
41 establish four payment dates each year beginning July
42 1 and which shall be three months apart. A permittee
43 who has been issued a construction permit for a
44 confinement feeding operation prior to the effective
45 date of this Act shall pay the annual fee on a payment
46 date specified by the department, but not earlier than
47 the second payment date following the effective date
48 of this Act. A permittee who has received a
49 construction permit on or after the effective date of
50 this Act shall make the full annual payment on the

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1 second payment date after the construction permit is
2 issued by the department. A permittee shall pay the
3 annual fee to the department on each anniversary of
4 the payment date. The department shall provide notice

5 in writing to a permittee within one month prior to
6 the permittee's payment date.

7 b. The annual fee shall equal ten cents per animal
8 unit of capacity for confinement feeding operations
9 housing poultry and twenty-four cents per animal unit
10 of capacity for confinement feeding operations housing
11 other species of animals. The fee shall not be paid,
12 if the confinement feeding operation does not house
13 any animals or store manure for three consecutive
14 months prior to the permittee's payment date. If the
15 animal feeding operation again houses animals or
16 stores manure, the permittee shall pay the department
17 by the next payment date and subsequently on each
18 anniversary of that payment date. The permittee shall
19 notify the department if a fee is not owing within one
20 month prior to the permittee's payment date.

21 c. A permittee is delinquent if the permittee
22 fails to submit the full fee when due, or if an
23 underpayment of the fee is found by the department.
24 The permittee is subject to a penalty of ten dollars
25 or an amount equal to the amount of the deficiency for
26 each day the permittee is delinquent, whichever is
27 less.

28 3. If, on March 1, the moneys of the fund, less
29 the department's estimate of the costs to the fund for
30 pending or unsettled claims, exceed one million
31 dollars, the annual fee payable pursuant to subsection
32 2 shall be waived. The department may reinstate the
33 annual fee if the moneys in the fund, less the
34 department's estimate of costs to the fund for pending
35 or unsettled claims, are less than eight hundred fifty
36 thousand dollars. The department shall reinstate the
37 annual fee if moneys in the fund, less the
38 department's estimate of the costs to the fund for
39 pending or unsettled claims, are less than seven
40 hundred fifty thousand dollars. A permittee who does
41 not make payment on or after July 1 of each fiscal
42 year shall pay the fee on the next payment date, but
43 not before one month prior to the next payment date.
44 However, a delayed payment shall not change a
45 permittee's payment date anniversary.

46 4. The department of natural resources shall
47 provide the department of agriculture and land
48 stewardship the most current available information
49 regarding the names and addresses of permittees,
50 including the capacity of the confinement feeding

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1 operations subject to the permit. The information
2 shall be delivered every three months according to
3 procedures established by the department.

4 Sec. ____ **NEW SECTION.** 204.4 COLLECTION.

5 The department, in cooperation with the attorney

6 general, may bring an action in court in order to
7 collect fees required to be paid as provided in
8 section 204.3.

9 Sec. ____ NEW SECTION. 204.5 CLAIMS AGAINST THE
10 FUND.

11 1. A county that has acquired real estate
12 containing a manure storage structure following
13 nonpayment of taxes pursuant to section 446.19 may
14 make a claim against the fund to pay the costs of
15 removing and disposing of the manure located in a
16 manure storage structure on the real estate. Each
17 claim shall include a bid by a qualified person, other
18 than a governmental entity, to remove and dispose of
19 the manure for a fixed amount specified in the bid.

20 2. The department shall determine if a claim is
21 eligible to be satisfied under this section, and do
22 one of the following:

23 a. Pay the fixed amount specified in the bid
24 submitted by the county upon completion of the work.

25 b. Obtain a lower fixed amount bid for the work
26 from another qualified person, other than a
27 governmental entity, and pay the fixed amount in this
28 bid upon completion of the work. The department is
29 not required to comply with section 18.6 in
30 implementing this section.

31 3. Upon a determination that the claim is eligible
32 for payment, the department shall provide for payment
33 of one hundred percent of the claim, as provided in
34 this section. If at any time the department
35 determines that there are insufficient moneys to make
36 payment of all claims, the department shall pay claims
37 according to the date that the claims are received by
38 the department. To the extent that a claim cannot be
39 fully satisfied, the department shall order that the
40 unpaid portion of the payment be deferred until the
41 claim can be satisfied. However, the department shall
42 not satisfy claims from moneys dedicated for the
43 administration of the fund.

44 4. In the event of payment of a claim under this
45 section, the fund is subrogated to the extent of the
46 amount of the payment to all rights, powers,
47 privileges, and remedies of the political subdivision
48 regarding the payment amount. The county shall render
49 all necessary assistance to the department in securing
50 the rights granted in this section. A case or

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1 proceeding initiated by a county which involves a
2 claim submitted to the department shall not be
3 compromised or settled without the consent of the
4 department. A county shall not be eligible to submit
5 a claim to the department if the county has

6 compromised or settled a case or proceeding, without
7 the consent of the department.

8 5. If upon disposition of the real estate the
9 county realizes an amount which exceeds the total
10 amount of the delinquent real estate taxes, the county
11 shall forward to the fund any excess amount which is
12 not more than the amount expended by the fund.

13 Sec. ____ NEW SECTION. 204.6 DEPARTMENTAL RULES.

14 The department of agriculture and land stewardship
15 shall adopt administrative rules pursuant to chapter
16 17A to administer this chapter.

17 Sec. ____ NEW SECTION. 204.7 NO STATE
18 OBLIGATION.

19 This chapter does not imply any guarantee or
20 obligation on the part of this state, or any of its
21 agencies, employees, or officials, either elective or
22 appointive, with respect to any agreement or
23 undertaking to which this chapter relates."

24 2. By striking page 13, line 33, through page 14,
25 line 2, and inserting the following: "feeding
26 operations. The department shall collect a
27 construction fee of fifty dollars prior to the
28 issuance of a construction permit. The department
29 shall deposit moneys collected in construction fees
30 into the general fund of the state. The department
31 shall issue a".

32 3. Page 20, line 20, by striking the word
33 "INDEMNITY" and inserting the following:
34 "CONSTRUCTION".

35 4. Page 20, line 21, by striking the word
36 "indemnity" and inserting the following:
37 "construction".

38 5. Page 20, line 22, by striking the figure
39 "204.3" and inserting the following: "455B.173".

40 6. Page 20, line 22, by striking the word
41 "enacted" and inserting the following: "amended".

42 7. Page 20, line 27, by striking the word
43 "indemnity" and inserting the following:
44 "construction".

45 8. Page 20, line 35, by striking the word
46 "indemnity" and inserting the following:
47 "construction".

48 9. Page 21, line 15, by striking the word
49 "indemnity" and inserting the following:
50 "construction".

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1 10. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 31, nays 47.

Amendment H-3595 lost.

Koenigs of Mitchell offered the following amendment H-3596 filed by him and moved its adoption:

H-3596

- 1 Amend House File 519 as follows:
 2 1. By striking page 1, line 12, through page 5,
 3 line 31, and inserting the following:
 4 "Sec. ____ NEW SECTION. 204.1 DEFINITIONS.
 5 1. "Animal unit" means a unit of measurement used
 6 to determine the animal capacity of an animal feeding
 7 operation, based upon the product of multiplying the
 8 number of animals of each species by the following:
 9 a. Slaughter and feeder cattle 1.0
 10 b. Mature dairy cattle 1.4
 11 c. Butcher and breeding swine, over fifty-five pounds 0.4
 12 d. Sheep or lambs 0.1
 13 e. Horses 2.0
 14 f. Turkeys 0.018
 15 g. Broiler or layer chickens 0.01
 16 2. "Annual fee" means the fee provided in section
 17 204.3.
 18 3. "Confinement feeding operation" means a
 19 confinement feeding operation as defined in section
 20 455B.161.
 21 4. "Construction fee" means the fee provided in
 22 section 204.3.
 23 5. "Department" means the department of
 24 agriculture and land stewardship.
 25 6. "Fund" means the manure storage indemnity fund
 26 created in section 204.2.
 27 7. "Manure" means animal excreta or other commonly
 28 associated wastes of animals, including but not
 29 limited to bedding, litter, or feed losses.
 30 8. "Manure storage structure" means a structure
 31 used to store manure as part of a confinement feeding
 32 operation required to be constructed pursuant to a
 33 permit issued by the department of natural resources
 34 pursuant to section 455B.173.
 35 9. "Permittee" means a person who obtains a permit
 36 for the construction of a confinement feeding
 37 operation, if a manure storage structure is connected
 38 to the confinement feeding operation.
 39 Sec. ____ NEW SECTION. 204.2 MANURE STORAGE
 40 INDEMNITY FUND.
 41 1. A manure storage indemnity fund is created as a
 42 separate fund in the state treasury under the control
 43 of the department. The general fund of the state is
 44 not liable for claims presented against the fund.
 45 2. The fund consists of moneys from construction
 46 fees and annual fees remitted by manure storage
 47 permittees as provided in section 204.3; delinquency
 48 penalties; sums collected on behalf of the fund by the

49 department through legal action or settlement; moneys
50 required to be repaid to the department by a county

Page 2

1 pursuant to this chapter; civil penalties assessed and
2 collected by the department of natural resources
3 pursuant to section 455B.191, against persons required
4 to obtain a permit for the construction of a
5 confinement feeding operation; moneys paid as a
6 settlement involving an enforcement action for a civil
7 penalty subject to assessment and collection by the
8 department of natural resources pursuant to section
9 455B.191; interest, property, and securities acquired
10 through the use of moneys in the fund; or moneys
11 contributed to the fund from other sources.

12 3. The moneys collected under this section and
13 deposited in the fund shall be used exclusively to
14 indemnify a county for expenses related to removing
15 and disposing of manure from a manure storage
16 structure, and to pay the administrative costs of this
17 chapter. The moneys in the fund are appropriated to
18 and for this purpose. Moneys in the fund shall not be
19 subject to appropriation for any other purpose.

20 4. The treasurer of state shall act as custodian
21 of the fund and disburse amounts contained in the fund
22 as directed by the department. The treasurer of state
23 is authorized to invest the moneys deposited in the
24 fund. The income from such investment shall be
25 credited to and deposited in the fund.

26 Notwithstanding section 8.33, moneys in the fund are
27 not subject to reversion. The fund shall be
28 administered by the department which shall make
29 expenditures from the fund consistent with the
30 purposes set out in this chapter. The moneys in the
31 fund shall be disbursed upon warrants drawn by the
32 director of revenue and finance pursuant to the order
33 of the department. The fiscal year of the fund begins
34 July 1. The finances of the fund shall be calculated
35 on an accrual basis in accordance with generally
36 accepted accounting principles. The auditor of state
37 shall regularly perform audits of the fund.

38 Sec. ____ NEW SECTION. 204.3 FEES.

39 1. The department of natural resources shall
40 deposit into the fund fees collected for the issuance
41 of permits for the construction of confinement feeding
42 operations as provided in section 455B.173.

43 2. a. A permittee shall pay an annual fee to the
44 department of agriculture and land stewardship which
45 shall be remitted to the department as provided in
46 rules adopted by the department. The department shall
47 establish four payment dates each year beginning July
48 1 and which shall be three months apart. A permittee
49 who has been issued a construction permit for a
50 confinement feeding operation prior to the effective

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1 date of this Act shall pay the annual fee on a payment
2 date specified by the department, but not earlier than
3 the second payment date following the effective date
4 of this Act. A permittee who has received a
5 construction permit on or after the effective date of
6 this Act shall make the full annual payment on the
7 second payment date after the construction permit is
8 issued by the department. A permittee shall pay the
9 annual fee to the department on each anniversary of
10 the payment date. The department shall provide notice
11 in writing to a permittee within one month prior to
12 the permittee's payment date.

13 b. The annual fee shall equal five cents per
14 animal unit of capacity for confinement feeding
15 operations housing poultry and twelve and one-half
16 cents per animal unit of capacity for confinement
17 feeding operations housing other species of animals.
18 The fee shall not be paid, if the confinement feeding
19 operation does not house any animals or store manure
20 for three consecutive months prior to the permittee's
21 payment date. If the animal feeding operation again
22 houses animals or stores manure, the permittee shall
23 pay the department by the next payment date and
24 subsequently on each anniversary of that payment date.
25 The permittee shall notify the department if a fee is
26 not owing within one month prior to the permittee's
27 payment date.

28 c. A permittee is delinquent if the permittee
29 fails to submit the full fee when due, or if an
30 underpayment of the fee is found by the department.
31 The permittee is subject to a penalty of ten dollars
32 or an amount equal to the amount of the deficiency for
33 each day the permittee is delinquent, whichever is
34 less.

35 3. If, on March 1, the moneys of the fund, less
36 the department's estimate of the costs to the fund for
37 pending or unsettled claims, exceed five hundred
38 thousand dollars, the annual fee payable pursuant to
39 subsection 2 shall be waived. The department may
40 reinstate the annual fee if the moneys in the fund,
41 less the department's estimate of costs to the fund
42 for pending or unsettled claims, are less than four
43 hundred thousand dollars. The department shall
44 reinstate the annual fee if moneys in the fund, less
45 the department's estimate of the costs to the fund for
46 pending or unsettled claims, are less than three
47 hundred fifty thousand dollars. A permittee who does
48 not make payment on or after July 1 of each fiscal
49 year shall pay the fee on the next payment date, but
50 not before one month prior to the next payment date.

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1 However, a delayed payment shall not change a
2 permittee's payment date anniversary.

3 4. The department of natural resources shall
4 provide the department of agriculture and land
5 stewardship the most current available information
6 regarding the names and addresses of permittees,
7 including the capacity of the confinement feeding
8 operations subject to the permit. The information
9 shall be delivered every three months according to
10 procedures established by the department.

11 Sec. ____ NEW SECTION. 204.4 COLLECTION.

12 The department, in cooperation with the attorney
13 general, may bring an action in court in order to
14 collect fees required to be paid as provided in
15 section 204.3.

16 Sec. ____ NEW SECTION. 204.5 CLAIMS AGAINST THE
17 FUND.

18 1. A county that has acquired real estate
19 containing a manure storage structure following
20 nonpayment of taxes pursuant to section 446.19 may
21 make a claim against the fund to pay the costs of
22 removing and disposing of the manure located in a
23 manure storage structure on the real estate. Each
24 claim shall include a bid by a qualified person, other
25 than a governmental entity, to remove and dispose of
26 the manure for a fixed amount specified in the bid.

27 2. The department shall determine if a claim is
28 eligible to be satisfied under this section, and do
29 one of the following:

30 a. Pay the fixed amount specified in the bid
31 submitted by the county upon completion of the work.

32 b. Obtain a lower fixed amount bid for the work
33 from another qualified person, other than a
34 governmental entity, and pay the fixed amount in this
35 bid upon completion of the work. The department is
36 not required to comply with section 18.6 in
37 implementing this section.

38 3. Upon a determination that the claim is eligible
39 for payment, the department shall provide for payment
40 of one hundred percent of the claim, as provided in
41 this section. If at any time the department
42 determines that there are insufficient moneys to make
43 payment of all claims, the department shall pay claims
44 according to the date that the claims are received by
45 the department. To the extent that a claim cannot be
46 fully satisfied, the department shall order that the
47 unpaid portion of the payment be deferred until the
48 claim can be satisfied. However, the department shall
49 not satisfy claims from moneys dedicated for the
50 administration of the fund.

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1 4. In the event of payment of a claim under this

2 section, the fund is subrogated to the extent of the
3 amount of the payment to all rights, powers,
4 privileges, and remedies of the political subdivision
5 regarding the payment amount. The county shall render
6 all necessary assistance to the department in securing
7 the rights granted in this section. A case or
8 proceeding initiated by a county which involves a
9 claim submitted to the department shall not be
10 compromised or settled without the consent of the
11 department. A county shall not be eligible to submit
12 a claim to the department if the county has
13 compromised or settled a case or proceeding, without
14 the consent of the department.

15 5. If upon disposition of the real estate the
16 county realizes an amount which exceeds the total
17 amount of the delinquent real estate taxes, the county
18 shall forward to the fund any excess amount which is
19 not more than the amount expended by the fund.

20 Sec. . NEW SECTION. 204.6 DEPARTMENTAL RULES.

21 The department of agriculture and land stewardship
22 shall adopt administrative rules pursuant to chapter
23 17A to administer this chapter.

24 Sec. . NEW SECTION. 204.7 NO STATE
25 OBLIGATION.

26 This chapter does not imply any guarantee or
27 obligation on the part of this state, or any of its
28 agencies, employees, or officials, either elective or
29 appointive, with respect to any agreement or
30 undertaking to which this chapter relates.”

31 2. Page 13, line 33, by striking the words “an
32 indemnity” and inserting the following: “a
33 construction”.

34 3. Page 13, line 34, by inserting after the word
35 “fee” the following: “of fifty dollars”.

36 4. Page 14, line 1, by striking the words
37 “indemnity fees” and inserting the following:
38 “construction fees for confinement feeding operations
39 as provided in section 204.3.”

40 5. Page 20, line 20, by striking the word
41 “INDEMNITY” and inserting the following:
42 “CONSTRUCTION”.

43 6. Page 20, line 21, by striking the word
44 “indemnity” and inserting the following:
45 “construction”.

46 7. Page 20, line 27, by striking the word
47 “indemnity” and inserting the following:
48 “construction”.

49 8. Page 20, line 35, by striking the word
50 “indemnity” and inserting the following:

Page 6

1 “construction”.

2 9. Page 21, line 15, by striking the word

- 3 "indemnity" and inserting the following:
 4 "construction".
 5 10. By renumbering as necessary.

Roll call was requested by Koenigs of Mitchell and Fallon of Polk.

On the question "Shall amendment H-3596 be adopted?" (H.F. 519)

The ayes were, 38:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Carroll	Cohoon
Coon	Dinkla	Doderer	Drees
Fallon	Garman	Grundberg	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Moreland	Mundie	Murphy	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Sukup	Teig	Warnstadt
Weigel	Witt		

The nays were, 53:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Cataldo	Churchill
Cormack	Cornelius	Daggett	Disney
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Mertz	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Renken	Salton
Schulte	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Rants,			
Presiding			

Absent or not voting, 9:

Brammer	Brunkhorst	Connors	Corbett, Spkr.
Houser	Myers	Siegrist	Van Maanen
Wise			

Amendment H-3596 lost.

Fallon of Polk offered amendment H-3638 filed by him and Coon as follows:

H-3638

- 1 Amend House File 519 as follows:
 2 1. By striking page 1, line 12 through page 5,

3 line 31.

4 2. By striking page 13, line 33, through page 14,
5 line 2, and inserting the following: "feeding
6 operations. The department shall issue a".

7 3. Page 14, line 7, by inserting after the word
8 "permit." the following: "The person shall not obtain
9 a permit, unless the person provides evidence of
10 financial assurance with the department, as approved
11 by the department, and which may be moneys deposited
12 in an escrow account, a letter of credit, a bond, or
13 an insurance policy, which shall be used as provided
14 in section 455B.205."

15 4. Page 18, by inserting after line 16 the
16 following:

17 "Sec. . NEW SECTION. 455B.205 FINANCIAL
18 ASSURANCE REQUIRED.

19 A person who receives a permit under section
20 455B.173 must establish and at all times maintain
21 financial assurance in a form required by the
22 department which may include the deposit of moneys in
23 an escrow account, a letter of credit, a bond, or an
24 insurance policy, as provided upon such terms and
25 conditions as the department requires. The amount of
26 the financial assurance shall equal one cent for each
27 gallon of capacity of all structures connected to the
28 operation which are used to store manure as part of an
29 animal feeding operation required to be constructed
30 pursuant to a permit issued by the department pursuant
31 to section 455B.173. The department shall require
32 that the financial assurance shall be used for
33 purposes of paying costs of removing and disposing of
34 the manure from a manure storage structure. The
35 department shall oversee the removal and disposal of
36 the manure, and may use the financial assurance to pay
37 for the work by a qualified person based upon bids let
38 by the department. The department shall use the
39 financial assurance if the permittee liquidates assets
40 including in bankruptcy, to the extent allowed by
41 federal law; the operation is abandoned; or there is
42 evidence that the operation is threatening the quality
43 of groundwater or surface water, and there is
44 compelling evidence that the permittee is incapable or
45 unwilling to remedy the cause of the pollution in a
46 timely manner."

47 5. By striking page 20, line 20 through page 21,
48 line 16.

49 6. By renumbering as necessary.

Fallon of Polk offered the following amendment H-3656, to amend-
ment H-3638 filed by him and Coon and moved its adoption:

H-3656

1 Amend the amendment, H-3638, to House File 519 as
2 follows:

- 3 1. Page 1, by striking lines 19 and 20 and
 4 inserting the following:
 5 "An animal feeding operation constructed pursuant
 6 to a permit issued pursuant to section 455B.173 shall
 7 not operate unless at all times there is maintained
 8 for the operation".
- 9 2. Page 1, line 26, by striking the word "one"
 10 and inserting the following: "one-half".
- 11 3. Page 1, line 31, by inserting after the figure
 12 "455B.173." the following: "If a person establishes
 13 an escrow account, the person may contribute to the
 14 account according to a schedule. However, the
 15 contributions into the account must be made in equal
 16 installments at least each six months for a period not
 17 to exceed five years. Moneys earned from the account
 18 shall be paid to the owner of the account."
- 19 4. Page 1, line 37, by inserting after the word
 20 "let" the following: "or approved".
- 21 5. Page 1, line 38, by striking the words "use
 22 the" and inserting the following: "use or approve the
 23 use of".
- 24 6. Page 1, line 46, by inserting after the word
 25 "manner." the following: "The department shall
 26 provide for the withdrawal of moneys in the account by
 27 the owner of the operation as required to close the
 28 facility. Any remaining moneys shall be paid to the
 29 owner of the account."

Amendment H-3656 was adopted.

Fallon of Polk asked and received unanimous consent to defer action on amendment H-3638, as amended.

Fallon of Polk asked and received unanimous consent to defer action on amendment H-3565.

Mundie of Webster offered amendment H-3582 filed by him as follows:

H-3582

- 1 Amend House File 519 as follows:
 2 1. Page 5, by inserting after line 31 the
 3 following:
 4 "Sec. . NEW SECTION. 455B.110 INSPECTION OF
 5 ANIMAL FEEDING OPERATIONS.
 6 The department shall conduct random inspections of
 7 animal feeding operations, including anaerobic
 8 lagoons, and confinement feeding operation structures,
 9 as defined in section 455B.161, aerating systems, and
 10 manure management practices employed by the operation
 11 as provided in section 455B.202, to ensure that such
 12 operations comply with all applicable requirements of
 13 this chapter and rules adopted by the department

14 pursuant to this chapter. However, in order to access
 15 the operation, the departmental inspector must comply
 16 with standard disease control restrictions customarily
 17 required by the operation. The department shall
 18 complete a written report for each inspection which
 19 shall be available as a public record as provided in
 20 chapter 22."

21 2. By renumbering as necessary.

Mundie of Webster offered the following amendment H-3648, to amendment H-3582, filed by him and moved its adoption:

H-3648

1 Amend the amendment, H-3582, to House File 519, as
 2 follows:

3 1. Page 1, by striking lines 17 through 20 and
 4 inserting the following: "required by the
 5 operation."

Amendment H-3648 was adopted.

Mundie of Webster moved the adoption of amendment H-3582, as amended.

Roll call was requested by Mundie of Webster and Schrader of Marion.

On the question "Shall amendment H-3582, as amended, be adopted?" (H.F. 519)

The ayes were, 31:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Drees
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Mundie
Murphy	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Sukup
Warnstadt	Weigel	Witt	

The nays were, 58:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Carroll
Churchill	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage

Nelson, B.	Nutt	Renken	Salton
Schulte	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Rants, Presiding		

Absent or not voting, 11:

Brammer	Brunkhorst	Connors	Corbett, Spkr.
Doderer	Grundberg	Moreland	Myers
Siegrist	Van Maanen	Wise	

Amendment H-3582, as amended, lost.

Gipp of Winneshiek asked and received unanimous consent that **House File 519** be deferred and be placed on the **Unfinished Business Calendar, Special Order**.

MOTION TO RECONSIDER
(Amendment H-3637, to House File 519)

I move to reconsider the vote by which amendment H-3637, to House File 519 was adopted on April 3, 1995.

KOENIGS of Mitchell

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 30, an act relating to the fee for a combined hunting and fishing license and providing an effective date and applicability provision.

House File 186, an act relating to energy conservation including making appropriations of petroleum overcharge funds.

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

March 31, 1995

The Honorable Ron Corbett
Speaker of the House of Representatives
State Capitol Building
LOCAL

Dear Mr. Speaker:

I hereby transmit House File 132, an act relating to and making appropriations for the fiscal years beginning July 1, 1994, and July 1, 1995, and providing an effective date.

I am disappointed the General Assembly has fallen back into the irresponsible budgeting practices of the past. These same practices, which are inconsistent with sound accounting principles, led the state into massive financial difficulties which took years to correct. The bill contains numerous expenditures that are charged to the wrong fiscal year. Such practices are inappropriate because they do not fairly represent the expenditures for the given fiscal year (in this case, fiscal year 1996 expenses are budgeted in fiscal year 1995), and to the extent that ongoing expenses are funded from a prior year's budget, create "built-in" increases for the subsequent year. These practices are unacceptable and cannot be tolerated.

Furthermore, I am also disappointed by the General Assembly's failure to provide critical supplemental funding for the Iowa Communications Network (ICN) which I recommended in January. This inaction by the General Assembly represents a grave neglect of pressing financial needs that could jeopardize the operation of a statewide communications system that benefits thousands of Iowa school children every day. The Iowa Communications Network is such a vital and visionary component of Iowa's educational future that the absence of this much needed supplemental is both indefensible and shortsighted.

House File 132 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 and 2, in their entirety. These items appropriate approximately \$2 million to the Department of Human Services to fund program expansions and provider reimbursement increases. A current year appropriation for these purposes is inappropriate in that the actual spending will occur almost entirely in the next fiscal year. It not only masks the true base spending level in fiscal year 1996, but also creates an automatic increase in fiscal year 1997.

I am unable to approve the item designated as Section 4, subsection 1, in its entirety. This item appropriates additional funds in fiscal year 1995 for restoration of the Capitol. My budget recommendations include funding to implement an aggressive plan for Capitol restoration over the next three years, starting in fiscal year 1996. This funding should be considered a part of the fiscal year 1996 budget.

I am unable to approve the item designated as Section 6, in its entirety. This item appropriates \$4 million for the Iowa Court Information System (ICIS). This is an expense that will be incurred in fiscal year 1996, where it is more appropriately budgeted. My budget recommendations for fiscal year 1996 fully fund the Court's request, including the funding requested for ICIS.

I am unable to approve the item designated as Section 10, in its entirety. This item would require that regional networks be a part of the state's managed care contract for substance abuse services. Such a requirement would inhibit the state's flexibility to achieve the most cost-effective contracting arrangement for substance abuse services.

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 132 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-seven students from Central Lyon, Rock Rapids, accompanied by Eldon Maxwell and Hank Grant. By Vande Hoef of Osceola.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

AUDITOR OF STATE

The Audit Report for the Département of Revenue and Finance (Lottery Division) for the three months and six months ended December 31, 1994, pursuant to Chapter 99E.11, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

A report regarding the status of Solid Waste Comprehensive Planning Areas and the State in attaining the July 1, 1994 twenty-five percent waste reduction and recycling goal, pursuant to Chapter 455D.3 (3) (a), Code of Iowa.

STATE OF OREGON

Senate Concurrent Resolution 3 which declares sovereignty of the State of Oregon over the Federal Government and instructs the Federal Government to cease and desist immediately all mandates outside the scope of its constitutionally delegated authority.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\168 Coach Larry Ireland, Asst. Coaches, and the Ankeny High School Boy's Basketball Team, Ankeny – For winning 1st place in the Class 4A 1995 Boy's State Basketball Tournament.
- 1995\169 Collin Votrobeck, Arthur – For earning a Gold Key in the 1995 Iowa Scholastic Arts Awards Program.
- 1995\170 Max and Jean Nickel, Corydon – For celebrating their 50th wedding anniversary.
- 1995\171 Gunn Elementary School Odyssey of the Mind Team, Council Bluffs – For receiving 1st place in its category and division and qualifying for the Odyssey of the Mind World Finals.
- 1995\172 Courtney Brummer, Council Bluffs – For being named Iowa High School Journalist of the Year.

- 1995\173 Larry Baldwin, Jesup – For coaching the Jesup Community School Basketball Team to its 200th win.
- 1995\174 Merlyn Elman, Buffalo Center – For receiving a news media award from the Iowa High School Athletic Association for his long-time dedication to high school sports coverage.
- 1995\175 Ken Krumwiede, Davenport – For being named Principal of the Year.
- 1995\176 Bridgewater-Fontanelle School Board, Bridgewater-Fontanelle – For receiving a Citation of Excellence from the Kennedy Center Alliance for Arts Education Network.

SUBCOMMITTEE ASSIGNMENTS

Senate File 83

Education: Gries, Chair; Nelson of Pottawattamie and Veenstra.

Senate File 208

Human Resources: Boddicker, Chair; Burnett and Salton.

Senate File 282

Human Resources: Boddicker, Chair; Burnett and Salton.

Senate File 388

Education: Grubbs, Chair; Baker and Gries.

Senate File 389

Education: Brunkhorst, Chair; Rants and Warnstadt.

Senate File 403

Ways and Means: Blodgett, Chair; Jochum and Main.

Senate File 407

Natural Resources: Cornelius, Chair; Bell and Greig.

Senate File 431

Human Resources: Harrison, Chair; Fallon, Hammitt, Hurley and Moreland.

Senate File 433

Human Resources: Boddicker, Chair; Brand and Salton.

Senate File 436

Human Resources: Boddicker, Chair; Burnett and Salton.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 119), relating to the deduction and credit for amounts paid for tuition and textbooks for elementary and secondary schools under the state individual income tax and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 3, 1995.

RESOLUTION FILED

HCR 37, by Koenigs, a concurrent resolution opposing a plan for agricultural producers proposed by certain commodity organizations in preparation for the 1995 federal farm bill.

Referred to committee on **agriculture**.

AMENDMENTS FILED

H-3673	H.F.	521	Weigel of Chickasaw
H-3674	H.F.	521	Weigel of Chickasaw
H-3675	H.F.	519	Schrader of Marion
H-3676	H.F.	519	Schrader of Marion
H-3677	H.F.	370	Blodgett of Cerro Gordo
H-3678	H.F.	370	Shoultz of Black Hawk
H-3679	H.F.	370	Shoultz of Black Hawk
H-3680	H.F.	472	McCoy of Polk
H-3681	H.F.	492	Connors of Polk
H-3682	H.F.	521	Weigel of Chickasaw
H-3683	S.F.	178	Blodgett of Cerro Gordo
H-3684	S.F.	290	Warnstadt of Woodbury
			Welter of Jones
H-3685	S.F.	290	Myers of Johnson
			Welter of Jones
H-3686	S.F.	93	Coon of Warren
			Kreiman of Davis
H-3687	H.F.	370	Shoultz of Black Hawk
H-3688	H.F.	492	Kreiman of Davis
H-3689	H.F.	492	Kreiman of Davis
H-3690	H.F.	492	Kreiman of Davis
H-3691	H.F.	492	Kreiman of Davis
H-3692	H.F.	492	Kreiman of Davis
H-3693	H.F.	549	Blodgett of Cerro Gordo
H-3694	S.F.	266	Weigel of Chickasaw
			Mertz of Humboldt
			May of Worth
			Mundie of Webster
			Drees of Carroll

H-3695	H.F.	492	Kreiman of Davis
H-3696	H.F.	493	Disney of Polk Connors of Polk
H-3697	H.F.	549	Blodgett of Cerro Gordo
H-3698	H.F.	514	Eddie of Buena Vista
H-3699	H.F.	370	Weigel of Chickasaw
H-3700	H.F.	370	Weigel of Chickasaw
H-3701	H.F.	514	Harper of Black Hawk
H-3702	S.F.	290	Harper of Black Hawk
H-3703	H.F.	518	Fallon of Polk
H-3704	H.F.	518	Weigel of Chickasaw
H-3705	H.F.	370	Shoultz of Black Hawk
H-3706	H.F.	519	Schrader of Marion
H-3707	H.F.	246	Grubbs of Scott Kreiman of Davis
H-3708	H.F.	396	Metcalf of Polk
H-3709	S.F.	423	Metcalf of Polk
H-3710	H.F.	370	McCoy of Polk

On motion by Gipp of Winneshiek, the House adjourned at 9:47 p.m. until 8:45 a.m., Tuesday, April 4, 1995.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 4, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Larry W. Conrad, Polk City United Methodist Church, Polk City.

The Journal of Monday, April 3, 1995 was approved.

PETITION FILED

The following petition was received and placed on file:

By Arnold of Lucas from one hundred forty-eight citizens of Clarke County favoring retaining the issuance of driver's licenses in the County Treasurer's office.

INTRODUCTION OF BILL

House File 555, by committee on ways and means, a bill for an act relating to the deduction and credit for amounts paid for tuition and textbooks for elementary and secondary schools under the state individual income tax and providing effective and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 168, by Hammond, a bill for an act relating to child abuse and child sexual abuse reporting and increasing a penalty.

Read first time and referred to committee on **human resources**.

Senate File 201, by committee on ways and means a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing retroactive applicability and effective dates.

Read first time and **passed on file**.

Senate File 331, by committee on state government, a bill for an act changing the number of state employees required to activate automatic payroll deduction for payment of professional or trade association dues or fees.

Read first time and **passed on file**.

Senate File 347, by committee on human resources, a bill for an act establishing a study regarding the inclusion of health care coverage costs for preventive care services and mental health and substance abuse treatment services under basic and standard health benefit plans, and providing for conditional effectiveness.

Read first time and referred to committee on **commerce-regulation**.

Senate File 354, by Szymoniak, a bill for an act relating to autopsies of certain children under the age of two years.

Read first time and referred to committee on **human resources**.

Senate File 360, by committee on local government, a bill for an act to increase the fee for the transfer of property in county transfer records.

Read first time and referred to committee on **local government**.

Senate File 392, by committee on local government, a bill for an act relating to notice requirements for voluntary annexation of property by a city.

Read first time and referred to committee on **local government**.

Senate File 443, by committee on judiciary, a bill for an act to prohibit assaults upon peace officers, basic emergency medical care providers, advanced emergency medical care providers, and fire fighters by providing penalties and enhancing penalties for resisting or obstructing peace officers, basic emergency medical care providers, advanced emergency medical care providers, and fire fighters who are performing their duties.

Read first time and referred to committee on **judiciary**.

Senate File 450, by committee on human resources, a bill for an act relating to the imposition of an additional fee for the entering of a final decree of dissolution of marriage and appropriating the fees to fund the displaced homemaker program.

Read first time and referred to committee on **human resources**.

Senate File 454, by committee on human resources, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties.

Read first time and referred to committee on **human resources**.

Senate File 458, by committee on ways and means, a bill for an act relating to the duties of the county treasurer and providing effective and applicability dates.

Read first time and **passed on file**.

CONSIDERATION OF BILLS

Regular Calendar

House File 367, a bill for an act providing for notification of certain persons receiving public assistance of tax suspension provisions, was taken up for consideration.

SENATE FILE 223 SUBSTITUTED FOR HOUSE FILE 367

Boddicker of Cedar asked and received unanimous consent to substitute Senate File 223 for House File 367.

Senate File 223, a bill for an act providing for notification of certain persons receiving public assistance of tax suspension provisions, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 223** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 386, a bill for an act authorizing certain cities to appoint a board of review to hear city taxpayer appeals, with report of committee recommending passage, was taken up for consideration.

Klemme of Plymouth offered the following amendment H-3415 filed by him and moved its adoption:

H-3415

- 1 Amend House File 386 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "council" the following: "of a city having a
- 4 population of seventy-five thousand or more."
- 5 2. Page 1, lines 29 and 30, by striking the
- 6 words: "and is also eligible to appoint a city
- 7 assessor pursuant to section 441.1".

Amendment H-3415 was adopted.

SENATE FILE 385 SUBSTITUTED FOR HOUSE FILE 386

Klemme of Plymouth asked and received unanimous consent to substitute Senate File 385 for House File 386.

Senate File 385, a bill for an act authorizing the appointment of a city board of review by certain cities, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 385** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 347, a bill for an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date, was taken up for consideration.

SENATE FILE 274 SUBSTITUTED FOR HOUSE FILE 347

Churchill of Polk asked and received unanimous consent to substitute Senate File 274 for House File 347.

Senate File 274, a bill for an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 274** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 174, a bill for an act relating to notice for vacating and closing roads, with report of committee recommending passage, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-3375 filed by Carroll, et. al., on March 21, 1995.

Carroll of Poweshiek offered the following amendment H-3521 filed by him and moved its adoption:

H-3521

- 1 Amend House File 174 as follows:
- 2 1. Page 1, by striking lines 13 and 14 and
- 3 inserting the following: "certified mail, and shall
- 4 notify all property owners located outside the
- 5 boundary of a city within one mile of the road by
- 6 regular mail."

Amendment H-3521 was adopted.

SENATE FILE 141 SUBSTITUTED FOR HOUSE FILE 174

Carroll of Poweshiek asked and received unanimous consent to substitute Senate File 141 for House File 174.

Senate File 141, a bill for an act relating to notice for vacating and closing roads, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 141** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 193, a bill for an act providing that animals classified as ostriches, rheas, and emus are considered livestock, with report of committee recommending amendment and passage, was taken up for consideration.

Bogges of Taylor asked and received unanimous consent to withdraw amendment H-3326 filed by the committee on agriculture on March 16, 1995.

SENATE FILE 278 SUBSTITUTED FOR HOUSE FILE 193

Bogges of Taylor asked and received unanimous consent to substitute Senate File 278 for House File 193.

Senate File 278, a bill for an act providing that animals classified as ostriches, rheas, and emus are considered livestock, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 278** be deferred and that the bill be placed on the **unfinished business calendar**.

HOUSE FILE 193 WITHDRAWN

Bogges of Taylor asked and received unanimous consent to withdraw House File 193 from further consideration by the House.

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Speaker pro tempore Van Maanen presented to the House, from the Speaker's station, Shanon Gutierrez, Queen of the 1995 Pella Tulip Festival.

Queen Shanon presented her attendants Jill Van Wyk, Teresa Zuidema, Kara De Haan and Lynne Van Roekel.

Also present from Pella were the parents of the Queen and her court who were dressed in native Dutch costume and distributed the famous Pella Dutch cookies.

Queen Shanon addressed the House briefly and invited everyone to attend the Pella Tulip Festival May 11, 12, and 13, 1995.

The House rose and expressed its welcome.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:12 a.m., until 10:00 a.m.

The House reconvened at 10:12 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 246, a bill for an act relating to civil litigation by inmates and prisoners and deductions from inmate accounts for certain expenses, including costs of litigation by inmates, with report of committee recommending passage, was taken up for consideration.

Grubbs of Scott offered the following amendment H-3707 filed by him and Kreiman and moved its adoption:

H-3707

- 1 Amend House File 246 as follows:
- 2 1. Page 1, line 3, by inserting after the figure
- 3 "610.1" the following: "or 822.5".
- 4 2. Page 1, line 6, by striking the word "county"
- 5 and inserting the following: "municipal".
- 6 3. Page 1, line 34, by striking the word "county"
- 7 and inserting the following: "municipal".
- 8 4. Page 3, line 2, by inserting after the word
- 9 "hearing" the following: "pursuant to chapter 903A".
- 10 5. Page 3, line 4, by striking the word "county"
- 11 and inserting the following: "municipality".
- 12 6. Page 3, lines 5 and 6, by striking the words
- 13 "and without prior notice" and inserting the
- 14 following: ", following notice and hearing,".
- 15 7. Page 3, by inserting after line 8 the
- 16 following:
- 17 "Sec. ____ Section 903A.3, subsection 1, Code
- 18 1995, is amended to read as follows:
- 19 1. Upon finding that an inmate has violated an
- 20 institutional rule, or has had an action or appeal
- 21 dismissed under section 610A.2, the independent
- 22 administrative law judge may order forfeiture of any
- 23 or all good conduct time earned and not forfeited up
- 24 to the date of the violation by the inmate and may
- 25 order forfeiture of any or all good conduct time
- 26 earned and not forfeited up to the date the action or
- 27 appeal is dismissed, unless the court entered such an
- 28 order under section 610A.3. The independent
- 29 administrative law judge has discretion within the
- 30 guidelines established pursuant to section 903A.4, to
- 31 determine the amount of time that should be forfeited
- 32 based upon the severity of the violation. Prior
- 33 violations by the inmate may be considered by the
- 34 administrative law judge in the decision."

Amendment H-3707 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?" (H.F. 246)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt	Hanson	Harper
Harrison	Heaton	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 3:

Doderer	Fallon	Holveck
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Absent or not voting, 4:

Brammer	Connors	Houser	Millage
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 246** be immediately messaged to the Senate.

House File 492, a bill for an act relating to landlord remedies for tenant noncompliance with a rental agreement and acts constituting a clear and present danger, was taken up for consideration.

Vande Hoef of Osceola offered amendment H-3386 filed by him as follows:

H-3386

- 1 Amend House File 492 as follows:
- 2 1. Page 2, by striking lines 2 through 8.
- 3 2. Page 4, by inserting after line 6 the
- 4 following:
- 5 "Sec. ____ Section 562B.25A, subsection 2,
- 6 unnumbered paragraph 1, Code 1995, is amended to read
- 7 as follows:
- 8 A clear and present danger to the health or safety
- 9 of other tenants, the landlord, or the landlord's
- 10 employees or agents, or other persons on or within one
- 11 thousand feet of the landlord's property includes, but
- 12 is not limited to, any of the following activities of
- 13 the tenant or of any person on the premises with the
- 14 consent of the tenant:"
- 15 3. By renumbering as necessary.

Kreiman of Davis offered amendment H-3688, to amendment H-3386, filed by him and requested division as follows:

H-3688

- 1 Amend the amendment, H-3386, to House File 492 as
- 2 follows:

H-3688A

- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "____ Page 1, by inserting after line 8 the
- 6 following:
- 7 "Sec. ____ Section 562A.26, Code 1995, is amended
- 8 to read as follows:
- 9 562A.26 TENANT'S REMEDIES FOR LANDLORD'S UNLAWFUL
- 10 OUSTER, EXCLUSION, OR DIMINUTION OF SERVICE.
- 11 If the landlord unlawfully removes or excludes the
- 12 tenant from the premises or willfully diminishes
- 13 services to the tenant by interrupting or causing the
- 14 interruption of electric, gas, water or other
- 15 essential service to the tenant, the tenant may
- 16 recover possession or terminate the rental agreement
- 17 and, in either case, recover the actual damages
- 18 sustained by the tenant, but not less than an amount
- 19 equal to one month's rent, and reasonable attorney's
- 20 fees. If the rental agreement is terminated, the
- 21 landlord shall return all prepaid rent and security."

H-3688B

- 22 2. Page 1, by inserting after line 2 the
- 23 following:

H-3688B

24 "_. Page 2, line 22, by inserting after the
 25 word "quit." the following: "The seventy-two hour
 26 notice shall provide the tenant with notice, by
 27 including a copy of subsection 3 with the notice, that
 28 the tenant may cure the clear and present danger."
 29 "_. Page 3, by striking lines 20 through 25 and
 30 inserting the following: "property and the property
 31 remains unclaimed fourteen days after the landlord has
 32 attempted to contact the owner of the property one
 33 time by ordinary mail at the tenant's last known
 34 address, the landlord may dispose of the property in
 35 accordance with the terms of the rental agreement. If
 36 the rental agreement does not provide for the
 37 disposition of abandoned property, the property shall
 38 be sold at sheriff's sale with the proceeds to go to
 39 the county general fund unless the proceeds are
 40 claimed by the tenant within ninety days of the
 41 sheriff's sale."

42 "_. Page 3, by inserting before line 26 the
 43 following:
 44 "Sec. ____ Section 562B.10, subsection 4, Code
 45 1995, is amended to read as follows:
 46 4. Rental agreements shall be for a term of one
 47 year unless otherwise specified in the rental
 48 agreement. Rental agreements shall be canceled by at
 49 least sixty days' written notice given by either
 50 party. A landlord shall cancel a rental agreement

Page 2

1 only for good cause and shall not cancel a rental
 2 agreement solely for the purpose of making the
 3 tenant's mobile home space available for another
 4 mobile home."
 5 "_. Page 4, line 4, by inserting after the word
 6 "quit." the following: "The three-day notice shall
 7 provide the tenant with notice, by including a copy of
 8 subsection 3 with the notice, that the tenant may cure
 9 the clear and present danger.""

H-3688A

10 3. Page 1, by inserting after line 14 the
 11 following:
 12 "_. Page 5, by striking lines 16 through 25.
 13 "_. Title page, line 1, by inserting after the
 14 word "noncompliance" the following: ", and tenant
 15 remedies for landlord noncompliance,"."

Kreiman of Davis asked and received unanimous consent to withdraw amendments H-3688A and H-3688B, to amendment H-3386, filed by him on April 3, 1995.

Kreiman of Davis offered the following amendment H-3689, to amendment H-3386, filed by him and moved its adoption:

H-3689

1 Amend the amendment, H-3386, to House File 492 as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "_. Page 1, by inserting after line 8 the
6 following:
7 "Sec. __. Section 562A.26, Code 1995, is amended
8 to read as follows:
9 562A.26 TENANT'S REMEDIES FOR LANDLORD'S UNLAWFUL
10 OUSTER, EXCLUSION, OR DIMINUTION OF SERVICE.
11 If the landlord unlawfully removes or excludes the
12 tenant from the premises or willfully diminishes
13 services to the tenant by interrupting or causing the
14 interruption of electric, gas, water or other
15 essential service to the tenant, the tenant may
16 recover possession or terminate the rental agreement
17 and, in either case, recover the actual damages
18 sustained by the tenant, but not less than an amount
19 equal to one month's rent, and reasonable attorney's
20 fees. If the rental agreement is terminated, the
21 landlord shall return all prepaid rent and security."
22 2. Page 1, by inserting after line 14 the
23 following:
24 "_. Title page, line 1, by inserting after the
25 word "noncompliance" the following: ", and tenant
26 remedies for landlord noncompliance,"."

A non-record roll call was requested.

The ayes were 20, nays 52.

Amendment H-3689 lost.

Kreiman of Davis asked and received unanimous consent to defer action on amendment H-3672, to amendment H-3386.

Kreiman of Davis offered amendment H-3690, to amendment H-3386, filed by him as follows:

H-3690

1 Amend the amendment, H-3386, to House File 492, as
2 follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "_. Page 3, by striking lines 20 through 25 and
6 inserting the following: "property and the property
7 remains unclaimed fourteen days after the landlord has
8 attempted to contact the owner of the property one

9 time by ordinary mail at the tenant's last known
 10 address, the landlord may dispose of the property in
 11 accordance with the terms of the rental agreement. If
 12 the rental agreement does not provide for the
 13 disposition of abandoned property, the property shall
 14 be sold at sheriff's sale with the proceeds to go to
 15 the county general fund unless the proceeds are
 16 claimed by the tenant within ninety days of the
 17 sheriff's sale."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, until his arrival, on request of Schrader of Marion.

On motion by Kreiman of Davis, amendment H-3690, to amendment H-3386, lost.

Kreiman of Davis offered the following amendment H-3691, to amendment H-3386, filed by him and moved its adoption:

H-3691

1 Amend the amendment, H-3386, to House File 492, as
 2 follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "_. Page 3, by inserting before line 26 the
 6 following:
 7 "Sec. __. Section 562B.10, subsection 4, Code
 8 1995, is amended to read as follows:
 9 4. Rental agreements shall be for a term of one
 10 year unless otherwise specified in the rental
 11 agreement. Rental agreements shall be canceled by at
 12 least sixty days' written notice given by either
 13 party. A landlord shall cancel a rental agreement
 14 only for good cause and shall not cancel a rental
 15 agreement solely for the purpose of making the
 16 tenant's mobile home space available for another
 17 mobile home."

Roll call was requested by Kreiman of Davis and Fallon of Polk.

On the question "Shall amendment H-3691, to amendment H-3386, be adopted?" (H.F. 492)

The ayes were, 41:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Cohoon
Connors	Coon	Cornelius	Doderer
Drees	Fallon	Garman	Harper
Holveck	Hurley	Jochum	Koenigs

Kreiman	Lamberti	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Wise
Witt			

The nays were, 55:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Huseman
Jacobs	Klemme	Kremer	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 4:

Brammer	Corbett, Spkr.	Grubbs	Grundberg
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Amendment H-3691 lost, placing out of order amendment H-3681 filed by Connors of Polk on April 3, 1995.

Kreiman of Davis offered the following amendment H-3695, to amendment H-3386, filed by him and moved its adoption:

H-3695

- 1 Amend the amendment, H-3386, to House File 492 as
- 2 follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "_. Page 2, line 22, by inserting after the
- 6 word "quit." the following: "The seventy-two hour
- 7 notice shall provide the tenant with notice, by
- 8 including a copy of subsection 3 with the notice, that
- 9 the tenant may cure the clear and present danger."
- 10 _ . Page 4, line 4, by inserting after the word
- 11 "quit." the following: "The three-day notice shall
- 12 provide the tenant with notice, by including a copy of
- 13 subsection 3 with the notice, that the tenant may cure
- 14 the clear and present danger."

Amendment H-3695 was adopted.

Kreiman of Davis offered the following amendment H-3692, to amendment H-3386, filed by him and moved its adoption:

H-3692

- 1 Amend the amendment, H-3386, to House File 492 as
- 2 follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "_. Page 5, by striking lines 16 through 25."

Amendment H-3692 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-3672, to amendment H-3386, previously deferred, filed by him on March 31, 1995.

On motion by Vande Hoef of Osceola, amendment H-3386, as amended, was adopted.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 492)

The ayes were, 72:

Arnold	Bell	Blodgett	Boddicker
Boguess	Bradley	Branstad	Brauns
Carroll	Cataldo	Churchill	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Koenigs	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	May	Mertz	Metcalf
Meyer	Millage	Mundie	Myers
Nelson, B.	Nutt	O'Brien	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Witt	Van Maanen, Presiding

The nays were, 23:

Baker	Bernau	Brand	Burnett
Cohoon	Doderer	Drees	Fallon

Harper	Holveck	Jochum	Kreiman
Mascher	McCoy	Moreland	Murphy
Nelson, L.	Ollie	Running	Schrader
Shoultz	Weigel	Wise	

Absent or not voting, 5:

Brammer	Brunkhorst	Corbett, Spkr.	Grubbs
Grundberg			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 492** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1995, passed the following bill in which the concurrence of the Senate was asked:

House File 515, a bill for an act relating to the relationship between a licensed real estate salesperson or broker and the parties to a transaction and providing an effective date.

Also: That the Senate has on April 4, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 384, a bill for an act relating to regulation of food establishments and providing for fees and penalties.

JOHN F. DWYER, Secretary

HOUSE FILE 506 REREFERRED

The Speaker announced that House File 506 referred to committee on **local government**, was rereferred to committee on **ways and means**.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:55 p.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened at 1:55 p.m., Speaker pro tempore Van Maanen in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

HOUSE FILES WITHDRAWN

Nelson of Marshall asked and received unanimous consent to withdraw **House File 174** from further consideration by the House.

Warnstadt of Woodbury asked and received unanimous consent to withdraw **House File 386** from further consideration by the House.

Metcalf of Polk asked and received unanimous consent to withdraw **House File 347** from further consideration by the House.

CONSIDERATION OF BILLS

Regular Calendar

House File 337, a bill for an act to amend the criteria necessary to establish that a person is seriously mentally impaired for purposes of involuntary hospitalization, with report of committee recommending passage, was taken up for consideration.

Wise of Lee offered the following amendment H-3548 filed by Wise, et. al., and moved its adoption:

H-3548

- 1 Amend House File 337 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ Section 229.22, subsection 2, Code
- 5 1995, is amended to read as follows:
- 6 2. In the circumstances described in subsection 1,
- 7 any peace officer who has reasonable grounds to
- 8 believe that a person is mentally ill, and because of
- 9 that illness is likely to physically injure the
- 10 person's self or others if not immediately detained,
- 11 may without a warrant take or cause that person to be
- 12 taken to the nearest available facility as defined in
- 13 section 229.11, subsections 2 and 3. A person
- 14 believed mentally ill, and likely to injure the
- 15 person's self or others if not immediately detained,
- 16 may be delivered to a hospital by someone other than a
- 17 peace officer. Upon delivery of the person believed
- 18 mentally ill to the hospital, the chief medical
- 19 officer may order treatment of that person, including
- 20 chemotherapy, but only to the extent necessary to
- 21 preserve the person's life or to appropriately control
- 22 behavior by the person which is likely to result in
- 23 physical injury to that person or others if allowed to
- 24 continue. The peace officer who took the person into
- 25 custody, or other party who brought the person to the
- 26 hospital, shall describe the circumstances of the
- 27 matter to the chief medical officer. If the chief
- 28 medical officer finds that there is reason to believe

29 that the person is seriously mentally impaired, and
 30 because of that impairment is likely to physically
 31 injure the person's self or others if not immediately
 32 detained, the chief medical officer shall at once
 33 communicate with the nearest available magistrate as
 34 defined in section 801.4, subsection 10. The
 35 magistrate shall ~~immediately proceed to the facility~~
 36 ~~where the person is detained, except that if the chief~~
 37 ~~medical officer's communication with the magistrate~~
 38 ~~occurs between the hours of midnight and the next~~
 39 ~~succeeding seven o'clock a.m. and the magistrate deems~~
 40 ~~it appropriate under, based upon~~ the circumstances
 41 described by the chief medical officer, the magistrate
 42 may delay going to the facility and in that case shall
 43 give the chief medical officer verbal instructions
 44 either directing that the person be released forthwith
 45 or authorizing the person's continued detention at
 46 that facility. In the latter case, the magistrate
 47 shall:
 48 a. By the close of business on the next working
 49 day, file with the clerk a written report stating the
 50 substance of the information on the basis of which the

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1 person's continued detention was ordered; and
 2 b. ~~Arrive at Proceed to~~ the facility where the
 3 person is being detained ~~not later than eight o'clock~~
 4 ~~a.m. of the same day on which the chief medical~~
 5 ~~officer's notification occurs within twenty-four hours~~
 6 ~~of giving instructions that the person be detained."~~
 7 2. Title page, line 1, by inserting after the
 8 word "criteria" the following: "and procedures".

Amendment H-3548 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 337)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drues	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Hammitt	Hanson	Harper

Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 2:

Fallon Martin

Absent or not voting, 3:

Bradley Brammer Halvorson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 367 WITHDRAWN

Daggett of Union asked and received unanimous consent to withdraw House File 367 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 337** be immediately messaged to the Senate.

House File 527, a bill for an act relating to probate including the lien period for estates which have not been administered, the amount which may be passed to a minor without appointing a conservator, the distribution of an intestate estate to the parents, and special use trusts, was taken up for consideration.

Moreland of Wapello offered the following amendment H-3602 filed by Hurley of Fayette and moved its adoption:

H-3602

- 1 Amend House File 527 as follows:
- 2 1. Page 4, line 6, by striking the word "may" and
- 3 inserting the following: "may shall".

Amendment H-3602 was adopted.

SENATE FILE 440 SUBSTITUTED FOR HOUSE FILE 527

Moreland of Wapello asked and received unanimous consent to substitute Senate File 440 for House File 527.

Senate File 440, a bill for an act relating to probate including the lien period for estates which have not been administered, the amount which may be passed to a minor without appointing a conservator, the distribution of an intestate estate to the parents, and special use trusts, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that **Senate File 440** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 499, a bill for an act relating to abandoned property subject to control by the treasurer of state, was taken up for consideration.

Jacobs of Polk offered the following amendment H-3543 filed by Jacobs, et. al., and moved its adoption:

H-3543

1 Amend House File 499 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing:

4 "Section 1. Section 556.1, Code 1995, is amended
5 by adding the following new subsection:

6 **NEW SUBSECTION.** 5A. "Money order" includes an
7 express money order and a personal money order, on
8 which the remitter is the purchaser. "Money order"
9 does not include a bank money order or any other
10 instrument sold by a banking or financial organization
11 if the seller has obtained the name and address of the
12 payee.

13 Sec. 2. Section 556.2, subsection 4, Code 1995, is
14 amended to read as follows:

15 4. Any sum payable on checks certified in this
16 state or on written instruments issued in this state
17 on which a banking or financial organization or
18 business association is directly liable, including, by
19 way of illustration but not of limitation,
20 certificates of deposit, drafts, money orders, and
21 traveler's checks, that, with the exception of
22 traveler's checks and money orders, has been
23 outstanding for more than three years from the date it
24 was payable, or from the date of its issuance if
25 payable on demand, or, in the case of traveler's
26 checks, that has been outstanding for more than
27 fifteen years from the date of its issuance, or, in

28 the case of money orders, that has been outstanding
 29 for more than seven years from the date of issuance,
 30 unless the owner has within three years, or within
 31 fifteen years in the case of traveler's checks or
 32 seven years in the case of money orders, corresponded
 33 in writing with the banking or financial organization
 34 or business association concerned, or otherwise
 35 indicated an interest as evidenced by a memorandum on
 36 file with the banking or financial organization or
 37 business association. The memorandum shall be dated
 38 and may have been prepared by the banking or financial
 39 organization or business association, in which case it
 40 shall be signed by an officer of the banking or
 41 financial organization, or a member of the business
 42 association, or it may have been prepared by the
 43 owner."

44 2. By renumbering as necessary.

Amendment H-3543 was adopted.

SENATE FILE 375 SUBSTITUTED FOR HOUSE FILE 499

Jacobs of Polk asked and received unanimous consent to substitute Senate File 375 for House File 499.

Senate File 375, a bill for an act relating to abandoned property subject to control by the treasurer of state, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that **Senate File 375** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 370, a bill for an act relating to the electricity purchase or wheeling requirements for alternate energy production and small hydro facilities and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Nutt of Woodbury offered the following amendment H-3334 filed by the committee on commerce-regulation and moved its adoption:

H-3334

- 1 Amend House File 370 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "Sec. ____ Section 476.43, subsection 3, Code
- 5 1995, is amended by striking the subsection."
- 6 2. By renumbering as necessary.

The committee amendment H-3334 was adopted.

The following amendments were deferred by unanimous consent:

H-3678 filed by Shoultz of Black Hawk.

H-3679 filed by Shoultz of Black Hawk.

H-3705 filed by Shoultz of Black Hawk.

H-3699 filed by Weigel of Chickasaw.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3700 filed by him on April 3, 1995.

McCoy of Polk offered amendment H-3710 filed by him as follows:

H-3710

1 Amend House File 370 as follows:

2 1. Page 1, line 4, by inserting after the figure
3 "476.43," the following: "476.43A."

4 2. Page 1, line 11, by inserting after the figure
5 "476.43," the following: "476.43A."

6 3. Page 1, by inserting after line 11 the
7 following:

8 "Sec. ____ Section 476.42, subsection 1, Code
9 1995, is amended by adding the following new
10 unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. An alternate energy
12 production facility does not include a methane-
13 producing sanitary landfill."

14 4. Page 1, by striking lines 14 through 28 and
15 inserting the following:

16 "Sec. ____ Section 476.43, Code 1995, is amended
17 to read as follows:

18 476.43 RATES FOR ALTERNATE ENERGY PRODUCTION
19 FACILITIES METHANE-PRODUCING SANITARY LANDFILLS.

20 1. ~~Subject to section 476.44, the~~ The board shall
21 require electric utilities to enter into long-term
22 contracts to do the following:

23 a. Purchase or wheel electricity from alternate
24 energy production facilities or small hydro facilities
25 methane-producing sanitary landfills located in the
26 utility's service area under the terms and conditions
27 that the board finds are just and economically
28 reasonable to the electric utilities' ratepayers, and
29 are nondiscriminatory to ~~alternate energy producers~~
30 ~~and small hydro producers and will further the policy~~
31 ~~stated in section 476.41~~ methane-producing sanitary
32 landfills.

33 b. Provide for the availability of supplemental or
34 backup power to ~~alternate energy production facilities~~
35 ~~or small hydro facilities~~ methane-producing sanitary
36 landfills on a nondiscriminatory basis and at just and
37 reasonable rates.

38 2. Upon application by the owner or operator of an
39 alternate energy production facility or small hydro

40 ~~facility or any interested party, a methane-producing~~
41 sanitary landfill the board shall establish for the
42 affected public utility just and economically
43 reasonable rates for electricity purchased under
44 subsection 1, paragraph "a". The rates shall be
45 established at levels sufficient to stimulate the
46 development of ~~alternate energy production and small~~
47 hydro facilities electricity generated from methane
48 production in a sanitary landfill in Iowa and to
49 encourage the continuation of existing capacity from
50 those facilities landfills.

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1 3. The board may adopt individual utility or
2 uniform statewide facility rates. The board shall
3 consider the following factors in setting individual
4 or uniform rates:
5 a. The estimated capital cost of the next
6 generating plant, including related transmission
7 facilities, to be placed in service by the electric
8 utility serving the area.
9 b. The term of the contract between the electric
10 utility and the seller.
11 c. A levelized annual carrying charge based upon
12 the term of the contract and determined in a manner
13 consistent with both the methods and the current
14 interest or return requirements associated with the
15 electric utility's new construction program.
16 d. The electric utility's annual energy costs,
17 including current fuel costs, related operation and
18 maintenance costs, and other energy-related costs
19 considered appropriate by the board.
20 e. External factors, including but not limited to,
21 environmental and economic factors.
22 f. Other relevant factors.
23 g. If the board adopts uniform statewide rates,
24 the board shall use representative data in lieu of
25 utility specific information in applying the factors
26 listed in paragraphs "a" through "f".
27 4. In the case of a utility that purchases all or
28 substantially all of its electricity requirements, the
29 rates established under this section must be based on
30 the electric utility's current purchased power costs.
31 5. In lieu of the other procedures provided by
32 this section, an electric utility and an owner or
33 operator of ~~an alternate energy production facility or~~
34 ~~small hydro facility~~ a methane-producing sanitary
35 landfill may enter into a long-term contract in
36 accordance with subsection 1 and may agree to rates
37 for purchase and sale transactions. A contract
38 entered into under this subsection must be filed with
39 the board in the manner provided for tariffs under
40 section 476.4.

41 6. This section does not require an electric
42 utility to construct additional facilities unless
43 those facilities are paid for by the owner or operator
44 of the ~~affected alternate energy production facility~~
45 ~~or small hydro facility~~ methane-producing sanitary
46 landfill.

47 7. For purposes of this section, "methane-
48 producing sanitary landfill" means any electric
49 generating facility fueled by methane extracted from a
50 sanitary landfill.

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1 Sec. ____ NEW SECTION. 476.43A RATES FOR
2 ALTERNATE ENERGY PRODUCTION FACILITIES OR SMALL HYDRO
3 FACILITIES.

4 1. The board shall require electric utilities to
5 enter into long-term contracts to purchase electric
6 energy from alternate energy production facilities or
7 small hydro facilities.

8 2. The rates for purchases under this section
9 shall not exceed the incremental costs to the electric
10 utility of alternative electric energy. For purposes
11 of this section "incremental cost" means the cost to
12 the electric utility of the electric energy which, but
13 for the purchase from the alternate energy production
14 facility or small hydro facility, the electric utility
15 would have generated or purchased from another source.

16 3. In the case of a utility that purchases all or
17 substantially all of its electricity requirements, the
18 rates established under this section must be based on
19 the electric utility's current purchased power costs.

20 4. In lieu of the other procedures provided by
21 this section, an electric utility and an owner or
22 operator of an alternate energy production facility or
23 small hydro facility may enter into a long-term
24 contract in accordance with subsection 1 and may agree
25 to rates for purchase and sale transactions. A
26 contract entered into under this subsection must be
27 filed with the board in the manner provided for
28 tariffs under section 476.4.

29 5. This section does not require an electric
30 utility to construct additional facilities unless
31 those facilities are paid for by the owner or operator
32 of the affected alternate energy production facility
33 or small hydro facility."

34 5. Page 1, by striking lines 31 and 32 and
35 inserting the following:

36 "Sec. ____ Notwithstanding the provisions of this
37 Act, the Iowa".

38 6. By renumbering as necessary.

McCoy of Polk offered the following amendment H-3717, to amend-
ment H-3710, filed by him from the floor and moved its adoption:

H-3717

1 Amend the amendment, H-3710, to House File 370 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "_. Page 1, by inserting before line 1 the
6 following:

7 "Section 1. Section 422.51, Code 1995, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 5. The taxes remitted pursuant to
10 this division shall be reduced by a methane energy
11 purchase tax credit. An electric utility which has
12 purchased electricity from a methane-producing
13 sanitary landfill pursuant to section 476.43 shall be
14 granted the credit. The credit shall equal the amount
15 paid by the electric utility in excess of its
16 incremental cost as defined in section 476.43A,
17 subsection 2. The amount of the credit shall, in the
18 first instance, be determined by the electric utility,
19 which shall make a monthly report of such credits to
20 the Iowa utilities board and the department, deducting
21 this credit from the periodic deposits of taxes due
22 under this division. If the department disputes the
23 amount of any such credit, such disputes shall be
24 resolved by the Iowa utilities board."

25 2. Page 2, by inserting after line 46 the
26 following:

27 "6A. Whenever a contract approved by the board
28 requires an electric utility to purchase electricity
29 from a methane-producing sanitary landfill pursuant to
30 this section, the electric utility shall be entitled
31 to a methane energy purchase tax credit as provided in
32 section 422.51. The electric utility shall reflect
33 the methane energy purchase tax credit received by the
34 electric utility in the electric utility's automatic
35 adjustment pursuant to section 476.6, subsection 11,
36 to the extent its payments to the methane-producing
37 sanitary landfill, in excess of the incremental cost
38 of alternative electric energy, were included in the
39 automatic adjustment clause."

40 3. By renumbering as necessary.

Amendment H-3717 was adopted.

On motion by McCoy of Polk, amendment H-3710, as amended,
was adopted.

RULE 32 INVOKED

Siegrist of Pottawattamie asked and received unanimous consent
to invoke Rule 32 to refer **House File 370** to the committee on **ways
and means**.

Unfinished Business Calendar
Special Order

The House resumed consideration of **House File 519**, a bill for an act providing for the regulation of animal feeding operations, fees, the expenditure of moneys, penalties, and an effective date, previously deferred and placed on the unfinished business calendar, special order.

Garman of Story asked and received unanimous consent to withdraw amendment H-3599 filed by her and Coon on March 29, 1995.

Mertz of Kossuth offered amendment H-3604 filed by her and Mundie as follows:

H-3604

1 Amend House File 519 as follows:

2 1. Page 5, by inserting after line 31 the
3 following:

4 "Sec. ____ Section 335.2, Code 1995, is amended to
5 read as follows:

6 335.2 FARMS EXEMPT.

7 Except to the extent required to implement section
8 335.27, no ordinance adopted under this chapter
9 applies to land, farm houses, farm barns, farm
10 outbuildings or other buildings or structures which
11 are primarily adapted, by reason of nature and area,
12 for use for agricultural purposes, while so used.
13 However, the this section shall not apply to the
14 unincorporated area up to two miles beyond the limits
15 of a city. In addition, ordinances may apply to any
16 structure, building, dam, obstruction, deposit or
17 excavation in or on the flood plains of any river or
18 stream.

19 Sec. ____ Section 414.23, unnumbered paragraph 1,
20 Code 1995, is amended to read as follows:

21 The powers granted by this chapter may be extended
22 by ordinance by any city to the unincorporated area up
23 to two miles beyond the limits of such city, except
24 for those areas within a county where a county zoning
25 ordinance exists. The ordinance shall describe in
26 general terms the area to be included. The exemption
27 from regulation granted by section 335.2 to property
28 used for agricultural purposes shall not apply to such
29 unincorporated area. If the limits of any such city
30 are at any place less than four miles distant from the
31 limits of any other city which has extended or
32 thereafter extends its zoning jurisdiction under this
33 section, then at such time the powers herein granted
34 shall extend to a line equidistant between the limits
35 of said cities."

36 2. By renumbering as necessary.

Eddie of Buena Vista rose on a point of order that amendment H-3604 was not germane.

The Speaker ruled the point well taken and amendment H-3604 not germane.

Garman of Story offered amendment H-3635 filed by her and Coon as follows:

H-3635

- 1 Amend House File 519 as follows:
- 2 1. Page 5, by inserting after line 31 the
- 3 following:
- 4 "Sec. ____ Section 335.2, Code 1995, is amended to
- 5 read as follows:
- 6 335.2 FARMS EXEMPT.
- 7 1. Except to the extent required to implement
- 8 section 335.27, no ordinance adopted under this
- 9 chapter applies to land, farm houses, farm barns, farm
- 10 outbuildings or other buildings or structures which
- 11 are primarily adapted, by reason of nature and area,
- 12 for use for agricultural purposes, while so used.
- 13 However, the ordinances may apply to any structure,
- 14 building, dam, obstruction, deposit or excavation in
- 15 or on the flood plains of any river or stream.
- 16 2. This section does not apply to an animal
- 17 feeding operation which has an animal weight capacity
- 18 of six hundred twenty-five thousand or more pounds for
- 19 animals other than beef cattle, or one million six
- 20 hundred thousand or more pounds for beef cattle, as
- 21 provided in section 455B.161. This subsection does
- 22 not apply to allow zoning of agricultural uses under
- 23 this chapter, if one of the following applies:
- 24 a. The owner of the agricultural land on which the
- 25 animal feeding operation is located is qualified to
- 26 file for a homestead tax credit as provided pursuant
- 27 to section 425.2 on the parcel of agricultural land on
- 28 which the operation is maintained.
- 29 b. The animal feeding operation was established
- 30 prior to the effective date of this Act, and is not
- 31 expanded after the effective date of this Act."
- 32 2. By renumbering as necessary.

Eddie of Buena Vista rose on a point of order that amendment H-3635 was not germane.

The Speaker ruled the point well taken and amendment H-3635 not germane.

Koenigs of Mitchell offered amendment H-3583 filed by him as follows:

H-3583

1 Amend House File 519 as follows:

2 1. Page 6, by inserting after line 27 the
3 following:

4 "Sec. ____ NEW SECTION. 331.302A CONFINEMENT
5 FEEDING OPERATIONS.

6 The board of supervisors in the county where the
7 operation is located may enforce sections 455B.202 and
8 455B.203, including rules adopted pursuant to those
9 sections. The board must deliver a notice by
10 certified mail to the department, stating that an
11 operation may be in violation of the sections or
12 departmental rules. The board shall deliver the
13 notice only after approval of the action by
14 resolution. The notice shall be in writing and shall
15 state the location of the operation, the name and
16 address of the owner, and an explanation of the
17 possible violation. The board may inform the de-
18 partment that the board reserves its right to enforce
19 the sections or rules as provided in this section, if
20 the department fails to initiate an investigation or
21 enforcement action or continue an enforcement action
22 which results in an administrative hearing or a
23 settlement of the case. The county may begin
24 enforcement proceedings after thirty days following
25 delivery of the notice, unless the department
26 commences and maintains active enforcement of the
27 sections or its rules. The county shall not initiate
28 or continue an enforcement action if the county
29 receives notice and results of the investigation by
30 the department that the department has conducted an
31 investigation and has determined that the operation is
32 not in violation of the sections or departmental
33 rules. Once the county begins an enforcement action,
34 it shall be the party in interest in the case and have
35 sole authority and responsibility to proceed with the
36 action. The county may refer any case to the attorney
37 general. The department of natural resources may
38 assume the enforcement action from the county.
39 However, if the department assumes the enforcement
40 action, the department shall be required to resolve
41 the action. The county shall bring the enforcement
42 action according to the same procedures used for a
43 county infraction as provided in section 331.307.
44 However, the civil penalty may be for any amount that
45 could be assessed by the department."

46 2. Page 16, line 17, by inserting after the
47 figure "17A." the following: "A county in which the
48 confinement feeding operation is located may require
49 that a copy of the plan be filed with the county."

50 3. Page 17, line 25, by inserting after the word

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- 1 "plan." the following: "A county may also inspect the
- 2 confinement feeding operation and records required to
- 3 be maintained as part of the manure management plan,
- 4 if the county initiates an enforcement action as
- 5 provided in section 331.302A."
- 6 4. Page 17, line 26, by striking the words "the
- 7 departmental" and inserting the following: "a
- 8 departmental or county".
- 9 5. By renumbering as necessary.

Eddie of Buena Vista rose on a point of order that amendment H-3583 was not germane.

The Speaker ruled the point well taken and amendment H-3583 not germane.

Koenigs of Mitchell moved to suspend the rules to consider amendment H-3583.

A non-record roll call was requested.

The ayes were 33, nays 51.

The motion to suspend the rules lost.

The House stood at ease at 3:00 p.m., until the fall of the gavel.

The House resumed session at 3:42 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Fallon of Polk offered the following amendment H-3566 filed by him and moved its adoption:

H-3566

- 1 Amend House File 519 as follows:
- 2 1. Page 9, line 4, by inserting after the word
- 3 "congregate," the following: "including, but not
- 4 limited to, public picnic areas, public campgrounds,
- 5 public lodges, public shelterhouses, public swimming
- 6 beaches, and public lakes listed by the department,".

A non-record roll call was requested.

The ayes were 32, nays 52.

Amendment H-3566 lost.

Mertz of Kossuth offered the following amendment H-3636 filed by her and Mundie and moved its adoption:

H-3636

- 1 Amend House File 519 as follows:
- 2 1. Page 9, line 17, by inserting after the word

3 "structure" the following: ", other than an animal
4 feeding operation for the care and feeding of swine,".

5 2. Page 9, line 27, by striking the words "for
6 animals other" and inserting the following: "for
7 nonswine animals other".

8 3. Page 9, line 27, by striking the words "pounds
9 for animals" and inserting the following: "pounds for
10 nonswine animals".

11 4. Page 10, by inserting after line 8 the
12 following:

13 "_. The following table represents the minimum
14 separation distance in feet required between animal
15 feeding operations for the care and feeding of swine
16 and a residence not owned by the owner of the animal
17 feeding operation, or a commercial enterprise, bona
18 fide religious institution or an educational
19 institution:

	Minimum separation distance in feet	Minimum separation distance in feet
	for operations having an animal weight capacity for swine of 625,000 or more pounds but less than 625,000 pounds	1,250,000 pounds
36 Type of structure	1,250	1,875
37 Anaerobic lagoon		
38 Uncovered earthen manure 39 storage basin	1,250	1,875
40 Uncovered formed 41 manure storage 42 structure	1,000	1,500
43 Covered earthen 44 manure storage basin	750	1,000
45 Covered formed 46 manure storage 47 structure	750	1,000
48 Confinement 49 building	750	1,000
50 Egg washwater		

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1 storage structure	750	1,000
2 An animal feeding operation for the care and		

3 feeding of swine having an animal weight capacity of
 4 1,250,000 or more pounds shall provide for the
 5 treatment and stabilization of manure exclusively by
 6 the use of a treatment system employing aeration. The
 7 system shall be installed, operated, and maintained in
 8 accordance with requirements provided in rules which
 9 shall be adopted by the department. The minimum
 10 separation distance applicable under this subsection
 11 to an animal feeding operation structure used in
 12 connection with the aeration system shall be two
 13 thousand five hundred feet. The minimum separation
 14 distance applicable under this subsection to a
 15 confinement building used in connection with the
 16 aeration system shall be one thousand feet.”
 17 5. By renumbering as necessary.

Amendment H-3636 lost.

Drees of Carroll offered the following amendment H-3563 filed by him and moved its adoption:

H-3563

1 Amend House File 519 as follows:

2 1. By striking page 9, line 20, through page 10,
3 line 8, and inserting the following:

4			“Minimum
5			separation
6			distance
7	Minimum	in feet	Minimum
8	separation	for opera-	separation
9	distance	tions hav-	distance
10	in feet	ing an	in feet
11	for opera-	animal	for opera-
12	tions hav-	weight ca-	tions hav-
13	ing an	capacity of	ing an
14	animal	625,000	animal
15	weight ca-	or more	weight ca-
16	capacity of	pounds but	capacity of
17	less than	less than	1,250,000
18	625,000	1,250,000	or more
19	pounds	pounds	pounds
20	for	for ani-	for
21	animals	mals other	animals
22	other	than beef	other
23	than	cattle, or	than
24	beef	1,600,000	beef
25	cattle,	or more	cattle, or
26	or less	pounds but	3,200,000
27	than	less than	or more
28	1,600,000	3,200,000	pounds
29	pounds	pounds	for
30	for beef	for beef	beef
31	Type of structure	cattle	cattle

32	Anaerobic lagoon	1,250	1,875	2,500
33	Earthen manure			
34	storage basin	1,250	1,875	2,500
35	Uncovered formed			
36	manure storage			
37	structure	1,000	1,500	2,000
38	Covered formed			
39	manure storage			
40	structure	750	1,000	1,500
41	Confinement			
42	building	750	1,000	1,500
43	Egg washwater			
44	storage structure	750	1,000	1,500".
45	2. Page 10, by striking lines 13 through 26 and			
46	inserting the following:			
47			"Minimum	
48			separation	
49			distance	
50	Minimum		in feet	Minimum

Page 2

1	separation	for opera-	separation	
2	distance	tions hav-	distance	
3	in feet	ing an	in feet	
4	for opera-	animal	for opera-	
5	tions hav-	weight ca-	tions hav-	
6	ing an	capacity of	ing an	
7	animal	625,000	animal	
8	weight ca-	or more	weight ca-	
9	capacity of	pounds but	capacity of	
10	less than	less than	1,250,000	
11	625,000	1,250,000	or more	
12	pounds	pounds	pounds	
13	for	for ani-	for	
14	animals	mals other	animals	
15	other	than beef	other	
16	than	cattle, or	than	
17	beef	1,600,000	beef	
18	cattle,	or more	cattle, or	
19	or less	pounds but	3,200,000	
20	than	less than	or more	
21	1,600,000	3,200,000	pounds	
22	pounds	pounds	for	
23	for beef	for beef	beef	
24	Type of structure	cattle	cattle	
25	Animal feeding			
26	operation structure	1,250	1,875	2,500".

Roll call was requested by Schrader of Marion and Koenigs of Mitchell.

Rule 75 was invoked.

On the question "Shall amendment H-3563 be adopted?" (H.F. 519)

The ayes were, 48:

Arnold	Baker	Bell	Bernau
Bradley	Brand	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Doderer	Drees	Fallon	Garman
Grubbs	Grundberg	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	McPhy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Sukup	Teig
Warnstadt	Weigel	Wise	Witt

The nays were, 50:

Blodgett	Boddicker	Boggess	Branstad
Brauns	Brunkhorst	Corbett, Spkr.	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 2:

Brammer Larson

Amendment H-3563 lost.

Drees of Carroll offered the following amendment H-3564 filed by him and moved its adoption:

H-3564

- 1 Amend House File 519 as follows:
- 2 1. By striking page 9, line 20, through page 10,
- 3 line 8, and inserting the following:
- 4
- 5 "Minimum
- 6 separation
- 7 distance
- 8 Minimum Minimum
- in feet separation
- separation for opera-

9	distance	tions hav-	distance
10	in feet	ing an	in feet
11	for opera-	animal	for opera-
12	tions hav-	weight ca-	tions hav-
13	ing an	capacity of	ing an
14	animal	625,000	animal
15	weight ca-	or more	weight ca-
16	capacity of	pounds but	capacity of
17	less than	less than	1,250,000
18	625,000	1,250,000	or more
19	pounds	pounds	pounds
20	for	for ani-	for
21	animals	mals other	animals
22	other	than beef	other
23	than	cattle, or	than
24	beef	1,600,000	beef
25	cattle,	or more	cattle, or
26	or less	pounds but	3,200,000
27	than	less than	or more
28	1,600,000	3,200,000	pounds
29	pounds	pounds	for
30	for beef	for beef	beef
31	cattle	cattle	cattle

31 Type of structure

32 Animal feeding

33 operation structure

1,250

1,875

2,500".

34 2. Page 10, by striking lines 13 through 26 and

35 inserting the following:

36		"Minimum	
37		separation	
38		distance	
39	Minimum	in feet	Minimum
40	separation	for opera-	separation
41	distance	tions hav-	distance
42	in feet	ing an	in feet
43	for opera-	animal	for opera-
44	tions hav-	weight ca-	tions hav-
45	ing an	capacity of	ing an
46	animal	625,000	animal
47	weight ca-	or more	weight ca-
48	capacity of	pounds but	capacity of
49	less than	less than	1,250,000
50	625,000	1,250,000	or more

Page 2

1	pounds	pounds	pounds
2	for	for ani-	for
3	animals	mals other	animals
4	other	than beef	other
5	than	cattle, or	than
6	beef	1,600,000	beef
7	cattle,	or more	cattle, or
8	or less	pounds but	3,200,000

9		than	less than	or more
10		1,600,000	3,200,000	pounds
11		pounds	pounds	for
12		for beef	for beef	beef
13	Type of structure	cattle	cattle	cattle
14	Animal feeding			
15	operation structure	1,250	1,875	2,500".

A non-record roll call was requested.

The ayes were 30, nays 51.

Amendment H-3564 lost.

Meyer of Sac offered the following amendment H-3529 filed by him and moved its adoption:

H-3529

- 1 Amend House File 519 as follows:
- 2 1. Page 11, by inserting after line 24 the
- 3 following:
- 4 "_. A confinement feeding operation structure,
- 5 other than an earthen manure storage basin, if the
- 6 structure is part of a confinement feeding operation
- 7 which has an animal capacity of two hundred or fewer
- 8 animal units as defined in section 204.1."
- 9 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 53, nays 26.

Amendment H-3529 was adopted.

Mertz of Kossuth offered the following amendment H-3600 filed by her and moved its adoption:

H-3600

- 1 Amend House File 519 as follows:
- 2 1. Page 11, by inserting after line 24 the
- 3 following:
- 4 "_. An animal feeding operation which provides
- 5 for the storage of manure exclusively in a dry form."
- 6 2. By renumbering as necessary.

Amendment H-3600 was adopted.

Fallon of Polk offered amendment H-3567 filed by him as follows:

H-3567

- 1 Amend House File 519 as follows:
- 2 1. Page 13, line 33, by inserting after the word

3 "operations." the following: "The department shall
4 not approve a permit for the construction of an animal
5 feeding operation or animal feeding operation
6 structure, unless the applicant files a statement
7 approved by the county board of supervisors or a
8 designee of the board, where the construction is to
9 occur, that the county board of supervisors or
10 designee has approved the construction site."

Gipp of Winneshiek in the chair at 5:26 p.m.

Fallon of Polk moved the adoption of amendment H-3567.

A non-record roll call was requested.

The ayes were 19, nays 54.

Amendment H-3567 lost.

Mundie of Webster offered amendment H-3571 filed by him as follows:

H-3571

1 Amend House File 519 as follows:
2 1. Page 14, line 7, by inserting after the word
3 "permit." the following: "The department shall not
4 approve a permit for the construction of three or more
5 animal feeding operation structures which are part of
6 a single animal feeding operation, unless the
7 applicant files a statement approved by an engineer
8 for the levee or drainage district where the
9 construction is to occur, that the animal feeding
10 operation structures comply with the requirements of
11 chapter 468."

Schrader of Marion offered the following amendment H-3668, to amendment H-3571, filed by him and moved its adoption:

H-3668

1 Amend the amendment, H-3571, to House File 519 as
2 follows:
3 1. Page 1, by striking lines 7 through 9 and
4 inserting the following: "applicant files a statement
5 approved by a professional engineer registered
6 pursuant to chapter 542B, that the animal feeding".

Amendment H-3668 was adopted.

On motion by Mundie of Webster, amendment H-3571, as amended, lost.

Houser of Pottawattamie offered amendment H-3609 filed by him as follows:

H-3609

1 Amend House File 519 as follows:
 2 1. Page 14, line 7, by inserting after the word
 3 "permit." the following: "The department shall
 4 deliver a copy or require the applicant to deliver a
 5 copy of the application for a construction permit to
 6 the county board of supervisors in the county where
 7 the animal feeding operation or animal feeding
 8 operation structure subject to the permit is to be
 9 located. The department shall not approve the
 10 application or issue a construction permit until
 11 thirty days following delivery of the application to
 12 the county board of supervisors. The department shall
 13 consider comments from the county board of
 14 supervisors, if the comments are delivered to the
 15 department within the thirty days prior to approving
 16 the application or issuing the permit."

Schrader of Marion offered the following amendment H-3676, to amendment H-3609, filed by him and moved its adoption:

H-3676

1 Amend the amendment, H-3609, to House File 519 as
 2 follows:
 3 1. Page 1, line 12, by striking the word "shall"
 4 and inserting the following: "may".

Amendment H-3676 was adopted.

Siegrist of Pottawattamie offered the following amendment H-3711, to amendment H-3609, filed by him from the floor and moved its adoption:

H-3711

1 Amend the amendment, H-3609, to House File 519 as
 2 follows:
 3 1. Page 1, by striking lines 15 and 16 and
 4 inserting the following: "department within fourteen
 5 days after receipt of the application by the county
 6 board of supervisors.""

Amendment H-3711 was adopted.

On motion by Houser of Pottawattamie, amendment H-3609, as amended, was adopted.

Garman of Story offered the following amendment H-3634 filed by her and moved its adoption:

H-3634

1 Amend House File 519 as follows:
 2 1. Page 14, line 7, by inserting after the word

3 "permit." the following: "Notwithstanding section
 4 335.2, a person who obtains a construction permit
 5 under this subsection, after the effective date of
 6 this Act, shall be subject to county zoning as
 7 provided in chapter 335, if the animal feeding
 8 operation has an animal weight capacity of six hundred
 9 twenty-five thousand or more pounds for animals other
 10 than beef cattle, or one million six hundred thousand
 11 or more pounds for beef cattle. However, section
 12 335.2 shall apply, if the owner of the agricultural
 13 land on which the animal feeding operation is located
 14 is qualified to file for a homestead tax credit as
 15 provided pursuant to section 425.2 on the parcel of
 16 agricultural land on which the operation is
 17 maintained."

Amendment H-3634 lost.

Shoultz of Black Hawk offered the following amendment H-3489
 filed by him and moved its adoption:

H-3489

- 1 Amend House File 519 as follows:
- 2 1. Page 16, by inserting after line 2 the
- 3 following:
- 4 "_. A person shall not apply manure in a liquid
- 5 form above the surface of the ground by use of a
- 6 pressurized system of dispersal, including but not
- 7 limited to a mechanical system commonly used for
- 8 irrigation, if the equipment disperses a jet or spray
- 9 of liquid manure more than twenty-five feet at any
- 10 angle, or more than fifteen feet if set at an angle of
- 11 more than forty-five degrees."
- 12 2. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Bernau of
 Story.

On the question "Shall amendment H-3489 be adopted?" (H.F. 519)

The ayes were, 33:

Baker	Bernau	Boguess	Brand
Burnett	Cohoon	Connors	Coon
Doderer	Drees	Fallon	Garman
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	McCoy
Moreland	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Teig	Warnstadt	Weigel
Witt			

The nays were, 61:

Arnold	Blodgett	Boddicker	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt	Hanson	Harrison
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	May
Mertz	Metcalf	Meyer	Millage
Mundie	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Sukup
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Gipp, Presiding			

Absent or not voting, 6:

Bell	Brammer	Grundberg	Heaton
Siegrist	Wise		

Amendment H-3489 lost.

Mundie of Webster offered the following amendment H-3591 filed by him and moved its adoption:

H-3591

- 1 Amend House File 519 as follows:
- 2 1. Page 17, line 35, by striking the word "two"
- 3 and inserting the following: "five".

Amendment H-3591 lost.

Teig of Hamilton offered the following amendment H-3594 filed by him and moved its adoption:

H-3594

- 1 Amend House File 519 as follows:
- 2 1. Page 17, line 35, by striking the word "two"
- 3 and inserting the following: "five".
- 4 2. Page 18, by striking line 1 and inserting the
- 5 following: "agricultural drainage well or known
- 6 sinkhole, and at least two hundred feet away from a
- 7 lake, river, or".

Amendment H-3594 was adopted.

Fallon of Polk offered the following amendment H-3570 filed by him and moved its adoption:

H-3570

- 1 Amend House File 519 as follows:
- 2 1. Page 18, line 8, by inserting after the figure
- 3 "462A.2" the following: ", unless the farm pond or
- 4 privately owned lake would be detrimentally impacted
- 5 by manure escaping from the animal feeding operation
- 6 structure, by overflow or a failure of the structure
- 7 to contain the manure".

A non-record roll call was requested.

The ayes were 25, nays 51.

Amendment H-3570 lost.

Koenigs of Mitchell asked and received unanimous consent to defer action on the following amendments: H-3586, H-3587, H-3588 and H-3589.

Dinkla of Guthrie offered the following amendment H-3723 filed by Siegrist of Pottawattamie from the floor and moved its adoption:

H-3723

- 1 Amend House File 519 as follows:
- 2 1. Page 19, line 13, by inserting after the word
- 3 "of" the following: ", or a failure to comply with,".

Amendment H-3723 was adopted.

Koenigs of Mitchell offered amendment H-3585 filed by him as follows:

H-3585

- 1 Amend House File 519 as follows:
- 2 1. By striking page 18, line 17, through page 19,
- 3 line 34.
- 4 2. By renumbering as necessary.

Speaker pro tempore Van Maanen of Marion in the chair at 6:56 p.m.

Gipp of Winneshiek in the chair at 8:05 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello, Cataldo of Polk and McCoy of Polk, until their return, on request of Schrader of Marion.

Koenigs of Mitchell moved the adoption of amendment H-3585.

Roll call was requested by Bernau of Story and Koenigs of Mitchell.

Rule 75 was invoked.

On the question "Shall amendment H-3585 be adopted?" (H.F. 519)

The ayes were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cohoon	Connors	Coon
Daggett	Doderer	Drees	Fallon
Garman	Grundberg	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Warnstadt
Weigel	Wise	Witt	

The nays were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Cornelius	Dinkla	Disney	Drake
Eddie	Ertl	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson.
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Mertz
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Gipp, Presiding			

Absent or not voting, 4:

Brammer	Cataldo	McCoy	Moreland
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Amendment H-3585 lost.

Mundie of Webster offered the following amendment H-3572 filed by him and moved its adoption:

H-3572

- 1 Amend House File 519 as follows:
- 2 1. Page 20, lines 3 and 4, by striking the words
- 3 "Iowa state university" and inserting the following:
- 4 "the Iowa chapter of the Izaak Walton league of
- 5 America, the Leopold center for sustainable
- 6 agriculture, Iowa state university".

Amendment H-3572 lost.

Koenigs of Mitchell offered amendment H-3590 filed by him as follows:

H-3590

- 1 Amend House File 519 as follows:
- 2 1. Page 22, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ PILOT PROJECT — TESTING OF ANIMAL
- 5 FEEDING OPERATIONS. There is appropriated out of any
- 6 moneys not otherwise appropriated, for allocation on
- 7 July 1, 1995, from the organic nutrient management
- 8 fund created in section 161C.5 to the department of
- 9 natural resources for the fiscal year beginning July
- 10 1, 1995, and ending June 30, 1996, any sum required to
- 11 conduct a study of ten animal feeding operations and
- 12 their structures, including confinement feeding
- 13 operations and confinement feeding operation
- 14 structures all as defined in section 455B.161 as
- 15 enacted in this Act, and manure management and
- 16 disposal systems used by such operations. The
- 17 operations and their structures or systems must have
- 18 been constructed or installed on or before July 1,
- 19 1985. The study shall determine the extent to which
- 20 operations and their structures and manure management
- 21 and disposal systems contribute to point and nonpoint
- 22 contamination of the state's groundwater and surface
- 23 water. A person owning or operating an animal feeding
- 24 operation shall cooperate with the department in
- 25 carrying out this section. The ten animal feeding
- 26 operations subject to the study shall be selected by
- 27 the Leopold center for sustainable agriculture as
- 28 created pursuant to section 266.39. The department
- 29 shall report its findings and recommendations to the
- 30 general assembly not later than January 1, 1997."
- 31 2. By renumbering as necessary.

Koenigs of Mitchell offered the following amendment H-3675, to amendment H-3590, filed by Schrader of Marion and moved its adoption:

H-3675

- 1 Amend the amendment, H-3590, to House File 519 as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 10 and
- 4 inserting the following: "FEEDING OPERATIONS. The
- 5 department of natural resources shall, to the extent
- 6 moneys are appropriated by the Seventy-fifth General
- 7 Assembly,".

Amendment H-3675 was adopted.

Koenigs of Mitchell moved the adoption of amendment H-3590, as amended.

A non-record roll call was requested.

The ayes were 67, nays 10.

Amendment H-3590, as amended, was adopted.

Schrader of Marion asked and received unanimous consent to defer action on amendment H-3706.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-3580, previously deferred, filed by him on March 29, 1995.

Speaker pro tempore Van Maanen of Marion in the chair at 8:51 p.m.

The House resumed consideration of amendment H-3638, as amended, filed by Fallon of Polk and Coon, found on pages 1184 and 1185 of the House Journal, previously deferred.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-four members present, forty-six absent.

Fallon of Polk moved the adoption of amendment H-3638, as amended.

Roll call was requested by Fallon of Polk and Running of Linn.

On the question "Shall amendment H-3638, as amended, be adopted?" (H.F. 519)

The ayes were, 33:

Bernau	Brand	Burnett	Cohoon
Connors	Coon	Doderer	Drees
Fallon	Grundberg	Harper	Holveck
Hurley	Jochum	Koenigs	Kreiman
Larkin	Mascher	McCoy	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Running	Schrader
Shoultz	Warnstadt	Weigel	Witt
Van Maanen, Presiding			

The nays were, 64:

Arnold	Bell	Blodgett	Boddicker
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Bogges	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	May	Mertz
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Wise

Absent or not voting, 3:

Baker Bradley Brammer

Amendment H-3638, as amended, lost.

Fallon of Polk offered amendment H-3565, previously deferred, filed by him as follows:

H-3565

- 1 Amend House File 519 as follows:
- 2 1. Page 5, by inserting after line 31 the
- 3 following:
- 4 "Sec. ____ Section 441.21, subsection 1, paragraph
- 5 e, Code 1995, is amended to read as follows:
- 6 e. The actual value of agricultural property shall
- 7 be determined on the basis of productivity and net
- 8 earning capacity of the property determined on the
- 9 basis of its use for agricultural purposes capitalized
- 10 at a rate of seven percent and applied uniformly among
- 11 counties and among classes of property. Any formula
- 12 or method employed to determine productivity and net
- 13 earning capacity of property shall be adopted in full
- 14 by rule. The actual valuation of property which is an
- 15 animal feeding operation with six hundred twenty-five
- 16 thousand or more pounds of animal weight capacity as
- 17 defined in section 455B.161 shall be assessed as
- 18 industrial property."
- 19 2. By renumbering as necessary.

Eddie of Buena Vista rose on a point of order that amendment H-3565 was not germane.

The Speaker ruled the point well taken and amendment H-3565 not germane.

Bernau of Story asked and received unanimous consent to withdraw amendment H-3607, previously deferred, filed by him on March 29, 1995, placing out of order amendment H-3655, to amendment H-3607, filed by Bernau of Story on March 30, 1995.

Koenigs of Mitchell offered the following amendment H-3586, previously deferred, filed by him and moved its adoption:

H-3586

- 1 Amend House File 519 as follows:
- 2 1. Page 18, by striking lines 30 through 33 and
- 3 inserting the following:
- 4 "2. Except as otherwise provided in this section,
- 5 an animal feeding operation shall not be found to be a
- 6 public or private".
- 7 2. Page 19, by striking lines 1 through 3 and
- 8 inserting the following: "operation's construction or
- 9 expansion. This nuisance suit protection includes".
- 10 3. Page 19, by inserting after line 9 the
- 11 following:
- 12 "_. The nuisance suit protection provided in
- 13 this section shall apply only to an animal feeding
- 14 operation, if all of the following requirements are
- 15 satisfied:
- 16 a. The animal feeding operation must receive all
- 17 the applicable permits as required by chapter 455B for
- 18 the construction of an animal feeding operation,
- 19 regardless of whether the permits were required to be
- 20 obtained or the permits were obtained voluntarily.
- 21 b. The animal feeding operation is established
- 22 after the effective date of this Act.
- 23 c. The location of the proposed animal feeding
- 24 operation must be approved by the county board of
- 25 supervisors in the county in which the proposed
- 26 operation is to be located. Within thirty days of
- 27 receipt of a proposal to establish the animal feeding
- 28 operation, the county board shall provide notice of
- 29 the proposal by publishing notice in a newspaper of
- 30 general circulation in the county. The county shall
- 31 also mail personal notice to each person who owns land
- 32 within two miles of the proposed operation. The
- 33 person proposing the animal feeding operation shall
- 34 pay reasonable expenses relating to providing the
- 35 notice. Within forty-five days after receipt of the
- 36 proposal, the county board shall hold a public hearing
- 37 on the proposal. Within sixty days after receipt, the
- 38 county board may adopt the proposal or any
- 39 modification of the proposal it deems appropriate."
- 40 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 26, nays 51.

Amendment H-3586 lost.

Koenigs of Mitchell asked and received unanimous consent to defer action on the following amendments: H-3587 and H-3588.

Koenigs of Mitchell offered the following amendment H-3589, previously deferred, filed by him and moved its adoption:

H-3589

- 1 Amend House File 519 as follows:
- 2 1. Page 19, by striking lines 29 through 34.

A non-record roll call was requested.

The ayes were 37, nays 49.

Amendment H-3589 lost.

Koenigs of Mitchell offered the following amendment H-3706, previously deferred, filed by Schrader of Marion and moved its adoption:

H-3706

- 1 Amend House File 519 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 13.13, subsection 2, Code
- 5 1995, is amended to read as follows:
- 6 2. The farm assistance program coordinator shall
- 7 contract with a nonprofit organization chartered in
- 8 this state to provide mediation services as provided
- 9 in chapters 654A and 654B, and to conduct neighbor
- 10 meetings pursuant to section 455B.205. The contract
- 11 shall be awarded to the organization by July 1, 1990.
- 12 The contract may be terminated by the coordinator upon
- 13 written notice and for good cause. The organization
- 14 awarded the contract is designated as the farm
- 15 mediation service for the duration of the contract.
- 16 The organization may, upon approval by the
- 17 coordinator, provide mediation services other than as
- 18 provided by law. The farm mediation service is not a
- 19 state agency for the purposes of chapters 19A, 20, and
- 20 669.
- 21 Sec. ____ Section 13.15, Code 1995, is amended to
- 22 read as follows:
- 23 13.15 RULES AND FORMS — FEES.
- 24 The farm mediation service shall recommend rules to
- 25 the farm assistance program coordinator. The
- 26 coordinator shall adopt rules pursuant to chapter 17A
- 27 to set the compensation of mediators and to implement
- 28 this subchapter, and chapters 654A and 654B, and
- 29 section 455B.205.
- 30 The rules shall provide for an hourly mediation fee

31 not to exceed fifty dollars for the borrower and one
 32 hundred dollars for the creditor. The hourly
 33 mediation fee may be waived for any party
 34 demonstrating financial hardship upon application to
 35 the farm mediation service.

36 The compensation of a mediator shall be no more
 37 than twenty-five dollars per hour, and all parties
 38 shall contribute an equal amount of the cost.
 39 However, if a meeting is held under section 455B.205,
 40 the animal feeding operation shall pay the mediator
 41 the costs of conducting the meeting.

42 The coordinator shall adopt voluntary mediation
 43 application and mediation request forms. The
 44 coordinator shall adopt necessary forms to carry out
 45 section 455B.205.

46 Sec. ____ NEW SECTION. 13.17 GOOD NEIGHBOR
 47 MEETINGS.

48 The farm assistance program coordinator, provided
 49 in this subchapter, shall contract with the farm
 50 mediation service to conduct meetings in order to

Page 2

1 provide for a good neighbor policy relating to animal
 2 feeding operations as provided in section 455B.205.
 3 The meetings shall not be considered mediation under
 4 this subchapter or chapters 654A and 654B."

5 2. Page 14, line 7, by inserting after the word
 6 "permit." the following: "The application for a
 7 construction permit shall include a section for a good
 8 neighbor policy as required pursuant to section
 9 455B.205, which the applicant is not required to
 10 complete unless the applicant elects to be eligible
 11 for nuisance suit protection under section 657.11.
 12 The department shall file a permittee's amendments to
 13 the section with the application."

14 3. Page 18, by inserting after line 16 the
 15 following:

16 "Sec. ____ NEW SECTION. 455B.205 GOOD NEIGHBOR
 17 POLICY.

18 1. The purpose of this section is to codify the
 19 spirit of informal conduct to the expansion of animal
 20 feeding operations in this state, which has
 21 traditionally existed between farmers and neighbors,
 22 based on a common set of farmer-neighbor expectations
 23 relating to conversation, cooperation, tolerance, and
 24 community harmony, when a farmer implements good faith
 25 business practices.

26 2. A person who, on and after the effective date
 27 of this Act, shall not obtain a construction permit
 28 pursuant to section 455B.173, unless the person
 29 develops a good neighbor policy prior to receiving the
 30 permit in order to provide that the animal feeding
 31 operation subject to the permit is eligible for

32 nuisance suit protection under section 657.11. In
33 order to satisfy this requirement, the applicant shall
34 satisfy the requirements of this section. The good
35 neighbor policy shall continue in effect after a
36 transfer in ownership of the operation. The portion
37 of the application providing for a good neighbor
38 policy may be amended by the operation's permittee
39 after complying with the requirements of this section
40 and filing the amended portion with the department.

41 3. The applicant or permittee shall provide a
42 written notice to all residents located within one
43 mile of any animal feeding operation structure subject
44 to the permit. The notice shall provide a time and
45 place in the county in which the operation is to be
46 located where all of the following shall be available
47 for public inspection:

48 a. The site plans for the construction of each
49 structure subject to a construction permit.

50 b. A completed application required pursuant to

Page 3

1 section 455B.173, including a proposed good neighbor
2 policy, or proposed amendments to the good neighbor
3 policy, as provided in this section.

4 c. A manure management plan, if required pursuant
5 to section 455B.203.

6 4. At least one neighbors meeting shall be held in
7 order to provide persons residing within one mile of
8 the site subject to the construction permit, with the
9 opportunity to express comments regarding the
10 operation, and the good neighbor policy. A
11 representative of the animal feeding operation shall
12 attend the meeting. A mediator designated by the farm
13 mediation service shall conduct the meeting and
14 certify to the department of natural resources that
15 the meeting was conducted as required pursuant to this
16 section.

17 5. The good neighbor portion of an application for
18 a permit for the construction of an animal feeding
19 operation or an amendment to the portion shall include
20 all of the following:

21 a. Procedures to notify neighbors of events,
22 including the cleaning of structures or the disposal
23 of manure, that may cause special discomfort to
24 neighbors.

25 b. A method to ensure that communication between
26 the animal feeding operation and neighbors is
27 maintained, including methods for neighbors to notify
28 an animal feeding operation when special occasions
29 occur such as weddings, holidays, parties, or
30 funerals.

31 c. The establishment of a nonjudicial dispute
32 resolution forum for neighbors and an animal feeding

33 operation to informally reach solutions to matters of
34 concern affecting the parties.
35 d. Methods to reduce impacts on the fair market
36 value of neighboring property due to the construction
37 or operation of an animal feeding operation structure,
38 which may include the purchase or lease of property
39 around an animal feeding operation structure, or the
40 payment of compensation to neighboring property
41 owners.

42 e. The implementation of practices and the
43 installation of systems to ensure that animal diseases
44 originating from the operation do not contaminate
45 animals located on neighboring property.

46 f. Practices and systems designed to reduce the
47 discomfort to neighbors arising from an animal feeding
48 operation. The application may include practical and
49 inexpensive methods utilized by the operation to
50 reduce odor, including planting trees around animal

Page 4

1 feeding operation structures and providing that open
2 manure storage structures be covered with materials
3 which inhibit odor, such as straw, foam pellets, or
4 mats.

5 6. The Iowa cooperative extension service in
6 agriculture and home economics at Iowa state
7 university shall assist in carrying out the purpose of
8 this section by developing a model good neighbor
9 policy which may be used by animal feeding operations
10 in complying with this section. The service shall
11 provide different versions of the policy based on
12 various possible situations. In developing different
13 versions, the service shall consider the type and size
14 of animal feeding operations, the type and size of
15 animal feeding operation structures utilized by
16 operations, the different species of animals
17 maintained at operations, varying distances to
18 neighboring residents, different types of locations of
19 the animal feeding operations, and the number of
20 existing or planned animal feeding operations located
21 in close proximity to the operation to be constructed.
22 The service shall develop its model good neighbor
23 policy based upon the sensibilities of a reasonable
24 rural resident in the county who is familiar with and
25 appreciates the importance of animal agriculture."

26 4. Page 19, line 3, by inserting after the word
27 "voluntarily." the following: "An animal feeding
28 operation shall not be eligible for nuisance suit
29 protection under this section, unless the operation is
30 subject to an existing good neighbor policy as
31 provided in section 455B.205."

32 5. Page 19, by inserting after line 14 the
33 following:

- 34 "_. A violation of an animal feeding operation's
 35 good neighbor policy as provided in section 455B.205,
 36 to the extent that the violation is the cause of the
 37 nuisance."
 38 6. By renumbering and relettering as necessary.

Roll call was requested by Koenigs of Mitchell and Fallon of Polk.

On the question "Shall amendment H-3706 be adopted?" (H.F. 519)

The ayes were, 34:

Bell	Bernau	Brand	Burnett
Cataldo	Cohoon	Coon	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carrroll	Churchill	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen		
	Presiding		

Absent or not voting, 4:

Baker	Brammer	Connors	Grundberg
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Amendment H-3706 lost:

Koenigs of Mitchell offered the following amendment H-3587, previously deferred, filed by him and moved its adoption:

H-3587

- 1 Amend House File 519 as follows:
- 2 1. Page 19, line 30, by striking the word "all".

3 2. Page 19, line 34, by inserting after the word
 4 "expenses." the following: "However, the plaintiff's
 5 liability to the defendant shall not be more than the
 6 same amount of all costs and expenses incurred by the
 7 plaintiff in bringing and maintaining the cause of
 8 action."

Amendment H-3587 lost.

Koenigs of Mitchell offered the following amendment H-3588 filed by him and moved its adoption:

H-3588

1 Amend House File 519 as follows:
 2 1. Page 19, by striking lines 29 through 34 and
 3 inserting the following:
 4 "_. If a defendant is a prevailing party in an
 5 action or proceeding based on a claim of nuisance
 6 which arises from an animal feeding operation, and if
 7 the court determines that the claim is frivolous, the
 8 plaintiff shall pay court costs and reasonable
 9 attorney fees incurred by the defendant."
 10 2. By renumbering as necessary.

Roll call was requested by Koenigs of Mitchell and Fallon of Polk.

On the question "Shall amendment H-3588 be adopted?" (H.F. 519)

The ayes were, 45:

Arnold	Bell	Bernau	Brand
Burnett	Carroll	Cataldo	Cohoon
Coon	Cormack	Cornelius	Daggett
Dinkla	Doderer	Drees	Fallon
Garman	Grundberg	Hanson	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Running	Schrader	Shoultz	Siegrist
Teig	Thomson	Warnstadt	Weigel
Wise			

The nays were, 51:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Churchill
Corbett, Spkr.	Disney	Drake	Eddie
Ertl	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer

Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Sukup
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 4:

Baker	Brammer	Connors	Witt
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Amendment H-3588 lost.

MOTION TO RECONSIDER FAILED

Koenigs of Mitchell called up for consideration the motion to reconsider amendment H-3637 to House File 519, filed by him on April 3, 1995, and moved to reconsider the vote by which amendment H-3637 was adopted by the House on April 3, 1995.

The motion to reconsider amendment H-3637 failed, placing out of order amendment H-3714, to amendment H-3637, filed by Schrader of Marion from the floor.

MOTION TO RECONSIDER PREVAILED

Ertl of Dubuque called up for immediate consideration the motion to reconsider amendment H-3597 to House File 519, filed by him from the floor and moved to reconsider the vote by which amendment H-3597 was adopted by the House on April 3, 1995.

Roll call was requested by Greig of Emmet and Hahn of Muscatine.

Rule 75 was invoked.

On the question "Shall the motion to reconsider prevail?"
(H.F. 519)

The ayes were, 50:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Corbett, Spkr.	Cornelius	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Gries	Grubbs
Hahn	Halvorson	Hammit	Hanson
Heaton	Houser	Huseman	Klemme
Kremer.	Lamberti	Larson	Main
Meyer	Millage	Mundie	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

The nays were, 47:

Baker	Bell	Bernau	Brand
Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	Cormack	Doderer
Drees	Fallon	Garman	Greiner
Grundberg	Harper	Harrison	Holveck
Hurley	Jacobs	Jochum	Koenigs
Kreiman	Larkin	Lord	Martin
Mascher	May	McCoy	Mertz
Metcalf	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Sukup	Warnstadt
Weigel	Wise	Witt	

Absent or not voting, 3:

Brammer	Connors	Teig
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The motion to reconsider prevailed and the House reconsidered amendment H-3597, filed by Garman of Story and Coon, and found on page 1170 of the House Journal.

Garman of Story moved the adoption of amendment H-3597.

A non-record roll call was requested.

The ayes were 50, nays 42.

Amendment H-3597 was adopted.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 519)

The ayes were, 70:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	May
Mertz	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup

Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Witt	Van Maanen, Presiding		

The nays were, 27:

Baker	Bernau	Brand	Burnett
Cohoon	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Mascher	McCoy	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Running	Schrader	Shoultz
Warnstadt	Weigel	Wise	

Absent or not voting, 3:

Brammer	Connors	Moreland
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 519** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 181, a bill for an act providing a sales tax exemption relating to aircraft, limiting the amount of refunds, and providing effective date and retroactive applicability provisions.

Also: That the Senate has on April 4, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 338, a bill for an act relating to the regulation of games of skill, games of chance, and amusement devices, and subjecting violators to penalties.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 31, 1995. Had I been present, I would have voted "aye" on amendments H-3257, and H-3268 to House Joint Resolution 14.

MASCHER of Johnson

I was necessarily absent from the House chamber on Monday evening, April 3, 1995. Had I been present, I would have voted "aye" on amendments H-3597, H-3568, H-3596 and H-3582 to House File 519.

WISE of Lee

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of April, 1995: House Files 170, 477 and 478.

ELIZABETH A. ISAACSON

Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Boy Scout Troop 321 from Olds-Winfield School District, accompanied by Rick Connop. By Heaton of Henry.

Eighty-four fifth grade students from Studebaker Elementary, Des Moines, accompanied by Arlys Moss. By McCoy of Polk.

Forty eleventh and twelfth grade students from Clarksville High School, Clarksville, accompanied by Dave Waskow. By Renken of Grundy.

Fourteen Girl Scouts from Winterset, accompanied by Roxann Roads. By Dinkla of Guthrie.

Four Senior Government students from Grinnell High School, Grinnell, accompanied by Dennis Conway. By Carroll of Poweshiek.

Sixty fifth grade students from Cody Elementary, Pleasant Valley, accompanied by Sonia Vogel, Kitty Miller, Rita Manwiller, Joel Haack and Dave Langtimn. By Bradley of Clinton.

SUBCOMMITTEE ASSIGNMENT

Senate File 311 Reassigned

Transportation: Blodgett, Chair; Larkin and Main.

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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Senate File 116, a bill for an act authorizing certain persons to access dependent adult abuse information.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1995.

Senate File 174, a bill for an act relating to health facilities under the purview of the department of inspections and appeals.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1995.

Senate File 178, a bill for an act relating to emergency medical services.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1995.

Senate File 315, a bill for an act relating to mental health and developmental disabilities assistance by extending a moratorium on the number of intermediate care facility for the mentally retarded beds and requiring certain reporting activities of the state-county management committee, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3719**, April 4, 1995.

Senate File 346, a bill for an act relating to the establishment of practitioner review committees for the purposes of evaluating and monitoring practitioners who self-report physical or mental impairments.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1995.

COMMITTEE ON NATURAL RESOURCES

Senate File 234, a bill for an act relating to the powers and duties of the department of natural resources by amending procedures for issuing and establishing fees for scientific collector's licenses or permits.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1995.

Senate File 292, a bill for an act relating to the powers and duties of the department of natural resources by authorizing the use of certain revenue to repay loans related to sewage collection and treatment plants in state parks and recreation areas.

Fiscal Note is not required.

Recommended Do Pass April 4, 1995.

Senate File 407, a bill for an act relating to alkaline manganese batteries.

Fiscal Note is not required.

Recommended Do Pass April 4, 1995.

AMENDMENTS FILED

H-3712	H.F.	370	Vande Hoef of Osceola Shoultz of Black Hawk Eddie of Buena Vista Huseman of Cherokee Klemme of Plymouth Mertz of Kossuth
H-3713	S.F.	266	Rants of Woodbury Grundberg of Polk
H-3715	H.F.	370	Nutt of Woodbury
H-3716	H.F.	430	Mascher of Johnson Boddicker of Cedar Grubbs of Scott Hammitt of Harrison
H-3718	H.F.	370	Vande Hoef of Osceola
H-3719	S.F.	315	Committee on Human Resources
H-3720	S.F.	406	Mascher of Johnson Cornelius of Jackson
H-3721	H.F.	521	Mundie of Webster
H-3722	H.F.	518	Metcalf of Polk
H-3724	H.F.	457	Weigel of Chickasaw
H-3725	H.F.	419	May of Worth
H-3726	H.F.	521	Weigel of Chickasaw
H-3727	S.F.	207	Vande Hoef of Osceola Renken of Grundy
H-3728	S.F.	406	Mascher of Johnson Cornelius of Jackson
H-3729	H.F.	373	Running of Linn
H-3730	H.F.	521	Weigel of Chickasaw Burnett of Story
H-3731	H.F.	514	Warnstadt of Woodbury
H-3732	H.F.	518	Brand of Benton
H-3733	H.F.	518	Weigel of Chickasaw
H-3734	H.F.	518	Holveck of Polk

H-3735	H.F.	521	Weigel of Chickasaw
H-3736	H.F.	508	Witt of Black Hawk
H-3737	H.F.	512	Baker of Polk Cataldo of Polk McCoy of Polk
H-3738	H.F.	512	Baker of Polk Murphy of Dubuque Wise of Lee
H-3739	S.F.	266	Baker of Polk
H-3740	S.F.	266	Baker of Polk
H-3741	S.F.	266	Baker of Polk
H-3742	S.F.	341	Murphy of Dubuque
H-3743	H.F.	520	Lamberti of Polk Myers of Johnson
H-3744	H.F.	334	Ertl of Dubuque
H-3745	H.F.	334	Ertl of Dubuque
H-3746	H.F.	486	Van Fossen of Scott
H-3747	H.F.	520	Holveck of Polk
H-3748	H.F.	520	Holveck of Polk
H-3749	H.F.	518	Lamberti of Polk Moreland of Wapello Metcalf of Polk Wise of Lee
H-3750	H.J.R.	11	Dinkla of Guthrie Harrison of Scott
H-3751	H.F.	518	Holveck of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 12:50 a.m. until 8:45 a.m., Wednesday, April 5, 1995.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 5, 1995

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Jim Eschenbrenner, Union Chapel Church, Hedrick.

The Journal of Tuesday, April 4, 1995 was approved.

SENATE MESSAGES CONSIDERED

Senate File 181, by Kibbie, a bill for an act providing a sales tax exemption relating to aircraft, limiting the amount of refunds, and providing effective date and retroactive applicability provisions.

Read first time and **passed on file**.

Senate File 338, by committee on state government, a bill for an act relating to the regulation of games of skill, games of chance, and amusement devices, and subjecting violators to penalties.

Read first time and referred to committee on **state government**.

Senate File 384, by committee on state government, a bill for an act relating to regulation of food establishments and providing for fees and penalties.

Read first time and referred to committee on **state government**.

HOUSE FILE 499 WITHDRAWN

Metcalf of Polk asked and received unanimous consent to withdraw House File 499 from further consideration by the House.

On motion by Siegrist of Pottawattamie, the House was recessed at 8:58 a.m., until 10:00 a.m.

The House reconvened at 10:00 a.m., Speaker Corbett in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 400, a bill for an act relating to the joint purchasing of equipment by political subdivisions of the state, was taken up for consideration.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 400)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 7:

Brammer	Carroll	Fallon	Grubbs
Houser	Hurley	Van Fossen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 520, a bill for an act relating to electronic transfer of funds and establishing certain requirements for full-function point-of-sale terminals and electronic funds transfer facilities maintained or operated by a national card association, establishing a civil penalty, and providing an effective date, was taken up for consideration.

Lamberti of Polk offered the following amendment H-3743 filed by him and Myers and moved its adoption:

H-3743

- 1 Amend House File 520 as follows:
- 2 1. Page 6, by inserting after line 7 the

3 following:

4 "Sec. ____ Section 527.5, subsection 13, Code
5 1995, is amended to read as follows:

6 13. Effective July 1, 1994, any transaction
7 engaged in with a retailer through a satellite
8 terminal ~~located in this state at a location described~~
9 in section 527.4, subsection 3, paragraph "d", by
10 means of an access device which results in a debit to
11 a customer asset account shall be cleared and paid at
12 par to the retailer during the settlement of such
13 transaction to the retailer. Processing
14 Notwithstanding the terms of any contractual agreement
15 between a retailer or financial institution and a
16 national card association as described in subsection
17 12, an electronic funds transfer processing facility
18 of a national card association, a central routing unit
19 approved pursuant to this chapter, or a data
20 processing center, the processing fees and charges for
21 such transactions to the retailer shall not be based
22 on a percentage of the amount of the transaction be as
23 contractually agreed upon between the retailer and the
24 financial institution which establishes, owns,
25 operates, controls, or processes transactions
26 initiated at the satellite terminal. All accounting
27 documents reflecting such fees and charges imposed on
28 the retailer shall separately identify transactions
29 which have resulted in a debit to a customer asset
30 account and the charges imposed. The provisions of
31 this subsection shall apply to all satellite
32 terminals, including limited-function terminals, full-
33 function point-of-sale terminals as identified in
34 subsection 12, paragraph "a", and multiple use
35 terminals."

36 2. By renumbering as necessary.

Amendment H-3743 was adopted.

Holveck of Polk asked and received unanimous consent to defer action on amendment H-3748.

Speaker pro tempore Van Maanen of Marion in the chair at 10:10 a.m.

Holveck of Polk offered the following amendment H-3747 filed by him and moved its adoption:

H-3747

1 Amend House File 520 as follows:

2 1. Page 6, by striking line 8 and inserting the
3 following:

4 "Sec. ____ Section 527.6, Code 1995, is repealed."

5 2. By renumbering as necessary.

Amendment H-3747 lost.

Holveck of Polk offered amendment H-3748 previously deferred, filed by him and requested division as follows:

H-3748

- 1 Amend House File 520 as follows:

H-3748A

- 2 1. Page 6, by inserting after line 7 the
3 following:
4 "Sec. ____ Section 527.8, subsection 1, Code 1995,
5 is amended to read as follows:
6 1. As a condition of exercising the privilege of
7 utilizing a satellite terminal, a financial
8 institution is liable to each of its customers for all
9 losses incurred by the customer as a result of the
10 transmission or recording of electronic impulses as a
11 part of a transaction not authorized by the customer
12 or to which the customer was not a party. However, if
13 the financial institution has provided the customer
14 with an access device for engaging in a transaction at
15 a satellite terminal which is unique to the customer,
16 and losses are incurred by the customer as a result of
17 the theft, loss or other compromise of that access
18 device, the liability of the financial institution
19 pursuant to this section shall not include the first
20 two hundred fifty dollars of any losses incurred prior
21 to the time the customer notifies the financial
22 institution of the theft, loss or compromise except
23 that the financial institution shall have no liability
24 if the losses are a result of the customer's
25 fraudulent acts or omissions."

H-3748B

- 26 2. Page 6, by striking line 8 and inserting the
27 following:
28 "Sec. ____ Section 527.6, Code 1995, is repealed."
29 3. By renumbering as necessary.

On motion by Holveck of Polk, amendment H-3748A lost.

The Speaker announced that with the consideration of amendment H-3747, amendment H-3748B was out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of Schrader of Marion.

Lamberti 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. 520)

The ayes were, 81:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Ertl	Fallon	Garman
Gipp	Gries	Grundberg	Hahn
Hammitt	Hanson	Harrison	Heaton
Houser	Huseman	Jacobs	Jochum
Klemme	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Rants
Renken	Salton	Schrader	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Warnstadt
Weidman	Weigel	Welter	Wise
Van Maanen, Presiding			

The nays were, 8:

Doderer	Drees	Harper	Holveck
Ollie	Running	Shoultz	Witt

Absent or not voting, 11:

Brammer	Drake	Eddie	Greig
Greiner	Grubbs	Halvorson	Hurley
Koenigs	Mertz	Veenstra	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 485, a bill for an act relating to remedies upon the dishonoring of a financial instrument and providing penalties, was taken up for consideration.

Speaker Corbett of Linn in the chair at 10:33 a.m.

Nutt of Woodbury offered the following amendment H-3645 filed by him and Kreiman and moved its adoption:

H-3645

- 1 Amend House File 485 as follows:
- 2 1. Page 1, line 10, by inserting after the word

3 "drawee," the following: "If the check, draft, or
 4 order was presented twice or the maker does not have
 5 an account with the drawee, the amount of the
 6 surcharge shall not exceed one hundred dollars."

7 2. Page 1, line 22, by inserting after the word
 8 "drawee," the following: "If the check, draft, or
 9 order was presented twice or the maker does not have
 10 an account with the drawee, the amount of the
 11 surcharge shall not exceed one hundred dollars."

12 3. Page 2, by striking lines 19 and 20 and
 13 inserting the following: "order."

14 4. Page 2, by striking lines 32 through 34 and
 15 inserting the following: "the dishonored check,
 16 draft, or order and the actual costs incurred by the
 17 plaintiff in bringing the".

Amendment H-3645 was adopted.

Nutt of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 485)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Brammer

Hurley

Running

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 400, 520 and 485.**

House File 345, a bill for an act relating to the rate of interest charged on judgments and decrees, was taken up for consideration.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 345)

The ayes were, 92:

Baker	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cohon	Connors
Coon	Cormack	Cornelius	Daggett
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Schrader	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker
			Corbett

The nays were, 4:

Arnold	Churchill	Dinkla	Moreland
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Absent or not voting, 4:

Brammer	Hurley	Salton	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.

House File 517, a bill for an act relating to motor carrier certification by establishing a motor carrier education course, requiring a compliance review, and imposing fees, was taken up for consideration.

Welter of Jones asked and received unanimous consent to withdraw amendment H-3438 filed by him on March 23, 1995.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 517)

The ayes were, 94:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 6:

Baker	Brammer	Hurley	Lamberti
Siegrist	Vande Hoef		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 345 and 517.**

House File 150, a bill for an act authorizing cities and counties access to the Iowa communications network, and providing an effective date, was taken up for consideration.

Speaker pro tempore Van Maanen of Marion in the chair at 11:15 a.m.

Myers of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 150)

The ayes were, 74:

Arnold	Baker	Bell	Bernau
Blodgett	Bogess	Bradley	Brand
Branstad	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cphoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Dinkla	Disney	Doderer	Fallon
Gipp	Greig	Greiner	Gries
Grubbs	Hammitt	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Huseman	Jacobs	Jochum	Koenigs
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Rants	Running
Schrader	Schulte	Shoultz	Siegrist
Sukup	Thomson	Van Fossen	Vande Hoef

Veenstra	Warnstadt	Weigel	Wise
Witt	Van Maanen, Presiding		

The nays were, 23:

Boddicker	Brauns	Daggett	Drake
Drees	Eddie	Ertl	Garman
Hahn	Halvorson	Klemme	Kreiman
Kremer	Main	McCoy	Meyer
Nutt	Renken	Salton	Teig
Tyrrell	Weidman	Welter	

Absent or not voting, 3:

Brammer	Grundberg	Hurley
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 461, a bill for an act relating to the Iowa communications network by directing the Iowa telecommunications and technology commission to conduct studies concerning the possible sale of the network, and the possible conversion of the network into a public utility, was taken up for consideration.

Lamberti 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. 461)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cphoon	Connors	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer

Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none. *

Absent or not voting, 4:

Brammer	Coon	Greiner	Hurley
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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

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 150 and 461.**

House File 334, a bill for an act relating to the hearing and election provisions of the instructional support program of school districts, with report of committee recommending passage, was taken up for consideration.

Cornelius of Jackson offered the following amendment H-3561 filed by him and moved its adoption:

H-3561

- 1 Amend House File 334 as follows:
- 2 1. Page 1, by striking lines 12 through 22 and
- 3 inserting the following: "published in one or more
- 4 newspapers not less than ten nor more than twenty days
- 5 before the public hearing. For the purpose of
- 6 establishing and giving assured circulation to the
- 7 proceedings, only in a newspaper which is a newspaper
- 8 of general circulation issued at a regular frequency,
- 9 distributed in the school district's area, and
- 10 regularly delivered or mailed through the post office
- 11 during the preceding two years may be used for the
- 12 publication in the school district. In addition, the
- 13 newspaper must have a list of subscribers who have
- 14 paid, or promised to pay, at more than a nominal rate,

15 ~~for copies to be received during a stated period. At~~
16 ~~the hearing, the board shall announce a~~.

Amendment H-3561 was adopted.

Ertl of Dubuque offered the following amendment H-3745 filed by him and moved its adoption:

H-3745

- 1 Amend House File 334 as follows:
- 2 1. Page 1, by striking lines 24 through 26 and
- 3 inserting the following: "the hearing, ~~that it will~~
- 4 ~~take action to adopt a resolution to participate in~~
- 5 ~~the instructional support program for a period not~~
- 6 ~~exceeding five years or to the board shall direct~~
- 7 ~~the~~".
- 8 2. Page 2, by striking lines 3 through 27 and
- 9 inserting the following:
- 10 "Sec. 2. Section 257.18, subsection 2, Code 1995,
- 11 is amended by striking the subsection.
- 12 Sec. 3. Section 257.27, unnumbered paragraph 2,
- 13 Code 1995, is amended to read as follows:
- 14 If the voters do not approve adoption of the
- 15 instructional support program, the board shall wait at
- 16 least one hundred twenty days following the election
- 17 before taking action to ~~adopt the program or~~ resubmit
- 18 the proposition."
- 19 3. By renumbering as necessary.

Amendment H-3745 lost.

Ertl of Dubuque offered amendment H-3744 filed by him as follows:

H-3744

- 1 Amend House File 334 as follows:
- 2 1. Page 1, by striking line 34 and inserting the
- 3 following: "~~on the question of participation, if a~~
- 4 ~~majority, and at least sixty percent of those~~".
- 5 2. Page 2, by striking lines 21 through 25 and
- 6 inserting the following: "~~of the base year. If a~~
- 7 ~~majority at least sixty percent~~ of those voting on the
- 8 question at the election favors ~~disapproval~~ approval
- 9 of the action of the board, ~~the district shall not~~
- 10 ~~participate in the instructional support program. If~~
- 11 ~~a majority of those voting on the question favors~~
- 12 ~~approval of the action, the board shall~~".
- 13 3. Page 2, by inserting after line 27 the
- 14 following:
- 15 "Sec. 3. Section 257.27, unnumbered paragraph 2,
- 16 Code 1995, is amended to read as follows:
- 17 If the voters do not approve adoption of the
- 18 instructional support program, the board shall wait at
- 19 least one ~~hundred twenty days~~ year following the

- 20 election before taking action to adopt the program or
 21 resubmit the proposition."
 22 3. By renumbering as necessary.

Cohoon of Des Moines rose on a point of order that amendment H-3744 was not germane.

The Speaker ruled the point well taken and amendment H-3744 not germane.

Cornelius 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. 334)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Shoultz
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 4:

Boddicker	Ertl	Kremer	Schulte
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Absent or not voting, 6:

Brammer	Corbett, Spkr.	Eddie	Hurley
Schrader	Siegrist		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 456, a bill for an act relating to grain transactions, by providing for credit-sale contracts, was taken up for consideration.

Vande Hoef of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 456)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schulte	Shoultz
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Brunkhorst	Churchill	Hurley
Schrader	Siegrist		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 334 and 456.**

On motion by Gipp of Winneshiek, the House was recessed at 11:50 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-six members present, forty-four absent.

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 5, 1995, passed the following bill in which the concurrence of the House is asked:

Senate File 453, a bill for an act relating to public health by providing for measures involving lead poisoning screening and requiring a study of lead poisoning by the Iowa department of public health.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House Joint Resolution 11, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment, was taken up for consideration.

Dinkla of Guthrie asked and received unanimous consent to withdraw amendment H-3221 filed by him and Harrison on March 2, 1995.

Dinkla of Guthrie offered the following amendment H-3750 filed by him and Harrison and moved its adoption:

H-3750

- 1 Amend House Joint Resolution 11 as follows:
- 2 1. Page 1, line 6, by striking the words
- 3 "punishment does not exceed" and inserting the
- 4 following: "~~punishment does not exceed~~".
- 5 2. Page 1, line 7, by inserting before the word
- 6 "imprisonment" the following: "maximum permissible".
- 7 3. Page 1, line 7, by striking the word "for" and
- 8 inserting the following: "for does not exceed".
- 9 4. Page 1, line 7, by striking the word "days,"
- 10 and inserting the following: "days,".

Amendment H-3750 was adopted.

Harrison of Scott 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.

House Joint Resolution 11, proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

Be It Resolved By The General Assembly Of The State Of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 11, unnumbered paragraph 1, Article I of the Constitution of the State of Iowa, is amended to read as follows:

All ~~offences~~ offenses less than felony and in which the ~~punishment does not exceed a fine of one hundred dollars, or maximum permissible imprisonment for~~ does not exceed thirty days, shall be tried summarily before a ~~justice of the peace, or other~~ an officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal ~~offence~~ offense, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger.

Sec. 2. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 11)

The yeas were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Cphoon
Connors	Coon	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig

Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 1:

Moreland

Absent or not voting, 4:

Brammer

Churchill

Corbett, Spkr.

Hurley

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 11** be immediately messaged to the Senate.

House File 514, a bill for an act relating to Iowa motor vehicle registration plates, by providing for special United States armed forces retired plates, and special silver and bronze star plates, providing for special registration plates with distinguishing processed emblems, providing for required plate specifications, making penalties applicable, and providing an effective date, was taken up for consideration.

Eddie of Buena Vista offered the following amendment H-3698 filed by him and moved its adoption:

H-3698

- 1 Amend House File 514 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. ____ Section 285.8, Code 1995, is amended by
- 5 adding the following new subsection:

6 NEW SUBSECTION. 9. Administer and distribute
7 moneys credited to the Iowa education transportation
8 enhancement fund established pursuant to section
9 285.8A.

10 Sec. ____ NEW SECTION. 285.8A IOWA EDUCATION
11 TRANSPORTATION ENHANCEMENT FUND.

12 1. An Iowa education transportation enhancement
13 fund is created in the office of the treasurer of
14 state. The fund consists of all revenues and all
15 other moneys lawfully credited or transferred to the
16 fund. However, moneys credited to the road use tax
17 fund created by chapter 312 or collected pursuant to
18 section 423.7 shall not be deposited in the fund
19 created by this section. The department shall certify
20 monthly the portions of the fund that are distributed
21 as provided by this section.

22 2. The department shall establish a procedure for
23 the distribution of moneys in the fund to local school
24 boards to be used for the purpose of providing
25 transportation for pupils.

26 3. The auditor of state or a certified public
27 accountant firm appointed by the auditor of state
28 shall conduct annual audits of all accounts and
29 transactions of the fund.

30 4. Notwithstanding section 12C.7, interest or
31 earnings on investments or time deposits of the moneys
32 in the Iowa education transportation enhancement fund
33 or any of its accounts shall be credited to the Iowa
34 education transportation enhancement fund.

35 5. Section 8.33 does not apply to moneys
36 appropriated under this section."

37 2. Page 8, line 30, by inserting after the word
38 "plates" the following: "with a silver or bronze star
39 processed emblem".

40 3. Page 8, by inserting after line 32 the
41 following:

42 "NEW SUBSECTION. 28. EDUCATION SPECIAL PLATES.

43 a. Upon application and payment of the proper
44 fees, the director may issue to an owner referred to
45 in subsection 18, special registration plates with an
46 education processed emblem. The processed emblem
47 shall be designed by the department in cooperation
48 with the department of education which design shall
49 include on the plate a depiction of a school building
50 and a flag.

Page 2

1 b. The special school transportation fee for the
2 education special plates is thirty-five dollars and
3 the annual special school transportation fee is ten
4 dollars. The fees assessed pursuant to this paragraph
5 are in addition to the fees for special registration
6 plates with a processed emblem as provided by

7 subsection 18. Notwithstanding section 423.24, and
 8 prior to the crediting of revenues to the road use tax
 9 fund under section 423.24, subsection 1, paragraph
 10 "d", the treasurer of state shall credit monthly from
 11 those revenues to the Iowa education transportation
 12 enhancement fund created pursuant to section 285.8A,
 13 the amount of the special school transportation fees
 14 collected in the previous month for the special
 15 registration plates with the education processed
 16 emblem."

17 4. Page 9, by striking lines 6 through 10 and
 18 inserting the following: "name of the county except
 19 plates issued for ~~truck tractors, motorcycles,~~
 20 ~~motorized bicycles, travel trailers, semitrailers and~~
 21 ~~trailers special trucks. The year of expiration or~~
 22 ~~the date of expiration shall be displayed on vehicle~~
 23 ~~registration plates, except plates issued under~~
 24 ~~section 321.19. Special truck".~~

25 5. Title page, line 3, by striking the words
 26 "plates, and" and inserting the following: "plates,
 27 special plates for education and an Iowa education
 28 transportation enhancement fund, and".

29 6. By renumbering as necessary.

Amendment H-3698 was adopted.

Harper of Black Hawk asked and received unanimous consent to withdraw amendment H-3701 filed by her on April 3, 1995.

Warnstadt of Woodbury offered the following amendment H-3731 filed by him and moved its adoption:

H-3731

1 Amend House File 514 as follows:

2 1. Page 9, lines 4 and 5, by striking the words
 3 "including any plate issued pursuant to section
 4 321.34".

Amendment H-3731 lost.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 514)

The ayes were, 97:

Arnold
 Blodgett
 Brand
 Burnett
 Cohoon

Baker
 Boddicker
 Branstad
 Carroll
 Connors

Bell
 Boggess
 Brauns
 Cataldo
 Coon

Bernau
 Bradley
 Brunkhorst
 Churchill
 Corbett, Spkr.

Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Thomson	Teig	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer Grubbs Hurley

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law, with report of committee recommending passage, was taken up for consideration.

Martin of Scott 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.

House Joint Resolution 13, proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Be It Resolved By The General Assembly Of The State Of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed.

Section 1 of Article I of the Constitution of the State of Iowa, is amended to read as follows:

RIGHTS OF PERSONS. Section 1. All men and women are, by nature, free and equal, and have certain inalienable rights -- among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Sec. 2. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 13)

The yeas were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Cornelius	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Running
Salton	Schrader	Schulte	Shultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, 3:

Daggett	Lord	Renken
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Absent or not voting, 2:

Brammer	Hurley
---------	--------

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 13** be immediately messaged to the Senate.

Unfinished Business Calendar Special Order

The House resumed consideration of **House File 166**, a bill for an act relating to procedures and criteria for recovery by private property owners due to inverse condemnation of real property by state government action and providing an applicability date, previously deferred and placed on the unfinished business calendar, special order and the committee amendment H-3327 pending.

Weigel of Chickasaw offered the following amendment H-3478, to the committee amendment H-3327, filed by him and moved its adoption:

H-3478

- 1 Amend the amendment, H-3327, to House File 166 as
- 2 follows:
- 3 1. Page 2, line 33, by striking the word "fifty"
- 4 and inserting the following: "eighty".

Amendment H-3478 lost.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-3508, to the committee amendment H-3327, filed by him on March 27, 1995.

Shoultz of Black Hawk offered the following amendment H-3488, to the committee amendment H-3327, filed by him and moved its adoption:

H-3488

- 1 Amend the amendment, H-3327, to House File 166 as
- 2 follows:
- 3 1. Page 2, by striking lines 44 through 49 and
- 4 inserting the following: "shall then indicate the
- 5 amount of the recovery. The amount shall be based on
- 6 the reduction in the fair market value that plaintiff
- 7 is entitled to recover offset by the amount that the
- 8 property was improved due to all benefits conferred
- 9 upon the property by state and local governments until

10 suit was brought and any economic losses sustained by
 11 the plaintiff due to the inverse condemnation from the
 12 time that the government action is taken until suit
 13 was brought. The reduction".

14 2. Page 3, line 5, by inserting after the word
 15 "taking." the following: "The increase in the fair
 16 market value of the private farm property due to
 17 benefits conferred upon the property by state and
 18 local governments shall be shown by specifying the
 19 fair market value of the plaintiff's private farm
 20 property prior to each benefit being conferred and by
 21 indicating the percentage increase in value caused by
 22 the benefit being conferred."

23 3. Page 3, line 26, by inserting after the word
 24 "property" the following: "offset by the percentage
 25 increase in the fair market value of the property due
 26 to all benefits conferred upon the property by state
 27 and local governments".

A non-record roll call was requested.

The ayes were 26, nays 51.

Amendment H-3488 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie and Grubbs of Scott, until their return, on request of Siegrist of Pottawattamie.

Bernau of Story offered the following amendment H-3439, to the committee amendment H-3327, filed by him and moved its adoption:

H-3439

1 Amend the amendment, H-3327, to House File 166 as
 2 follows:

3 1. Page 3, line 5, by inserting after the word
 4 "taking." the following: "All valuations shall be
 5 calculated using the present value of the private farm
 6 property."

A non-record roll call was requested.

The ayes were 19, nays 55.

Amendment H-3439 lost.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-3505, to the committee amendment H-3327, filed by him on March 27, 1995.

Holveck of Polk offered the following amendment H-3507, to the committee amendment H-3327, filed by him and moved its adoption:

H-3507

- 1 Amend the amendment, H-3327, to House File 166, as
- 2 follows:
- 3 1. Page 3, line 13, by striking the word "forty-
- 4 five" and inserting the following: "sixty".

Amendment H-3507 was adopted.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-3442, to the committee amendment H-3327, filed by him on March 23, 1995.

Weigel of Chickasaw offered the following amendment H-3467, to the committee amendment H-3327, filed by him and moved its adoption:

H-3467

- 1 Amend the amendment, H-3327, to House File 166 as
- 2 follows:
- 3 1. Page 3, line 49, by striking the words "or
- 4 enforced".

Amendment H-3467 lost.

Weigel of Chickasaw offered the following amendment H-3506, to the committee amendment H-3327, filed by him and moved its adoption:

H-3506

- 1 Amend the amendment, H-3327, to House File 166 as
- 2 follows:
- 3 1. By striking page 1, line 4, through page 3,
- 4 line 49, and inserting the following:
- 5 ""Section 1. INTERIM STUDY — REGULATION OF
- 6 PRIVATE PROPERTY.
- 7 The legislative council is requested to establish
- 8 an interim study committee to consider issues related
- 9 to the effects of state governmental regulations, and
- 10 especially rules adopted by state agencies, upon the
- 11 fair market value of private property and restrictions
- 12 upon the uses of that property, including but not
- 13 limited to property which is used for agricultural
- 14 purposes. The committee shall consider the extent to
- 15 which state regulations may trigger constitutional
- 16 taking provisions requiring compensation be paid to
- 17 the owner under either the fifth or fourteen
- 18 amendments to the Constitution of the United States,

19 or Article I, section 18, of the Constitution of the
20 State of Iowa, and the extent to which owners of
21 private property should be compensated, if regulation
22 restricts an interest in property, but does not
23 trigger a constitutional taking. The committee shall
24 review methods to encourage agencies to establish
25 procedures to minimize the impact of regulations upon
26 private property owners while carrying out purposes
27 and goals of the regulations in a practical and cost-
28 effective manner. The committee shall report to the
29 general assembly not later than January 1, 1996. The
30 report shall contain findings and may include
31 recommendations, including legislative proposals.””
32 2. Title page, by striking lines 2 through 4 and
33 inserting the following: “private property owners due
34 to constitutional takings of or use restrictions on
35 private property through governmental action by
36 providing for a study and a report to the general
37 assembly.”

Amendment H-3506 lost.

Weigel of Chickasaw offered amendment H-3510; to the committee
amendment H-3327, filed by him as follows:

H-3510

1 Amend the amendment, H-3327, to House File 166 as
2 follows:
3 1. By striking page 1, line 4, through page 3,
4 line 49, and inserting the following:
5 ““Section 1. NEW SECTION. 17B.1 SHORT TITLE.
6 This chapter shall be known and may be cited as the
7 “Agricultural Property Protection Act.”
8 Sec. 2. NEW SECTION. 17B.2 DEFINITIONS.
9 As used in this section, unless the context
10 otherwise requires:
11 1. “Buffer zone” means a permanent area, including
12 an erosion control structure or an erosion control
13 practice, which separates agricultural uses from a
14 water source, in order to mitigate the effects of
15 concentrated runoff on water quality.
16 2. “Department” means the department of natural
17 resources as created pursuant to section 455A.2.
18 3. “Owner” means a person other than a
19 governmental entity, who holds a fee simple interest
20 in real farm property.
21 4. “Proposed departmental action” means an action
22 which an agency proposes to initiate by filing a
23 notice of intended action pursuant to section 17A.4,
24 or by issuing an order pursuant to chapter 17A,
25 regardless of whether the action has general or
26 specific applicability, if the action implements,
27 interprets, or prescribes law or policy, and is within

28 the department's statutory authority.

29 5. "Real farm property" means real property which
30 is privately owned and used for agricultural purposes.

31 Sec. 3. NEW SECTION. 17B.3 LEGISLATIVE FINDINGS
32 AND PURPOSE.

33 It is the policy of this state that an action taken
34 by the department which affects real property which is
35 privately owned and used for agricultural purposes is
36 subject to the full protection afforded by the
37 Constitution of the United States and the Constitution
38 of the State of Iowa. The general assembly intends
39 that the department follow all procedures required to
40 ensure constitutional protection of real farm property
41 rights and reduce the burden on citizens, local
42 governments, and this state caused by actions
43 affecting real farm property, while also meeting its
44 obligation to protect the quality of this state's
45 natural environment.

46 The purpose of this chapter is to establish an
47 orderly, consistent process that better enables the
48 department to evaluate how a potential administrative
49 action may affect real farm property. It is not the
50 purpose of this chapter to reduce or expand the scope

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1 of private property protection provided in the
2 Constitution of the United States and the Constitution
3 of the State of Iowa, as those provisions have been
4 and may in the future be interpreted by state and
5 federal courts of competent jurisdiction.

6 Sec. 4. NEW SECTION. 17B.4 ACTIONS REQUIRING
7 DEPARTMENTAL ASSESSMENT.

8 1. If the department proposes taking any action
9 that is reasonably likely to deprive an owner of a fee
10 simple interest in real farm property, or deprives an
11 owner of all productive use of the real farm property,
12 the department shall prepare an assessment that
13 includes all of the following:

14 a. An identification of the risk created by the
15 use of the owner's real farm property to the public,
16 and a description of the goal achieved by the proposed
17 departmental action, which may include advancing a
18 public benefit or preventing a risk to the public
19 welfare, including preservation of the natural
20 environment, or protection of public health or safety.

21 b. The anticipated effects, if any, on the public,
22 including other persons holding an interest in real
23 property, or on the natural environment, if the
24 department does not take the proposed departmental
25 action.

26 c. An explanation justifying why the proposed
27 departmental action advances a public benefit or
28 prevents a risk to the public welfare.

29 d. An explanation justifying why the proposed

30 departmental action is likely to result in requiring
31 the state, under applicable constitutional principles
32 and judicial opinions, to compensate the owner of the
33 real farm property, including a description of how the
34 proposed departmental action affects the use or value
35 of the real farm property.

36 e. Alternatives, if any, to the proposed
37 departmental action that the department believes will
38 fulfill the legal obligations of the department,
39 reduce the impact on the real farm property, and
40 reduce the likelihood of requiring compensation.

41 f. An estimate of the cost to the state for
42 compensation in the event such compensation is
43 required.

44 2. An assessment is not required under this
45 section, unless the Iowa supreme court, the Iowa court
46 of appeals, or the United States supreme court has,
47 under similar factual circumstances, required
48 compensation to be paid.

49 3. If the department finds an immediate threat to
50 human health or safety that constitutes an emergency

Page 3

1 and requires an immediate response, the assessment
2 required by this section may be delayed until after
3 the emergency response is completed. As used in this
4 subsection, "emergency response" includes a rule of an
5 emergency nature adopted under section 17A.4,
6 subsection 2, or made effective under the provisions
7 of section 17A.5, subsection 2, paragraph "b", or an
8 order issued by the department requiring the owner to
9 cease and desist. The rule or order shall provide an
10 explanation for the emergency response.

11 4. This section shall not apply to a proposed
12 departmental action which is one of the following:

13 a. A licensing or permitting condition,
14 requirement, or limitation involving the use of real
15 farm property, required pursuant to state or federal
16 statute, a federal regulation, or a rule adopted
17 pursuant to chapter 17A.

18 b. The adoption of rules under chapter 17A that is
19 reasonably likely to limit the use of real farm
20 property, required pursuant to a state or federal
21 statute, a federal regulation, or a rule adopted
22 pursuant to chapter 17A.

23 c. An enforcement action carried out by the
24 department pursuant to a state or federal statute, a
25 federal regulation, or a rule adopted pursuant to
26 chapter 17A.

27 5. An assessment made pursuant to this section is
28 a public record as provided in chapter 22.

29 Sec. 5. NEW SECTION. 17B.5 SPECIAL REQUIREMENTS
30 — CREATION OF BUFFER ZONES.

31 1. If a proposed departmental action requires the
32 creation of a buffer zone, the department shall
33 prepare a report which shall identify the public
34 purpose or policy which is serviced by the creation of
35 the buffer zone and how the creation and maintenance
36 of the buffer zone will promote or meet that public
37 purpose or policy. The report shall be in addition to
38 any other assessment required pursuant to this
39 chapter.

40 2. If the department finds an immediate threat to
41 human health or safety that constitutes an emergency
42 and requires an immediate response, the report
43 required by this section may be delayed until after
44 the emergency response is completed. As used in this
45 subsection, "emergency response" includes a rule of an
46 emergency nature adopted under section 17A.4,
47 subsection 2, or made effective under the provisions
48 of section 17A.5, subsection 2, paragraph "b", or an
49 order issued by the department requiring the owner to
50 cease and desist. The rule or order shall provide an

Page 4

1 explanation for the emergency response.

2 3. An assessment made pursuant to this section is
3 a public record as provided in chapter 22.

4 Sec. 6. NEW SECTION. 17B.6 REMEDIES.

5 If a court determines that an owner is entitled to
6 be compensated under the Constitution of the United
7 States or the Constitution of the State of Iowa,
8 because of a departmental action affecting real farm
9 property, the court shall order the department to pay
10 the owner court costs, including reasonable attorney
11 fees, if the court determines either of the following
12 applies:

13 1. The department failed to perform an assessment
14 required pursuant to section 17B.4.

15 2. The department completed the assessment
16 required in section 17B.4, but unreasonably failed to
17 conclude that its action was reasonably likely to
18 require compensation to be paid to the owner.

19 Sec. 7. APPLICABILITY DATE. This Act applies to
20 governmental action taken or proposed on or after
21 ninety days following the effective date of this Act."

22 2. Title page, by striking lines 1 through 4 and
23 inserting the following: "An Act relating to property
24 used for farming which is impacted by government
25 action and providing for the Act's applicability.'"

Eddie of Buena Vista rose on a point of order that amendment H-3510 was not germane, to the committee amendment H-3327.

The Speaker ruled the point well taken and amendment H-3510 not germane, to the committee amendment H-3327.

Bernau of Story offered the following amendment H-3511, to the committee amendment H-3327, filed by him and moved its adoption:

H-3511

1 Amend the amendment, H-3327, to House File 166 as
2 follows:

3 1. By striking page 1, line 4, through page 3,
4 line 49, and inserting the following:

5 "Section 1. NEW SECTION. 17A.30 PRIVATE FARM
6 PROPERTY REGULATORY FLEXIBILITY ANALYSIS.

7 1. For the purpose of this section, unless the
8 context otherwise requires:

9 a. "Farmer" means a person who owns private farm
10 property.

11 b. "Inverse condemnation" means the reduction in
12 the fair market value of private farm property by more
13 than fifty percent due to a proposed rule.

14 c. "Private farm property" means any real
15 property, including farm dwellings, improvements,
16 buildings, and structures, in this state owned by a
17 person other than the state, a political subdivision,
18 or other governmental entity which is used in
19 connection with the production of agricultural
20 commodities, including, but not limited to, the
21 raising, harvesting, drying, or storage of crops; the
22 maintenance of pasture or grassland; the care or
23 feeding of livestock including poultry; the production
24 of eggs or milk; and the production of fruit or other
25 horticultural crops.

26 2. If an agency proposes a rule which may impact
27 private farm property as an inverse condemnation, the
28 agency shall comply with the additional notice
29 provisions of subsection 3 and the analysis
30 requirements of subsection 4.

31 3. If a proposed rule may impact private farm
32 property as an inverse condemnation, the agency shall
33 include in its notice of intended agency action
34 pursuant to section 17A.4, in the Iowa administrative
35 bulletin that the proposed rule-making may be an
36 inverse condemnation. The agency shall notify farm
37 organizations who have registered with the agency
38 requesting notification.

39 4. An agency shall issue a regulatory flexibility
40 analysis of a proposed rule, if the agency finds that
41 the proposed rule may impact private farm property as
42 an inverse condemnation, or if within twenty days
43 after the published notice of the proposed rule
44 adoption, a written request for the analysis is filed
45 with the appropriate agency by the administrative
46 rules review committee, the governor, a political
47 subdivision, at least twenty-five farmers, or a
48 registered organization representing at least twenty-
49 five farmers.

50 The agency in its regulatory flexibility analysis

Page 2

- 1 shall consider each of the following methods for
- 2 reducing the impact of the proposed rule on private
- 3 farm property:
 - 4 a. Establishing less stringent compliance or
 - 5 reporting requirements in the rule for farmers.
 - 6 b. Establishing less stringent schedules or
 - 7 deadlines in the rule for compliance or reporting
 - 8 requirements for farmers.
 - 9 c. Consolidating or simplifying the rule's
 - 10 compliance or reporting requirements for farmers.
 - 11 d. Establishing performance standards to replace
 - 12 design or operational standards in the rule for
 - 13 private farm property.
 - 14 e. Exempting private farm property from any or all
 - 15 requirements of the rule.
 - 16 f. The nature of any reports and the estimated
 - 17 cost of their preparation by farmers which would be
 - 18 required to comply with the rule.
 - 19 g. The nature and estimated cost of other measures
 - 20 or investments that would be required by farmers to
 - 21 comply with the rule.
 - 22 h. The nature and estimated cost of any
 - 23 professional, legal, consulting, or accounting
 - 24 services which farmers would incur to comply with the
 - 25 rule.
 - 26 i. The probable costs to the agency and to any
 - 27 other agency of the implementation and enforcement of
 - 28 the proposed rule and any anticipated effect on state
 - 29 revenue.
 - 30 j. A comparison of the probable costs and benefits
 - 31 of the proposed rule to the probable costs and
 - 32 benefits of inaction.
 - 33 k. A determination of whether less costly methods
 - 34 or less intrusive methods exist for achieving the
 - 35 purpose of the proposed rule.
 - 36 l. A description of any alternative methods for
 - 37 achieving the purpose of the proposed rule that were
 - 38 seriously considered by the agency and the reasons
 - 39 they were rejected in favor of the proposed rule.
 - 40 5. A concise summary of the regulatory flexibility
 - 41 analysis must be published in the Iowa administrative
 - 42 bulletin twenty days prior to the adoption of the
 - 43 proposed rule. The summary shall contain the place
 - 44 where and the time when interested persons may make an
 - 45 oral presentation on the analysis; and where persons
 - 46 may obtain a full text of the analysis for the cost of
 - 47 reproduction. If the agency has made a good faith
 - 48 effort to comply with the requirements of subsections
 - 49 3 and 4, the rule may not be invalidated on the ground
 - 50 that the contents of the regulatory flexibility

Page 3

1 analysis are insufficient or inaccurate.

2 6. The agency shall reduce the impact by using a
3 method provided or requested under subsection 4 if it
4 finds that the methods are legal and feasible in
5 meeting the statutory objectives which are the basis
6 of the proposed rule.

7 Sec. 2. Section 17A.32, Code 1995, is amended to
8 read as follows:

9 17A.32 TIME LIMIT APPLICABLE TO EMERGENCY RULES.

10 A rule of an emergency nature adopted under section
11 17A.4, subsection 2, or made effective under the
12 provisions of section 17A.5, subsection 2, paragraph
13 b, is not subject to the provisions of section 17A.30
14 or 17A.31 until ninety days have elapsed from the day
15 of the emergency rule's publication. If subsections 3
16 and 4 of section 17A.30 or subsections 3 and 4 of
17 17A.31 have not been complied with within this ninety-
18 day period, the rule is void.

19 Sec. 3. Section 17A.33, Code 1995, is amended to
20 read as follows:

21 17A.33 REVIEW BY ADMINISTRATIVE RULES REVIEW
22 COMMITTEE.

23 The administrative rules review committee shall
24 review existing rules, as time permits, to determine
25 if there are adverse or beneficial effects from these
26 rules. The committee shall give a high priority to
27 rules that are referred to it by twenty-five or more
28 farmers or a registered farm organization as provided
29 in section 17A.30 or a small business as defined in
30 section 17A.31. The review of these rules shall be
31 forwarded to the appropriate standing committees of
32 the house and senate."

A non-record roll call was requested.

The ayes were 24, nays 53.

Amendment H-3511 lost.

On motion by Mertz of Kossuth, the committee amendment H-3327, as amended, 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?" (H.F. 166)

The ayes were, 72:

Arnold
Bogess

Bell
Bradley

Blodgett
Brand

Boddicker
Branstad

Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mertz	Metcalf	Meyer	Millage
Mundie	Nelson, B.	Nutt	O'Brien
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Wise	Van Maanen, Presiding

The nays were, 27:

Baker	Bernau	Burnett	Cphoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Mascher	May	McCoy
Moreland	Murphy	Myers	Nelson, L.
Ollie	Running	Schrader	Shoultz
Warnstadt	Weigel	Witt	

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

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 166 and 514.**

SENATE MESSAGE CONSIDERED

Senate File 453, by committee on human resources, a bill for an act relating to public health by providing for measures involving lead poisoning screening and requiring a study of lead poisoning by the Iowa department of public health.

Read first time and referred to committee on **human resources.**

Regular Calendar

House File 448, a bill for an act relating to solid waste reduction and recycling goals, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-3387 filed by him and moved its adoption:

H-3387

- 1 Amend House File 448 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 455D.3, Code 1995, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 5. FIFTY PERCENT GOAL. A
- 7 planning area shall not be required to make the
- 8 capital investments necessary to achieve compliance
- 9 with the fifty percent waste stream reduction and
- 10 recycling goal until such time as a planning area has
- 11 the legal right to impose flow-control restrictions."

A non-record roll call was requested.

The ayes were 24, nays 54.

Amendment H-3387 lost.

Meyer of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 448)

The ayes were, 86:

Arnold	Baker	Bell	Blodgett
Boddicker	Boguess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Cphoon	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Van Maanen,		
	Presiding		

The nays were, 10:

Bernau	Burnett	Connors	Fallon
Harper	Holveck	Running	Schrader
Shoultz	Witt		

Absent or not voting, 4:

Brammer	Brand	Garman	Metcalf
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 527 WITHDRAWN

Hurley of Fayette asked and received unanimous consent to withdraw House File 527 from further consideration by the House.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 448** be immediately messaged to the Senate.

House File 340, a bill for an act providing for the operation of snowmobiles and all-terrain vehicles by defining public land, with report of committee recommending passage, was taken up for consideration.

O'Brien of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 340)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin

Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Brammer Corbett, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 340** be immediately messaged to the Senate.

House File 115, a bill for an act relating to refreshments in rest areas during holiday periods, with report of committee recommending passage, was taken up for consideration.

Arnold of Lucas offered the following amendment H-3139 filed by the committee on transportation and moved its adoption:

H-3139

- 1 Amend House File 115 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "nonintoxicating" the following: ", noncarbonated".
- 4 2. Page 1, line 7, by striking the word
- 5 "prepared" and inserting the following: "dispensed".
- 6 3. Page 1, line 8, by striking the words "or
- 7 group".
- 8 4. Page 1, line 9, by striking the words "or
- 9 group".
- 10 5. Page 1, line 16, by striking the words "and
- 11 groups".
- 12 6. Page 1, line 17, by inserting after the word
- 13 "motorists" the following: "and to accept, without
- 14 active solicitation, voluntary donations from
- 15 motorists".
- 16 7. Page 1, line 19, by inserting after the word
- 17 "department." the following: "The department shall

18 approve or disapprove applications by nonprofit
19 organizations, and notify those nonprofit
20 organizations, at least sixty days prior to the
21 holiday period."

The committee amendment H-3139 was adopted.

Speaker Corbett in the chair at 4:49 p.m.

Boddicker of Cedar offered the following amendment H-3504 filed by him and Arnold and moved its adoption:

H-3504

1 Amend House File 115 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "canned," the following: "doughnuts".
4 2. Page 1, line 12, by striking the words "six
5 p.m." and inserting the following: "noon".
6 3. Page 1, line 13, by striking the words "six
7 p.m. on Monday" and inserting the following:
8 "midnight between the Monday and Tuesday".
9 4. Page 1, line 14, by striking the words "six
10 p.m." and inserting the following: "noon".
11 5. Page 1, by striking line 15 and inserting the
12 following: "July 1 and ending at midnight between
13 July 6 and July 7."

Amendment H-3504 was adopted.

Drake of Pottawattamie offered amendment H-3404 filed by Drake, et. al., as follows:

H-3404

1 Amend House File 115 as follows:
2 1. Page 1, by inserting after line 22 the
3 following:
4 "Sec. 2. The Iowa department of economic
5 development, in consultation with the state department
6 of transportation and the department for the blind,
7 shall develop a program at rest areas, as defined in
8 section 306C.10, for the promotion of agricultural
9 products produced in Iowa."
10 2. Title page, by striking lines 1 through 2 and
11 inserting the following: "An Act relating to rest
12 areas by permitting refreshments during holiday
13 periods and concerning the promotion of Iowa
14 agricultural products."

Blodgett of Cerro Gordo offered the following amendment H-3768, to amendment H-3404, filed by him from the floor and moved its adoption:

H-3768

- 1 Amend the amendment, H-3404, to House File 115 as
 2 follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "Iowa." the following: "Any program to promote
 5 agricultural products produced in Iowa shall not be
 6 conducted during holiday periods as defined in section
 7 314.27."

Amendment H-3768 was adopted.

On motion by Drake of Pottawattamie, amendment H-3404, as amended, was adopted.

Arnold of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 115)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Running	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Brammer

Drees

Moreland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 115** be immediately messaged to the Senate.

House File 508, a bill for an act relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, creating marketability and innocent land-owner funds and providing benefits, requiring certification of ground-water professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 508** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 447, a bill for an act relating to certain state purchasing procedures and charges for publications involving the department of general services, was taken up for consideration.

Larkin of Lee offered the following amendment H-3350 filed by him and Drake and moved its adoption:

H-3350

- 1 Amend House File 447 as follows:
- 2 1. Page 4, by striking lines 1 through 10.
- 3 2. Page 4, by striking lines 20 through 26.
- 4 3. By renumbering as necessary.

Amendment H-3350 was adopted.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 447)

The ayes were, 96:

Arnold

Baker

Bell

Bernau

Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy *	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Brammer	Drees	Mertz	Moreland
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 447** be immediately messaged to the Senate.

House File 430, a bill for an act relating to rules adopted by the department of human services pertaining to child day care meals, with report of committee recommending passage, was taken up for consideration.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-3716, filed by Mascher, et. al., on April 4, 1995.

Hammitt of Harrison moved that the bill be read a last time now and 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, 88:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	Cormack	Cornelius
Daggett	Dinkla	Doderer	Drake
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Metcalf
Meyer	Millage	Mundie	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Veestra	Warnstadt	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 4:

Disney	Murphy	Renken	Running
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Absent or not voting, 8:

Brammer	Connors	Drees	Eddie
Mertz	Moreland	Vande Hoef	Weidman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 430** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 5:20 p.m., until 6:30 p.m.

EVENING SESSION

The House reconvened at 6:45 p.m., Speaker Corbett in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty absent.

Siegrist of Pottawattamie in the chair at 6:53 p.m.

CONSIDERATION OF BILLS Regular Calendar

House File 518, a bill for an act relating to authorization of price regulation for utilities providing communications services, was taken up for consideration.

The House stood at ease at 7:00 p.m., until the fall of the gavel.

The House reconvened at 7:52 p.m., Speaker Corbett in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 518** be deferred and that the bill be placed on the **unfinished business calendar**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday, April 4, 1995. Had I been present, I would have voted "aye" on House File 337.

BRADLEY of Clinton

I was necessarily absent from the House chamber on Tuesday, April 4, 1995. Had I been present, I would have voted "nay" on H-3563 to House File 519.

LARSON of Linn

I was necessarily absent from the House chamber on Tuesday, April 4, 1995. Had I been present, I would have voted "nay" on House File 519.

MORELAND of Wapello

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty seventh and eighth grade students from Holmes Junior High School, Cedar Falls, accompanied by Dave Andieesen. By Witt of Black Hawk.

Seventy high school students from Johnston High School, accompanied by Mr. Jerry Stratton. By Churchill of Polk.

Thirty-eight fifth and sixth grade students from Kanawha, accompanied by Alan Miller and Marilyn Ziegler. By Branstad of Winnebago.

Thirty High School and German Exchange Students from Underwood High School, accompanied by Ed Hawks. By Siegrist and Drake of Pottawattamie and Hammitt of Harrison.

Thirty-five eighth grade students from MFL-MarMac Middle School, McGregor. By Halvorson of Clayton.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

1995\177 Randy Pugh, Columbus Junction – For receiving 3rd place in the 140 lb. weight class at the National High School Wrestling Championship.

1995\178 Jeremy Haskovec, New Hampton Community High School – For receiving 3rd place in the Class 2A, 152 lb. division of the State Wrestling Tournament.

1995\179 David Hackman, New Hampton Community High School – For receiving 3rd place in the Class 2A, 135 lb. division of the State Wrestling Tournament.

1995\180 Zac Weiglein, New Hampton Community High School – For receiving 3rd place in the Class 2A, 103 lb. division of the State Wrestling Tournament.

SUBCOMMITTEE ASSIGNMENTS

House File 472

Appropriations: Millage, Chair; Gipp and Murphy.

House File 506

Ways and Means: Teig, Chair; Larkin and Nutt.

House File 516

Appropriations: Brauns, Chair; Koenigs and Kremer.

House File 539

Appropriations: Wise, Chair; Grundberg and Hanson.

House Concurrent Resolution 29

State Government: Tyrrell, Chair; Larkin and Renken.

House Concurrent Resolution 37

Agriculture: Koenigs, Chair; Main and Meyer.

Senate File 79

Agriculture: Burnett, Chair; Boggess and Heaton.

Senate File 168

Human Resources: Boddicker, Chair; Burnett and Salton.

Senate File 291

Transportation: Welter, Chair; Branstad and Mundie.

Senate File 347

Commerce-Regulation: Metcalf, Chair; Holveck and Van Fossen.

Senate File 354

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

Senate File 358

Judiciary: Lamberti, Chair; Kreiman and Veenstra.

Senate File 402

Agriculture: Drees, Chair; Greig and Main.

Senate File 410

Commerce-Regulation: Metcalf, Chair; Doderer and Sukup.

Senate File 427

Appropriations: Millage, Chair; Gipp and Moreland.

Senate File 443

Judiciary: Kremer, Chair; Bell and Schulte.

Senate File 450

Human Resources: Veenstra, Chair; Harper and Lord.

Senate File 454

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

Senate File 457

Judiciary: Nutt, Chair; Bernau and Coon.

Senate Concurrent Resolution 20

Agriculture: Salton, Chair; Fallon and Greiner.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 326 Judiciary**

To legalize the proceedings taken by the board of supervisors and county auditor of Mahaska county regarding the levy of a local option sales tax to finance the construction and maintenance of a county jail 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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 462, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3765**, April 5, 1995.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 286, a bill for an act concerning workers' compensation by providing for the computing of gross weekly earnings for volunteer ambulance drivers, emergency medical technician trainees, and seasonal workers, and relating to judicial review of workers' compensation contested cases.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

COMMITTEE ON STATE GOVERNMENT

House Concurrent Resolution 29, a concurrent resolution urging the Congress of the United States to allow retired members of the United States Armed Forces who have a service-connected disability to concurrently receive retired pay and disability compensation.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** April 5, 1995.

Senate File 106, a bill for an act to provide disaster leave for certain state employees.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 152, a bill for an act relating to the name of those persons who engage in the practice of podiatry.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 164, a bill for an act relating to the meetings of the commission on the status of African-Americans.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 197, a bill for an act relating to the confidentiality of financial information provided to the department of agriculture and land stewardship and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 204, a bill for an act relating to the hours for sale of alcoholic beverages on Sundays.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 400, a bill for an act providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 437, a bill for an act relating to the entitlement to benefits and dividends under the Iowa public employees' retirement system.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3766** April 5, 1995.

Senate Concurrent Resolution 23, a concurrent resolution urging support of public broadcasting in Iowa.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** April 5, 1995.

COMMITTEE ON TRANSPORTATION

Senate File 214, a bill for an act to provide greater protection for consumers who purchase or lease motor vehicles and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3767 April 5, 1995.

Senate File 311, a bill for an act relating to symbols indicating medical directives on a validation document for license renewal by mail and on a driver's license or nonoperator's identification card.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 223), defining multiple housing cooperatives as residential property for purposes of assessing the value of the property for taxation purposes.

Fiscal Note is not required.

Recommended Amend and Do Pass April 5, 1995.

Committee Bill (Formerly House File 497), relating to the recapture tax on property maintained as a fruit-tree or forest reservation for which a property tax exemption was granted and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass April 5, 1995.

Committee Bill (Formerly House Study Bill 322), relating to the definition of entities eligible for property tax exemption for construction of speculative shell buildings.

Fiscal Note is not required.

Recommended Amend and Do Pass April 5, 1995.

Committee Bill (Formerly House Study Bill 325), relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in subsidiaries and providing effective and applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass April 5, 1995.

AMENDMENTS FILED

H-3752	H.F.	518	Brand of Benton
H-3753	H.F.	518	Holveck of Polk
H-3754	H.F.	479	Brauns of Muscatine
H-3755	H.F.	508	Shoultz of Black Hawk Witt of Black Hawk
H-3756	H.F.	512	Fallon of Polk
H-3757	H.F.	512	Fallon of Polk
H-3758	H.F.	512	Fallon of Polk

H-3759	H.F.	553	Vande Hoef of Osceola
H-3760	S.F.	290	Welter of Jones
H-3761	S.F.	391	Weidman of Cass
H-3762	S.F.	458	Grundberg of Polk
H-3763	H.F.	486	Bradley of Clinton
			Ollie of Clinton
H-3764	H.F.	512	Baker of Polk
			Nelson of Marshall
H-3765	S.F.	462	Committee on
			Appropriations
H-3766	S.F.	437	Committee on State
			Government
H-3767	S.F.	214	Committee on
			Transportation
H-3769	H.F.	518	Dinkla of Guthrie
			Lamberti of Polk
			Renken of Grundy
H-3770	H.F.	518	Rants of Woodbury
			Metcalf of Polk
H-3771	H.F.	518	Dinkla of Guthrie
			Renken of Grundy
			Lamberti of Polk
			Bell of Jasper
			Carroll of Poweshiek
H-3772	H.F.	486	Van Fossen of Scott
H-3773	H.F.	495	Houser of Pottawattamie
H-3774	H.F.	518	Brand of Benton
H-3775	H.F.	518	Brand of Benton
H-3776	H.F.	534	Running of Linn
H-3777	H.F.	222	Jacobs of Polk
			Hammitt of Harrison
			Siegrist of Pottawattamie
			Jochum of Dubuque
			Rants of Woodbury
			Carroll of Poweshiek
			Heaton of Henry
			Myers of Johnson
			Vande Hoef of Osceola
			Bell of Jasper
			Nelson of Pottawattamie
			Wise of Lee
			Warnstadt of Woodbury
			Brand of Benton

On motion by Siegrist of Pottawattamie, the House adjourned at 7:55 p.m. until 8:45 a.m., Thursday, April 6, 1995.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 6, 1995

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend David Ruhe, Plymouth Congregational United Church of Christ, Des Moines.

The Journal of Wednesday, April 5, 1995 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Arnold of Lucas, from fifty four citizens of District 91 favoring retaining the issuance of driver's licenses in the office of the County Treasurer.

By Arnold of Lucas, from nineteen citizens of District 91 favoring reinstatement of funding for the Older Iowans Legislature.

By Houser of Pottawattamie, from one hundred seventy-eight constituents of District 85 favoring retaining the issuance of driver's licenses in the office of the County Treasurer.

By Vande Hoef of Osceola, from twenty citizens favoring the continued development of renewable energy resources.

By Vande Hoef of Osceola, from one hundred sixty students opposing House File 370, relating to the electricity purchase or wheeling requirements for alternate energy production and would cut the amount of money the power company has to pay for alternate energy.

INTRODUCTION OF BILLS

House File 556, by committee on ways and means, a bill for an act relating to the definition of entities eligible for property tax exemption for construction of speculative shell buildings.

Read first time and placed on the **ways and means calendar**.

House File 557, by committee on ways and means, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates.

Read first time and placed on the **ways and means calendar**.

House File 558, by committee on ways and means, a bill for an act relating to the recapture tax on property maintained as a fruit-tree or forest reservation for which a property tax exemption was granted and providing effective and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

On motion by Siegrist of Pottawattamie, the House was recessed at 8:55 a.m., until 10:00 a.m.

SPECIAL PRESENTATION

While at recess, Baker of Polk presented to the House, Reverend Jesse Jackson, accompanied by his son, Jesse Jackson, Jr. and Victoria Brunner, of the National Association of Social Workers. Reverend Jackson addressed the House expressing his concern for the children of America.

The House rose and expressed its welcome.

The House reconvened at 10:00 a.m., Speaker Corbett in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 205, a bill for an act relating to health care benefits coverage by providing for coordination of benefits with state medical assistance, for continuation of benefits pursuant to court-ordered medical child support, and for coverage for an adopted child, was taken up for consideration.

Halvorson of Clayton offered the following amendment H-3281 filed by him and moved its adoption:

H-3281

- 1 Amend House File 205 as follows:
- 2 1. Page 2, line 28, by striking the words
- 3 "entered pursuant to chapter 252E".

Amendment H-3281 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 205)

The ayes were, 90:

Arnold
Blodgett

Baker
Boddicker

Bell
Boggess

Bernau
Bradley

Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Ertl	Fallon
Garman	Gipp	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Moreland	Murphy	Myers
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 10:

Brammer	Drees	Eddie	Greig
Greiner	Lord	Meyer	Mundie
Nelson, B.	Shoultz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 486, a bill for an act relating to the regulation of cemetery operators and the regulation of perpetual care cemeteries and nonperpetual care cemeteries, establishing fees and use of those fees, and providing penalties, was taken up for consideration.

Vande Hoef of Osceola offered amendment H-3533 filed by him as follows:

H-3533

- 1 Amend House File 486 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 359.33, Code 1995, is amended
- 5 to read as follows:
- 6 359.33 TAX FOR NONOWNED CEMETERY.

7 They For each cemetery not owned by the township,
8 the board of trustees may levy a tax not to exceed six
9 and three-fourths cents per thousand dollars of
10 assessed value of taxable property to improve and
11 maintain any cemetery not owned by the township the
12 cemeteries, provided if the same cemetery is devoted
13 to general public use."
14 2. By renumbering as necessary.

Van Fossen of Scott rose on a point of order that amendment H-3533 was not germane.

The Speaker ruled the point well taken and amendment H-3533 not germane.

Bradley of Clinton offered the following amendment H-3763 filed by him and Ollie and moved its adoption:

H-3763

1 Amend House File 486 as follows:

2 1. Page 5, by inserting after line 4 the
3 following:

4 "Sec. ____ Section 523A.8, subsection 1, Code
5 1995, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. k. State that any financial
8 instrument which is used to make a payment under the
9 agreement is to be made payable to the financial
10 institution or entity where the money is to be
11 deposited in trust."

12 2. Page 35, by inserting after line 17 the
13 following:

14 "Sec. ____ Section 523E.8, subsection 1, Code
15 1995, is amended by adding the following new
16 paragraph:

17 NEW PARAGRAPH. k. State that any financial
18 instrument which is used to make a payment under the
19 agreement is to be made payable to the financial
20 institution or entity where the money is to be
21 deposited in trust."

22 3. Page 67, by inserting after line 24 the
23 following:

24 "_. State that any financial instrument which is
25 used to make a payment under the agreement is to be
26 made payable to the financial institution or entity
27 where the money is to be deposited in the cemetery's
28 perpetual care and maintenance guarantee fund."

29 4. By renumbering as necessary.

Amendment H-3763 was adopted.

Van Fossen of Scott asked and received unanimous consent to withdraw amendment H-3746 filed by him on April 4, 1995.

Van Fossen of Scott offered the following amendment H-3772 filed by him and moved its adoption:

H-3772

- 1 Amend House File 486 as follows:
- 2 1. Page 13, line 5, by striking the word
- 3 "section" and inserting the following: "subsection".
- 4 2. Page 44, line 29, by striking the word
- 5 "section" and inserting the following: "subsection".
- 6 3. Page 45, lines 3 and 4, by striking the words
- 7 ", including customers who purchased interment
- 8 rights,".
- 9 4. Page 63, by striking lines 1 through 9.
- 10 5. Page 65, line 8, by inserting after the figure
- 11 "566A.2C." the following: "A cemetery with average
- 12 retail sales equal to or less than five thousand
- 13 dollars for the previous three calendar years is
- 14 exempt from sections 566A.2C and 566A.2D."
- 15 6. Page 69, by striking lines 10 through 14 and
- 16 inserting the following:
- 17 "3. The report shall be made under oath."
- 18 7. Page 70, by striking lines 2 through 8 and
- 19 inserting the following:
- 20 "3. The report shall be made under oath."
- 21 8. Page 71, by striking lines 32 and 33.
- 22 9. Page 72, by striking lines 26 through 28 and
- 23 inserting the following: "and maintain a public
- 24 registry of perpetual care cemeteries."
- 25 10. Title page, line 3, by inserting after the
- 26 word "cemeteries," the following: "establishing
- 27 requirements related to the sale of preneed funeral
- 28 contracts and the sale of funeral and cemetery
- 29 merchandise,".
- 30 11. By renumbering and correcting internal
- 31 numbering and references as necessary.

Amendment H-3772 was adopted.

Van Fossen 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. 486)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack

Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Gries	Grundberg	Hahn	Hammitt
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Millage	Moreland	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
Ollie	Rants	Renken	Running
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 9:

Brammer	Greig	Greiner	Grubbs
Halvorson	Meyer	Mundie	O'Brien
Welter			

The bill having received a constitutional majority was declared to have passed the House and the title as amended was agreed to.

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 205 and 486.**

House File 177, a bill for an act relating to the applicability of the special valuation provisions for certain wind energy conversion property and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Huseman of Cherokee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 177)

The ayes were, 94:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett

Carroll	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Rants
Renken	Running	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 6:

Baker	Brammer	Cataldo	Halvorson
Mundie	Ollie		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 177** be immediately messaged to the Senate.

Eddie of Buena Vista in the chair at 10:27 a.m.

House File 503, a bill for an act relating to the payment of patronage dividends by cooperative associations which are public utilities, was taken up for consideration.

Sukup of Franklin offered the following amendment H-3445 filed by him and moved its adoption:

H-3445

- 1 Amend House File 503 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "outstanding," the following: "Notwithstanding the

4 twenty percent allocation limitation, the directors of
 5 a cooperative association or the articles of
 6 incorporation or bylaws of the association may specify
 7 any percentage or amount to be currently paid in cash
 8 to the estates of deceased natural persons who were
 9 members."

Amendment H-3445 was adopted.

SENATE FILE 377 SUBSTITUTED FOR HOUSE FILE 503

Sukup of Franklin asked and received unanimous consent to substitute Senate File 377 for House File 503.

Senate File 377, a bill for an act relating to the payment of patronage dividends by cooperative associations which are public utilities, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 377 be deferred and that the bill be placed on the **unfinished business calendar**.

House File 463, a bill for an act relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce, was taken up for consideration.

Nutt of Woodbury offered the following amendment H-3371 filed by him and moved its adoption:

H-3371

- 1 Amend House File 463 as follows:
- 2 1. Page 17, line 13, by striking the word
- 3 "~~published~~" and inserting the following: "published".
- 4 2. Page 17, line 16, by striking the word
- 5 "~~published~~" and inserting the following: "published".
- 6 3. Page 22, line 30, by striking the word
- 7 "~~published~~" and inserting the following: "published".
- 8 4. Page 22, line 32, by striking the word
- 9 "~~published~~" and inserting the following: "published".
- 10 5. Page 31, line 31, by inserting after the word
- 11 "or" the following: "in".
- 12 6. Page 85, line 29, by striking the word
- 13 "~~published~~" and inserting the following: "published".
- 14 7. Page 85, line 34, by striking the word
- 15 "~~published~~" and inserting the following: "published".
- 16 8. Page 99, line 2, by striking the word
- 17 "~~published~~" and inserting the following: "published".
- 18 9. Page 99, line 7, by striking the word
- 19 "~~published~~" and inserting the following: "published".
- 20 10. Page 107, line 15, by striking the word
- 21 "~~published~~" and inserting the following: "published".
- 22 11. Page 107, line 18, by striking the word
- 23 "~~published~~" and inserting the following: "published".

Amendment H-3371 was adopted.

SENATE FILE 320 SUBSTITUTED FOR HOUSE FILE 463

Nutt of Woodbury asked and received unanimous consent to substitute Senate File 320 for House File 463.

Senate File 320, a bill for an act relating to the regulation of state banks and other financial institutions by the division of banking of the department of commerce, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 320** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 494, a bill for an act relating to the office of secretary of state, the conduct of elections, and the registration of voters in the state and relating to corrective and technical changes to Iowa's election laws, was taken up for consideration.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H-3384 filed by her on March 21, 1995.

Jacobs 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. 494)

The ayes were, 95:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Ertl
Fallon	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Hahn
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell

Van Fossen
Warnstadt
Wise

Van Maanen
Weidman
Witt

Vande Hoef
Weigel
Eddie,
Presiding

Veenstra
Welter

The nays were, none.

Absent or not voting, 5:

Baker
Koenigs

Brammer

Greig

Halvorson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 494** be immediately messaged to the Senate.

Speaker Corbett in the chair at 10:36 a.m.

ADOPTION OF HOUSE RESOLUTION 8

Rants of Woodbury called up for consideration of House Resolution 8, as follows and moved its adoption:

- 1 HOUSE RESOLUTION 8
- 2 BY COMMITTEE ON ADMINISTRATION AND RULES
- 3 A House resolution relating to expenses for the daily
- 4 operations of the House of Representatives.
- 5 *Whereas*, the legislative authority of this state is
- 6 vested in the General Assembly consisting of the House
- 7 of Representatives and the Senate; and
- 8 *Whereas*, the House of Representatives necessarily
- 9 incurs substantial expenses for its daily operations;
- 10 and
- 11 *Whereas*, the House of Representatives is authorized
- 12 to expend funds from the state treasury necessary to
- 13 pay for its expenses and for expenses incurred jointly
- 14 by the House of Representatives and the Senate; and
- 15 *Whereas*, it is deemed advisable and proper for the
- 16 House of Representatives to make expenditures in
- 17 accordance with a budgetary plan; *Now Therefore*,
- 18 *Be It Resolved By The House of Representatives:*
- 19 Section 1. Expenditures of the House of
- 20 Representatives payable pursuant to Iowa Code sections
- 21 2.10 through 2.14 for the regular legislative session
- 22 and the interim period during the fiscal year
- 23 beginning July 1, 1995, and ending June 30, 1996, are
- 24 budgeted to be as follows:
- 25 1. Session expenses including members' annual

26 compensation and temporary staff compensation and
27 other current expenses in an amount not to exceed
28 \$4,820,800.
29 2. Interim expenses including members' and staff
30 compensation and other current expenses in an amount

Page 2

1 not to exceed \$310,000.
2 3. Fixed expenses, including permanent employees'
3 compensation and equipment, in an amount not to exceed
4 \$2,050,000.
5 4. A special fund for renovation, restoration, and
6 equipment improvements in the House chamber and
7 adjacent areas to be used with the authorization of
8 the Committee on Administration and Rules, in an
9 amount not to exceed \$25,000.
10 Sec. 2. The Chief Clerk of the House of
11 Representatives shall immediately provide written
12 notice to the Speaker and Minority Leader of the House
13 of Representatives and to the Chair and Ranking Member
14 of the House Committee on Appropriations if actual
15 expenditures payable pursuant to Iowa Code sections
16 2.10 through 2.14 exceed the maximum amount allocated
17 to any category of the budget provided by section 1 of
18 this resolution. The written notice shall specify the
19 amount of and reasons for any excess expenditure.
20 Sec. 3. The expenditures referred to in section 2
21 of this resolution shall consist only of those sums
22 required for payment of the various expenses of the
23 General Assembly including items such as legislative
24 printing expenses, unpaid expenses incurred during the
25 interim between sessions of the General Assembly,
26 expenditures incurred pursuant to resolutions, and
27 expenses for purchases of legislative equipment and
28 supplies necessary to carry out the functions of the
29 General Assembly. Joint expenditures or special
30 expenditures approved by the Committee on

Page 3

1 Administration and Rules or the Legislative Council
2 are not included in the budget set forth in this
3 resolution.
4 Sec. 4. If a special session of the General
5 Assembly is held, the Committee on Administration and
6 Rules shall provide for consideration of a budget for
7 the special session.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 5

Klemme of Plymouth called up for consideration House Resolution 5, a House resolution providing special recognition and support to the seventy-fifth anniversary of Iowa's state parks system and urging all

citizens and leaders in government, academia, and business to give special recognition to the many and varied services our state parks have given for three-quarters of a century, and moved its adoption.

The motion prevailed and the resolution was adopted.

House File 419, a bill for an act providing for class "C" area service system roads and providing a penalty, was taken up for consideration.

May of Worth offered the following amendment H-3725 filed by him and moved its adoption:

H-3725

- 1 Amend House File 419 as follows:
- 2 1. Page 2, line 14, by inserting after the word
- 3 "classification." the following: "Failure of the
- 4 board of supervisors to act within the sixty-day time
- 5 period shall be deemed an approval of the request for
- 6 area service "C" classification."

Amendment H-3725 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 419)

The ayes were, 95:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hammit
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell

Van Fossen
Warnstadt
Wise

Van Maanen
Weidman
Witt

Vande Hoef
Weigel
Mr. Speaker
Corbett

Veenstra
Welter

The nays were, none.

Absent or not voting, 5:

Baker
Halvorson

Brammer

Brand

Grubbs

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 306, a bill for an act relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-3325 filed by him and moved its adoption:

H-3325

- 1 Amend House File 306 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 321.1, subsection 8, Code
- 5 1995, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. If authorized to
- 8 transport students or clients by the superintendent of
- 9 the Iowa braille and sight saving school or of the
- 10 Iowa school for the deaf, or the superintendent's
- 11 respective designee, an employee of the Iowa braille
- 12 and sight saving school or the Iowa school for the
- 13 deaf is not a chauffeur when transporting the students
- 14 or clients."
- 15 2. By renumbering as necessary.

Amendment H-3325 was adopted.

SENATE FILE 233 SUBSTITUTED FOR HOUSE FILE 306

Blodgett of Cerro Gordo asked and received unanimous consent to substitute Senate File 233 for House File 306.

Senate File 233, a bill for an act relating to the suspension and revocation of driver's licenses and providing penalties for violations of out-of-service orders, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 233** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 522, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing penalties, was taken up for consideration.

Harper of Black Hawk offered amendment H-3462 filed by her as follows:

H-3462

- 1 Amend House File 522 as follows:
- 2 1. Page 1, by striking line 9.
- 3 2. By relettering as necessary.

Hammit of Harrison in the chair at 11:10 a.m.

Harper of Black Hawk moved the adoption of amendment H-3462.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 47.

Amendment H-3462 was adopted.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 522** be deferred and that the bill be placed on the **unfinished business calendar**.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:20 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:30 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

HOUSE FILES 463 AND 503 WITHDRAWN

Metcalf of Polk asked and received unanimous consent to withdraw House Files 463 and 503 from further consideration by the House.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 518**, a bill for an act relating to authorization of price regulation for utilities providing communications services, previously deferred and placed on the unfinished business calendar.

Metcalf of Polk offered amendment H-3610 filed by her as follows:

H-3610

1 Amend House File 518 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 476.3, subsection 2, Code
5 1995, is amended by adding the following new
6 unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
8 provisions of this subsection, the consumer advocate
9 shall not file a petition under this subsection that
10 alleges a local exchange carrier's rates are excessive
11 while the local exchange carrier is participating in a
12 price regulation plan approved by the board pursuant
13 to section 476.30B.
14 Sec. 2. Section 476.10, unnumbered paragraph 4,
15 Code 1995, is amended to read as follows:
16 Whenever the board shall deem it necessary in order
17 to carry out the duties imposed upon it in connection
18 with rate regulation under section 476.6,
19 investigations under section 476.3, or review
20 proceedings under section 476.31, the board may employ
21 additional temporary or permanent staff, or may
22 contract with persons who are not state employees for
23 engineering, accounting, or other professional
24 services, or both. The costs of these additional
25 employees and contract services shall be paid by the
26 public utility whose rates are being reviewed in the
27 same manner as other expenses are paid under this
28 section. Beginning on July 1, 1991, there is
29 appropriated out of any funds in the state treasury
30 not otherwise appropriated, such sums as may be
31 necessary to enable the board to hire additional staff
32 and contract for services under this section. The
33 board shall increase quarterly assessments specified
34 in unnumbered paragraph 2, by amounts necessary to
35 enable the board to hire additional staff and contract
36 for services under this section. The authority to
37 hire additional temporary or permanent staff that is
38 granted to the board by this section shall not be
39 subject to limitation by any administrative or
40 executive order or decision that restricts the number
41 of state employees or the filling of employee
42 vacancies, and shall not be subject to limitation by
43 any law of this state that restricts the number of
44 state employees or the filling of employee vacancies
45 unless that law is made applicable to this section by
46 express reference to this section. Before the board
47 expends or encumbers an amount in excess of the funds
48 budgeted for rate regulation and before the board
49 increases quarterly assessments pursuant to this
50 paragraph, the director of the department of

Page 2

1 management shall approve the expenditure or
2 encumbrance. Before approval is given, the director
3 of the department of management shall determine that
4 the expenses exceed the funds budgeted by the general
5 assembly to the board for rate regulation and that the
6 board does not have other funds from which the
7 expenses can be paid. Upon approval of the director
8 of the department of management the board may expend
9 and encumber funds for the excess expenses, and
10 increase quarterly assessments to raise the additional
11 funds. The board and the office of consumer advocate
12 may add additional personnel or contract for
13 additional assistance to review and evaluate energy
14 efficiency plans and the implementation of energy
15 efficiency programs including, but not limited to,
16 professionally trained engineers, accountants,
17 attorneys, skilled examiners and inspectors, and
18 secretaries and clerks. The board and the office of
19 consumer advocate may also contract for additional
20 assistance in the evaluation and implementation of
21 issues relating to telecommunication competition. The
22 board and the office of the consumer advocate may
23 expend additional sums beyond those sums appropriated.
24 However, the authority to add additional personnel or
25 contract for additional assistance must first be
26 approved by the department of management. The
27 additional sums for energy efficiency shall be
28 provided to the board and the office of the consumer
29 advocate by the utilities subject to the energy
30 efficiency requirements in this chapter. Telephone
31 companies shall pay any additional sums needed for
32 assistance with telecommunication competition issues.
33 The assessments shall be in addition to and separate
34 from the quarterly assessment.

35 Sec. 3. Section 476.11, Code 1995, is amended by
36 adding the following new unnumbered paragraph:
37 **NEW UNNUMBERED PARAGRAPH.** The board may resolve
38 complaints, upon notice and hearing, that a utility,
39 operating under section 476.29, has failed to provide
40 just, reasonable, and nondiscriminatory arrangements
41 for interconnection of its telecommunications services
42 with another telecommunications provider.

43 Sec. 4. Section 476.29, subsection 2, Code 1995,
44 is amended to read as follows:

45 2. Except as provided in subsection 12, a
46 certificate shall be issued by the board, after notice
47 and opportunity for hearing, if the board determines
48 that the service proposed to be rendered will promote
49 the public convenience and necessity, provided that an
50 applicant other than a local exchange carrier, as

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1 defined in section 476.30A, shall not be denied a
2 certificate if the board finds that the applicant

3 possesses the technical, financial, and managerial
4 ability to provide the service it proposes to render
5 and the board finds the service is consistent with the
6 public interest. The board shall make a determination
7 within ninety days of the submission by the applicant
8 of evidence of its technical, financial, and
9 managerial ability, unless the board determines that
10 additional time is necessary to consider the
11 application, in which case the board may extend the
12 time for making a determination for an additional
13 sixty days. The board may establish reasonable
14 conditions or restrictions on the certificate at the
15 time of issuance.

16 Sec. 5. **NEW SECTION. 476.30 FINDINGS —**
17 **STATEMENT OF POLICY.**

18 The general assembly finds all of the following:

- 19 1. Communications services should be available
20 throughout the state at just, reasonable, and
21 affordable rates from a variety of providers.
- 22 2. In rendering decisions with respect to
23 regulation of telecommunications companies, the board
24 shall consider the effects of its decisions on
25 competition in telecommunications markets and, to the
26 extent reasonable and lawful, shall act to further the
27 development of competition in those markets.
- 28 2A. In order to encourage competition for all
29 telecommunications services, the board should address
30 issues relating to the movement of prices toward cost
31 and the removal of subsidies in the existing price
32 structure of the incumbent local exchange carrier.
- 33 3. Regulatory flexibility is appropriate when
34 competition provides customers with competitive
35 choices in the variety, quality, and pricing of
36 communications services, and when consistent with
37 consumer protection and other relevant public
38 interests.

- 39 4. The board should respond with speed and
40 flexibility to changes in the communications industry.

- 41 5. Economic development can be fostered by the
42 existence of advanced communications networks.

43 Sec. 6. **NEW SECTION. 476.30A DEFINITIONS.**

44 As used in section 476.30, this section, and
45 sections 476.30B through 476.30E, unless the context
46 otherwise requires:

- 47 1. "Basic communications service" includes at a
48 minimum, basic local telephone service, switched
49 access, 911 and E-911 services, and dual party relay
50 service. The board is authorized to classify by rule

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- 1 other two-way switched voice communications services
2 as basic communications services consistent with
3 community expectations and the public interest.
- 4 2. "Basic local telephone service" means the
5 provision of dial tone access and usage, for the
6 transmission of two-way switched communications within

- 7 a local exchange area, including, but not limited to,
8 the following:
- 9 a. Primary residence service and business
10 services, including flat rate or local measured
11 service, private branch exchange trunks, trunk type
12 hunting services, direct inward dialing, and the
13 network access portion of central office switched
14 exchange service.
 - 15 b. Extended area service.
 - 16 c. Touch tone service when provided separately.
 - 17 d. Call tracing.
 - 18 e. Calling number blocking on either a per call or
19 a per line basis.
 - 20 f. Local exchange white pages directories.
 - 21 g. Installation and repair of local network
22 access.
 - 23 h. Local operator services, excluding directory
24 assistance.
 - 25 i. Toll service blocking and 1-900 and 1-976
26 access blocking.
- 27 3. "Competitive local exchange service provider"
28 means any person that provides local exchange
29 services, other than a local exchange carrier or a
30 nonrate-regulated wireline provider of local exchange
31 services under an authorized certificate of public
32 convenience and necessity within a specific geographic
33 area described in maps filed with and approved by the
34 board as of September 30, 1992.
- 35 4. "Interim number portability" means one or more
36 mechanisms by which a local exchange customer at a
37 particular location may change the customer's local
38 exchange services provider without any change in the
39 local exchange customer's telephone number, while
40 experiencing as little loss of functionality as is
41 feasible using available technology.
- 42 5. "Local exchange carrier" means any person that
43 was the incumbent and historical rate-regulated
44 wireline provider of local exchange services or any
45 successor to such person that provides local exchange
46 services under an authorized certificate of public
47 convenience and necessity within a specific geographic
48 area described in maps filed with and approved by the
49 board as of September 30, 1992.
- 50 6. "Nonbasic communications services" means all

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- 1 communications services subject to the board's
2 jurisdiction which are not deemed either by statute or
3 by rule to be basic communications services, including
4 any service offered by the local exchange carrier for
5 the first time after the effective date of this Act.
6 A service is not considered new if it constitutes the
7 bundling, unbundling, or repricing of an already

8 existing service. Consistent with community
9 expectations and the public interest, the board may
10 reclassify by rule as nonbasic those two-way switched
11 communications services previously classified by rule
12 as basic.

13 7. "Provider number portability" means the
14 capability of a local exchange customer to change the
15 customer's local exchange services provider at the
16 customer's same location without any change in the
17 local exchange customer's telephone number, while
18 preserving the full range of functionality that the
19 customer currently experiences. "Provider number
20 portability" includes the equal availability of
21 information concerning the local exchange provider
22 serving the number to all carriers, and the ability to
23 deliver traffic directly to that provider without
24 having first to route traffic to the local exchange
25 carrier or otherwise use the services, facilities, or
26 capabilities of the local exchange carrier to complete
27 the call, and without the dialing of additional digits
28 or access codes.

29 Sec. 7. NEW SECTION. 476.30B PRICE REGULATION.

30 1. Notwithstanding contrary provisions of this
31 chapter relating to rate regulation, the board may
32 approve a plan for price regulation submitted by a
33 rate-regulated local exchange carrier. The plan for
34 price regulation is not effective until the approval
35 by the board of tariffs implementing the unbundling of
36 essential facilities pursuant to section 476.30D,
37 subsection 4, except for a local exchange carrier with
38 less than seventy-five thousand access lines whose
39 plan for price regulation will be effective concurrent
40 with the approval of its plan. The board may approve
41 a plan for price regulation prior to the adoption of
42 rules related to the unbundling of essential
43 facilities or concurrent with a rate proceeding under
44 section 476.3, 476.6, or 476.7. During the term of
45 the plan, the board shall regulate the prices of the
46 local exchange carrier's basic and nonbasic
47 communications services pursuant to the requirements
48 of the price regulation plan approved by the board.
49 The local exchange carrier shall not be subject to
50 rate of return regulation during the term of the plan.

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1 2. The board, after notice and opportunity for
2 hearing, may approve, modify, or reject the plan. The
3 local exchange carrier shall have ten days to accept
4 or reject any board modifications to its plan. If the
5 local exchange carrier rejects a modification to its
6 plan, the board shall reject the plan without
7 prejudice to the local exchange carrier to submit
8 another plan.

9 3. A price regulation plan, at a minimum, shall
10 include provisions, consistent with the provisions of
11 this section and any rules adopted by the board, for
12 the following:

13 a. (1) Establishing and changing prices, terms,
14 and conditions for basic communications services. The
15 initial plan for price regulation must include a
16 proposal, which the board shall approve, for reducing
17 the local exchange carrier's average intrastate access
18 service rates to the local exchange carrier's average
19 interstate access service rates in effect as of the
20 last day of the calendar year immediately preceding
21 the date of filing of the plan, as follows:

22 (a) A local exchange carrier with five hundred
23 thousand or more access lines in this state shall
24 reduce its average intrastate access service rates to
25 its average interstate access service rates as of the
26 date that the plan is filed.

27 (b) A local exchange carrier with fewer than five
28 hundred thousand but seventy-five thousand or more
29 access lines in this state shall reduce its average
30 intrastate access service rates to its average
31 interstate access service rates in increments of at
32 least twenty-five percent, with the initial reduction
33 to take effect on approval of the plan and equal
34 annual reductions on each anniversary of the approval
35 during the first three years that its plan is in
36 effect.

37 (c) A local exchange carrier with fewer than
38 seventy-five thousand access lines in this state shall
39 reduce its average intrastate access service rates to
40 its average interstate access service rates with equal
41 annual reductions during a period beginning no more
42 than two years and ending no more than five years from
43 the plan's inception.

44 (2) This section shall not be construed to do
45 either of the following:

46 (a) Prohibit an additional decrease in a carrier's
47 average intrastate access service rate during the term
48 of the plan.

49 (b) Permit any increase in a carrier's average
50 intrastate access service rates during the term of the

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1 plan.

2 (3) The plan shall also provide that the initial
3 prices for basic communications services shall be six
4 percent less than the rates approved and in effect at
5 the time the local exchange carrier files its plan.

6 In lieu of the six percent reduction, a local exchange
7 carrier may elect to establish its rates for basic
8 communications services in a rate proceeding under
9 section 476.3 or 476.6 commenced after the effective

10 date of this Act. The plan shall provide that no
11 price increases shall be undertaken within twelve
12 months of the date of approval of the local exchange
13 carrier's plan, or within twelve months of the last
14 price change for basic communications services.

15 (4) The plan shall provide for both increases and
16 decreases in the prices for basic communications
17 services reflecting annual changes in inflation and
18 productivity. Prior to January 1, 1998, the board
19 shall use the gross domestic product price index, as
20 published by the federal government, for an inflation
21 measure, and two and six-tenths percentage points for
22 a productivity measure. After January 1, 1998, the
23 board by rule may adopt current measures of inflation
24 and productivity.

25 (5) The plan may provide that price increases for
26 basic communications services which are permitted
27 under this section may be deferred and accumulated for
28 a maximum of three years into a single price increase,
29 provided that a deferred and accumulated price
30 increase under this section shall not at any time
31 exceed six percent. A price decrease for basic
32 communications services shall not be deferred or
33 accumulated, except that price decreases of less than
34 two percent may be deferred by the local exchange
35 carrier for one year. A price decrease required under
36 this section may be offset by a price increase for a
37 basic communications service that would have been
38 permitted under this section in the previous twelve-
39 month period, but which was deferred by the local
40 exchange carrier.

41 b. Establishing and changing prices, terms, and
42 conditions for nonbasic communications services.

43 c. Reporting new service offerings to the board.

44 d. Reflecting in rates any changes in revenues,
45 expenses, and investment due to exogenous factors
46 beyond the control of the utility.

47 e. Encouraging modernization of the utility's
48 telecommunications infrastructure.

49 f. Providing notice to customers, the board, and
50 the consumer advocate of changes in prices, terms, or

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1 conditions for basic and nonbasic communications
2 services.

3 4. The board shall consider the extent to which a
4 proposed plan complies with the requirements of
5 subsection 3 and achieves the following:

6 a. Just, nondiscriminatory, and reasonable rates.

7 b. High quality, universally available
8 communications services.

9 c. Encouragement of investment in communications
10 infrastructure, efficiency improvements, and

- 11 technological innovation.
- 12 d. The introduction of new communications products
13 and services from a variety of sources.
- 14 e. Regulatory efficiency including reduction of
15 regulatory costs and delays. A plan shall not provide
16 for waiver of, release from, or delay in implementing
17 the provisions of this section, section 476.30D or
18 476.30E or any rules adopted by the board pursuant to
19 those sections.
- 20 5. Notwithstanding an approved plan for price
21 regulation, the board shall continue to have
22 regulatory authority over the following:
- 23 a. The level, extent, and timing of the unbundling
24 of essential facilities offered by a local exchange
25 carrier.
- 26 b. Ensuring against cross-subsidization between
27 nonbasic communications services and basic
28 communications services.
- 29 6. Any person, including the consumer advocate, a
30 body politic, or the board on its own motion, may file
31 a written complaint pursuant to section 476.3,
32 subsection 1, regarding a local exchange carrier's
33 implementation, operation under, or satisfaction of
34 the purposes of its price regulation plan.
- 35 7. The consumer advocate may represent consumers
36 before the board regarding any rule, order, or
37 proceeding pertaining to price regulation. The
38 consumer advocate may act as attorney for and
39 represent consumers generally before any state or
40 federal court concerning a board rule, order, or
41 proceeding pertaining to price regulation.
- 42 8. In implementing price regulation, the board
43 shall consider competitively neutral methods to assist
44 lower-income Iowans to secure and retain telephone
45 services.
- 46 9. The board shall determine the duration of any
47 plan. The board shall review a local exchange
48 carrier's operation under its plan, with notice and an
49 opportunity for hearing, within four years of the
50 initiation of the plan and prior to the termination of

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- 1 the plan. The local exchange carrier, consumer
2 advocate, or any person may propose, and the board may
3 approve, any reasonable modifications to a local
4 exchange carrier's plan as a result of the review,
5 except that such modifications shall not require a
6 reduction in the rates for any basic communications
7 service.
- 8 Sec. 8. NEW SECTION. 476.30C PROHIBITED ACTS.
9 A local exchange carrier shall not do any of the
10 following:
- 11 1. Discriminate against another provider of

12 communications services by refusing or delaying access
13 to the local exchange carrier's services.

14 2. Discriminate against another provider of
15 communications services by refusing or delaying access
16 to essential facilities on terms and conditions no
17 less favorable than those the local exchange carrier
18 provides to itself and its affiliates. An essential
19 facility is a local telecommunications facility,
20 feature, function, or capability of the local exchange
21 carrier's network that competitors cannot practically
22 or economically duplicate or obtain from other
23 sources, and to which reasonable access is necessary
24 to enable competition.

25 3. Degrade the quality of access or service
26 provided to another provider of communications
27 services.

28 4. Fail to disclose in a timely manner, upon
29 reasonable request and pursuant to a protective
30 agreement concerning proprietary information, all
31 information reasonably necessary for the design of
32 network interface equipment, network interface
33 services, or software that will meet the
34 specifications of the local exchange carrier's local
35 exchange network.

36 5. Unreasonably refuse or delay interconnections
37 or provide inferior interconnections to another
38 provider.

39 6. Use basic exchange service rates, directly or
40 indirectly, to subsidize or offset the costs of other
41 products or services offered by the local exchange
42 carrier.

43 7. Discriminate in favor of itself or an affiliate
44 in the provision and pricing of, or extension of
45 credit for, any telephone service.

46 Sec. 9. NEW SECTION. 476.30D LOCAL EXCHANGE
47 COMPETITION.

48 1. A certificate of public convenience and
49 necessity to provide local telephone service shall not
50 be interpreted as conveying a monopoly, exclusive

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1 privilege, or franchise. A competitive local exchange
2 service provider shall not be subject to the
3 requirements of this chapter, except that a
4 competitive local exchange service provider shall
5 obtain a certificate of public convenience and
6 necessity pursuant to section 476.29, file tariffs,
7 notify affected customers prior to any rate increase,
8 file reports, information, and pay assessments
9 pursuant to section 476.2, subsection 4, and sections
10 476.9, 476.10, 476.16, 476.30E, and 477C.7, and shall
11 be subject to the board's authority with respect to
12 adequacy of service, interconnection, discontinuation

13 of service, civil penalties, and complaints. If,
14 after notice and opportunity for hearing, the board
15 determines that a competitive local exchange service
16 provider possesses market power in its local exchange
17 market or markets, the board may apply such other
18 provisions of chapter 476 to a competitive local
19 exchange service provider as it deems appropriate.

20 2. The duty of a local exchange carrier includes
21 the duty, in accordance with requirements prescribed
22 by the board pursuant to subsection 3 and other laws,
23 to provide equal access to, and interconnection with,
24 its facilities so that its network is fully
25 interoperable with the telecommunications services and
26 information services of other providers, and to offer
27 unbundled essential facilities.

28 3. A local exchange carrier shall provide
29 reasonable access to ducts, conduits, rights-of-way,
30 and other pathways owned or controlled by the local
31 exchange carrier to which reasonable access is
32 necessary to a competitive local exchange service
33 provider in order for a competitive local exchange
34 service provider to provide service and is feasible
35 for the local exchange carrier.

36 Upon application of a local exchange carrier or a
37 competitive local exchange service provider, the board
38 shall determine any matters concerning reasonable
39 access to ducts, conduits, rights-of-way, and other
40 pathways owned or controlled by the local exchange
41 carrier upon which agreement cannot be reached,
42 including but not limited to, matters regarding
43 valuation, space, and capacity restraints, and
44 compensation for access.

45 4. a. Prior to September 1, 1995, the board shall
46 initiate a rule-making proceeding to adopt rules that
47 satisfy the requirements enumerated in subparagraphs
48 (1) through (4). The rule-making proceeding shall be
49 completed as promptly as possible. The board, upon
50 petition or on its own motion, may conduct a separate

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1 evidentiary hearing on the same or related subjects.
2 The evidence from a hearing may be considered by the
3 board during the rule-making proceeding, provided that
4 the board announces its intention to do so prior to
5 the oral presentation in the rule-making proceeding.

6 The rules shall do the following:

7 (1) Require a local exchange carrier to provide
8 unbundled essential facilities of its network, and
9 allow reasonable and nondiscriminatory equal access
10 to, use of, and interconnection with, those unbundled
11 essential facilities on reasonable, cost-based, and
12 tariffed terms and conditions. The board's rules must
13 require a local exchange carrier, including those

14 operating under a plan of price regulation, to file
15 tariffs implementing the unbundled essential
16 facilities within ninety days of the board's final
17 order adopting such rules. Such access, use, and
18 interconnection shall be on terms and conditions no
19 less favorable than those the local exchange carrier
20 provides to itself and its affiliates for the
21 provision of local exchange, access, and toll
22 services. This subsection shall not be construed to
23 establish a presumption as to the level of
24 interconnection charges, if any, to be determined by
25 the board pursuant to subparagraph (2).
26 (2) Require just, reasonable, and
27 nondiscriminatory compensation or arrangements on a
28 reciprocal, equitable, and tariffed basis for
29 termination of telecommunications services between
30 local exchange carriers and competitive local exchange
31 service providers.
32 (3) Require local exchange carriers to make
33 interim number portability available on request of a
34 competitive local exchange service provider, and to
35 implement provider number portability as soon as the
36 availability of necessary technology makes provider
37 number portability economically and technically
38 feasible, as determined by the board. The rules shall
39 also devise a reasonable and nondiscriminatory
40 mechanism for the recovery of all recurring and
41 nonrecurring costs of interim and provider number
42 portability.
43 (4) Develop the cost methodology appropriate for a
44 competitive telecommunications environment.
45 b. The rules adopted in paragraph "a",
46 subparagraphs (1), (2), and (3), do not apply to local
47 exchange carriers with less than seventy-five thousand
48 access lines until a competitive local exchange
49 service provider has filed for a certificate to
50 provide basic communications services in an exchange

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1 or exchanges of the local exchange carrier, or the
2 board determines that competitive necessity requires
3 the implementation of the rules in paragraph "a",
4 subparagraphs (1), (2), and (3), by the local exchange
5 carrier.
6 5. Local exchange carriers shall file tariffs or
7 price lists in accordance with board rules with
8 respect to the services, features, functions, and
9 capabilities offered to comply with board rules on
10 unbundling of essential facilities and
11 interconnection. Local exchange carriers shall submit
12 with the tariffs or price lists for basic
13 communications services and toll services supporting
14 information that is sufficient for the board to
15 determine the relationship between the proposed
16 charges and the costs of providing such services,
17 features, functions, or capabilities, including the

18 imputed cost of intrastate access service rates in
19 toll service rates pursuant to existing board orders.
20 The board shall review the tariffs or price lists to
21 ensure that the charges are cost-based and that the
22 terms and conditions contained in the tariffs or price
23 lists unbundle any essential facilities in accordance
24 with the board's rules and any other applicable laws.

25 6. This section shall not be construed to prohibit
26 the board from enforcing rules or orders entered in
27 contested cases pending on the effective date of this
28 Act to the extent that such rules and orders are
29 consistent with the provisions of this section.

30 7. Except as provided under section 476.29,
31 subsection 2, and this section, the board shall not
32 impose or allow a local exchange carrier to impose
33 restrictions on the resale of local exchange services,
34 functions, or capabilities. The board may prohibit
35 residential service from being resold as a different
36 class of service.

37 8. Any person may file a written complaint with
38 the board requesting the board to determine compliance
39 by a local exchange carrier with the provisions of
40 sections 476.30A through 476.30C, 476.30E, and this
41 section, or any board rules implementing those
42 sections. Upon the filing of such complaint, the
43 board may promptly initiate a formal complaint
44 proceeding and give notice of the proceeding and the
45 opportunity for hearing. The formal complaint
46 proceeding may be initiated at any time by the board
47 on its own motion. The board shall render a decision
48 in the proceeding within ninety days after the date
49 the written complaint was filed.

50 Sec. 10. NEW SECTION. 476.30E UNIVERSAL SERVICE.

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1 1. The board shall initiate a proceeding to
2 preserve universal service such that it shall be
3 maintained in a competitively neutral fashion. As a
4 part of this proceeding, the board shall determine the
5 difference between the cost of providing universal
6 service and the prices determined to be appropriate
7 for such service.

8 2. The board shall base policies for the
9 preservation of universal service on the following
10 principles:

11 a. A plan adopted by the board should ensure the
12 continued viability of universal service by
13 maintaining quality services at just and reasonable
14 rates.

15 b. The plan should define the nature and extent of
16 the service encompassed within any entities' universal
17 service obligations.

18 c. The plan should establish specific and
19 predictable mechanisms to provide competitively
20 neutral support for universal service. Those
21 mechanisms shall include a nondiscriminatory mechanism

22 by which funds to support universal service shall be
23 collected, and a mechanism for disbursement of support
24 funds to eligible subscribers, either directly to
25 those subscribers, or to the subscriber's provider of
26 local exchange services chosen by the subscriber.

27 d. The plan should be based on other principles as
28 the board determines are necessary and appropriate for
29 the protection of the public interest, convenience,
30 and necessity and consistent with the purposes of
31 sections 476.30 through 476.30D and this section.

32 Sec. 11. REPORT. The utilities board shall submit
33 a report to the general assembly no later than January
34 15, 1999, concerning the implementation of price
35 regulation for local exchange carriers furnishing
36 communications services."

Holveck of Polk asked and received unanimous consent to withdraw amendment H-3649 filed by him on March 30, 1995.

Brand of Benton offered the following amendment H-3732, to amendment H-3610, filed by him and moved its adoption:

H-3732

- 1 Amend the amendment, H-3610, to House File 518 as
- 2 follows:
- 3 1. Page 3, line 33, by inserting after the word
- 4 "is" the following: "only".

Amendment H-3732 lost.

Bernau of Story asked and received unanimous consent to withdraw amendment H-3661, to amendment H-3610, filed by him on March 31, 1995.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-3662, to amendment H-3610, filed by her on March 31, 1995.

Lamberti of Polk offered the following amendment H-3749, to amendment H-3610, filed by Lamberti, et. al., and moved its adoption:

H-3749

- 1 Amend the amendment, H-3610, to House File 518 as
- 2 follows:
- 3 1. Page 4, by striking line 1 and inserting the
- 4 following: "at any time, any other two-way switched
- 5 communications services".
- 6 2. Page 4, line 9, by striking the words "Primary
- 7 residence" and inserting the following: "Residence".
- 8 3. Page 7, by striking lines 6 through 14 and
- 9 inserting the following: "A local exchange carrier

10 which elects to reduce its rates by six percent shall
 11 not, at a later time, increase its rates for basic
 12 communications services as a result of the carrier's
 13 compliance with the board's rules relating to
 14 unbundling. In lieu of the six percent reduction, and
 15 prior to the adoption of rules relating to unbundling
 16 pursuant to section 476.30D, subsection 4, paragraph
 17 "a", subparagraph (1), the local exchange carrier may
 18 request and the board may establish a regulated
 19 revenue requirement in a rate proceeding under section
 20 476.3 or 476.6 commenced after the effective date of
 21 this Act. After the determination of the local
 22 exchange carrier's regulated revenue requirement
 23 pursuant to the rate proceeding, the local exchange
 24 carrier shall not immediately implement rates designed
 25 to recover that regulated revenue requirement.
 26 Following the adoption of rules relating to unbundling
 27 pursuant to section 476.30D, subsection 4, paragraph
 28 "a", subparagraph (1), the local exchange carrier
 29 shall commence a tariff proceeding for the approval of
 30 tariffs implementing such unbundling. The board has
 31 six months to complete this tariff proceeding and
 32 determine the local exchange carrier's final unbundled
 33 rates. The local exchange carrier shall carry forward
 34 the regulated revenue requirement determined by the
 35 board pursuant to the rate proceeding and design rates
 36 that comply with the board's rules relating to
 37 unbundling that recover the regulated revenue
 38 requirement, and that implement the board's approved
 39 rate design established in the tariff proceeding.
 40 In lieu of taking the six percent reduction, a
 41 local exchange carrier that submits a plan for price
 42 regulation after the board adopts rules relating to
 43 unbundling may file a rate proceeding under section
 44 476.3 or 476.6 and the board may approve rates
 45 designed to comply with those rules which allow the
 46 carrier to recover the established regulated revenue
 47 requirement and that implement the board's approved
 48 rate design established in the tariff proceeding."
 49 4. Page 11, line 17, by inserting after the word
 50 "rules" the following: ", except for local exchange

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1 carriers with less than seventy-five thousand access
 2 lines which must file such tariffs within two years of
 3 the effective date of this Act".
 4 5. Page 11, line 46, by striking the figures
 5 "(1), (2)," and inserting the following: "(2)".
 6 6. Page 12, line 4, by striking the figures "(1),
 7 (2)," and inserting the following: "(2)".

Amendment H-3749 was adopted, placing out of order the follow-
 ing amendments, to amendment H-3610:

H-3664 filed by Brand of Benton on March 31, 1995.

H-3665 filed by Holveck of Polk on March 31, 1995.

The following amendments, to amendment H-3610, were withdrawn by unanimous consent:

H-3650 filed by Brand of Benton on March 30, 1995.

H-3663 filed by Weigel of Chickasaw on March 31, 1995.

H-3751 filed by Holveck of Polk on April 4, 1995.

H-3753 filed by Holveck of Polk on April 5, 1995.

Metcalf of Polk offered the following amendment H-3722, to amendment H-3610 filed by her and moved its adoption:

H-3722

- 1 Amend the amendment, H-3610, to House File 518 as
- 2 follows:
- 3 1. Page 6, line 26, by striking the words "is
- 4 filed" and inserting the following: "becomes
- 5 effective".
- 6 2. Page 7, line 46, by striking the word
- 7 "utility" and inserting the following: "local
- 8 exchange carrier".
- 9 3. Page 7, line 47, by striking the word
- 10 "utility's" and inserting the following: "local
- 11 exchange carrier's".

Amendment H-3722 was adopted.

The following amendments to amendment H-3610, were withdrawn by unanimous consent:

H-3651 filed by Bell of Jasper on March 30, 1995.

H-3774 filed by Brand of Benton on April 5, 1995.

H-3775 filed by Brand of Benton on April 5, 1995.

H-3666 filed by Holveck of Polk on March 31, 1995.

Brand of Benton asked and received unanimous consent to defer action on amendment H-3752, to amendment H-3610.

Weigel of Chickasaw offered the following amendment H-3785, to amendment H-3610, filed by him and Brand from the floor and moved its adoption:

H-3785

- 1 Amend the amendment, H-3610, to House File 518 as
- 2 follows:
- 3 1. Page 7, by striking lines 47 and 48.
- 4 2. Page 9, by inserting after line 7 the

5 following:

6 "Sec. ____ NEW SECTION. 476.30_ ADDITIONAL PRICE
7 REGULATION PLAN PROVISIONS.

8 In addition to the provisions required in section
9 476.30B to be included in a plan of price regulation,
10 the plan shall include provisions for the following:

11 1. Reflecting in rates any changes due to changes
12 in the average cost of the local exchange carrier
13 resulting from the sale of an exchange in this state.

14 2. Encouraging modernization of the local exchange
15 carrier's telecommunications infrastructure. This
16 provision shall include a requirement that the local
17 exchange carrier develop and file with the board an
18 increased modernization plan."

19 3. By renumbering as necessary.

Amendment H-3785 was adopted, placing out of order lines 9, 10 and 11 of amendment H-3722, to amendment H-3610, previously adopted.

The following amendments, to amendment H-3610, were withdrawn by unanimous consent:

H-3733 filed by Weigel of Chickasaw on April 4, 1995.

H-3667 filed by Weigel of Chickasaw on March 31, 1995.

H-3704 filed by Weigel of Chickasaw on April 3, 1995.

Bernau of Story offered the following amendment H-3652, to amendment H-3610, filed by him and moved its adoption:

H-3652

1 Amend the amendment, H-3610, to House File 518 as
2 follows:

3 1. Page 9, by inserting after line 7 the
4 following:

5 "10. The board, in determining whether to file a
6 written complaint pursuant to subsection 6 or prior to
7 reviewing a local exchange carrier's operation
8 pursuant to subsection 9, may request that such
9 carrier provide any information which the board deems
10 necessary to make such determination or conduct such
11 review. The carrier shall provide the requested
12 information upon receipt of the request from the
13 board."

14 2. By renumbering as necessary.

Amendment H-3652 was adopted.

The following amendments, to amendment H-3610, filed by Dinkla of Guthrie, et. al., on April 5, 1995, were withdrawn by unanimous consent: H-3769 and H-3771.

Dinkla of Guthrie offered the following amendment H-3781, to amendment H-3610, filed by Dinkla, Renken, Lamberti, Bell and Carroll from the floor and moved its adoption:

H-3781

1 Amend the amendment, H-3610, to House File 518 as
2 follows:

3 1. Page 9, by inserting after line 7 the
4 following:

5 "10. a. Notwithstanding subsections 1 through 9,
6 a local exchange carrier with fewer than five hundred
7 thousand access lines in this state shall have the
8 option to be regulated pursuant to subsections 1
9 through 9 or pursuant to this subsection.

10 b. A local exchange carrier which elects to become
11 price regulated under this subsection shall give
12 written notice to the board of such election not less
13 than thirty days prior to the date such regulation is
14 to commence.

15 c. Upon election of a local exchange carrier to
16 become price-regulated under this subsection, the
17 carrier shall reduce its rates for basic local
18 telephone service an average of three percent. In
19 lieu of the three percent reduction, the local
20 exchange carrier may establish its rates for basic
21 local telephone service in a rate proceeding under
22 section 476.3 or 476.6 commenced after the effective
23 date of this Act.

24 d. Initial prices for basic communications
25 services, other than basic local telephone service,
26 shall be set at the rates in effect as of the first of
27 July prior to the date such regulation is to commence.

28 e. (1) A price-regulated local exchange carrier
29 shall not increase its rates for basic communications
30 services, for a period of twelve months after electing
31 to become price regulated. To the extent necessary,
32 rates for basic services may be increased to carry out
33 the purpose of any rules that may be adopted by the
34 board relating to the terms and conditions of
35 unbundled services and interconnection. A price-
36 regulated local exchange carrier may increase its
37 rates for basic communications services following the
38 initial twelve-month period, to the extent that the
39 change in rate does not exceed two percentage points
40 less than the most recent annual change in the gross
41 domestic product price index, as published by the
42 federal government. If application of such formula
43 achieves a negative result, prices shall be reduced so
44 that the cumulative price change for basic services,
45 including prior price reductions in these services,
46 achieves the negative result. After January 1, 2000,
47 the board by rule may adopt different measures of

48 inflation and productivity if they are found to be
49 more reflective of the individual price-regulated
50 carriers.

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1 (2) Price increases for basic communications
2 services which are permitted under this subsection may
3 be deferred and accumulated for a maximum of three
4 years into a single price increase, provided that a
5 deferred and accumulated price increase under this
6 subsection shall not at any time exceed six percent.
7 A price decrease for basic communications services
8 shall not be deferred or accumulated, except that
9 price decreases of less than two percent may be
10 deferred by the local exchange carrier for one year.
11 A price decrease required under this section may be
12 offset by a price increase for a basic communications
13 service that would have been permitted under this
14 section in the previous twelve-month period, but which
15 was deferred by the local exchange carrier. A rate
16 change pursuant to this subsection may take effect
17 thirty days after the notification of the board and
18 consumers.

19 (3) A price-regulated local exchange carrier shall
20 not increase its aggregate revenue weighted prices for
21 nonbasic communications services more than six percent
22 in any twelve-month period.

23 (4) A price-regulated local exchange carrier may
24 reduce the price for any basic communications service,
25 to an amount not less than the total service long-run
26 incremental cost for such service on one day's notice
27 filed with the board. For purposes of this
28 subsection, "total service long-run incremental costs"
29 means the difference between the company's total cost
30 and the total cost of the company less the applicable
31 service, feature, or function.

32 (5) A price-regulated local exchange carrier may
33 offer new service alternatives for any basic
34 communications services on thirty days prior notice to
35 the board, provided that the preexisting basic com-
36 munications service rate structure continues to be
37 offered to customers. New telecommunications services
38 shall be considered nonbasic communications services
39 as defined in section 476.30A, subsection 6.

40 (6) A price-regulated local exchange carrier must
41 reduce the average intrastate access service rates to
42 the carrier's average interstate access service rates.
43 Such carrier shall reduce the average intrastate
44 access service rates by at least twenty-five percent
45 of the difference of such rates within ninety days of
46 the election to be price-regulated and twenty-five
47 percent each of the next three years.

48 f. A local exchange carrier shall notify customers
49 of a rate change under this subsection at least thirty
50 days prior to the effective date of the rate change.

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1 g. The board may review a local exchange carrier's
2 operation under this subsection, with notice and an
3 opportunity for hearing, after four years of the
4 carrier's election to be price-regulated. The local
5 exchange carrier, consumer advocate, or any person may
6 propose, and the board may approve, any reasonable
7 modifications to the price-regulation requirements in
8 this subsection as a result of the specific carrier
9 review, except that such modifications shall not
10 require a reduction in the rates for any basic
11 communications service or a return to rate-base, rate-
12 of-return regulation."

Amendment H-3781 was adopted.

Brand of Benton asked and received unanimous consent to withdraw amendment H-3791, to amendment H-3610, filed by him from the floor.

Holveck of Polk offered the following amendment H-3792, to amendment H-3610, filed by him from the floor and moved its adoption:

H-3792

1 Amend the amendment, H-3610, to House File 518 as
2 follows:
3 1. Page 9, by inserting after line 7 the
4 following:
5 "Sec. ____ NEW SECTION. 476.30 EARNINGS
6 CALCULATION AND REPORT.
7 1. The consumer advocate shall calculate an
8 estimate of the return of a local exchange carrier
9 operating under a plan of price regulation pursuant to
10 section 476.30B as if the carrier were subject to
11 rate-of-return regulation. The calculation shall be
12 based upon the annual report of such carrier and other
13 information provided to the consumer advocate by the
14 carrier. The calculation shall be made every two
15 years beginning following the end of the second
16 calendar year after the year in which the plan becomes
17 effective. The consumer advocate shall provide a
18 written report to the general assembly including the
19 results of this calculation on or before July 1 of the
20 year immediately following the two-year period for
21 which a calculation is made. If, after a review of
22 the information used to make the calculation required
23 in this section, the consumer advocate determines that
24 the public interest would be better served by a
25 different form of rate regulation, the consumer
26 advocate shall provide a recommendation that the
27 general assembly direct the utilities board to

- 28 implement a different form of rate regulation.”
 29 2. Renumber as necessary.

Amendment H-3792 was adopted.

Holveck of Polk asked and received unanimous consent to withdraw amendment H-3734, to amendment H-3610, filed by him on April 4, 1995.

Rants of Woodbury offered the following amendment H-3770, to amendment H-3610, filed by him and Metcalf and moved its adoption:

H-3770

- 1 Amend the amendment, H-3610, to House File 518, as
 2 follows:
 3 1. Page 11, by striking lines 26 through 31 and
 4 inserting the following:
 5 “(2) Establish reciprocal cost-based compensation
 6 for termination of telecommunications services between
 7 local exchange carriers and competitive local exchange
 8 service providers. The board may also implement an
 9 appropriate surcharge to be effective on July 1, 1997,
 10 or upon the availability of provider number
 11 portability, whichever is first, if the ratio of
 12 residence to business customers served on a facilities
 13 basis by a competitive local exchange service provider
 14 does not approximate the ratio of residence to
 15 business customers served by the local exchange
 16 carrier. The board may eliminate the surcharge upon
 17 the occurrence of either of the following:
 18 (a) When the local exchange carrier’s prices for
 19 local exchange service cover the carrier’s costs as
 20 determined by the board.
 21 (b) Once the competitive local exchange service
 22 provider’s ratio of residence to business customers
 23 approximates that of the local exchange carrier.
 24 The board may require the local exchange carrier,
 25 by tariff, to implement an equalization adjustment
 26 mechanism on an annual basis that recognizes the
 27 competitive local exchange service provider’s average
 28 annual ratio of residence to business customers and
 29 which makes appropriate pro rata reductions in the
 30 surcharge if the competitive local exchange service
 31 provider demonstrates a year-over-year change in the
 32 ratio of residence to business customers served. The
 33 tariff may also provide for an equalization adjustment
 34 on an annual basis if the local exchange carrier
 35 experienced an increase in its residential local
 36 service rates during the preceding year.”

Amendment H-3770 was adopted.

The following amendments, to amendment H-3610, were withdrawn by unanimous consent:

H-3653 filed by Bell of Jasper on March 30, 1995.

H-3703 filed by Fallon of Polk on April 30, 1995.

H-3654 filed by Fallon of Polk on March 30, 1995.

H-3752, previously deferred, filed by Brand of Benton on April 5, 1995.

On motion by Metcalf of Polk, amendment H-3610, as amended, was adopted, placing the following amendments out of order:

H-3621 filed by Bernau of Story on March 29, 1995.

H-3420 filed by Fallon of Polk on March 22, 1995.

H-3629 filed by Weigel of Chickasaw on March 29, 1995.

H-3631 filed by Brand of Benton on March 29, 1995.

H-3633 filed by Weigel of Chickasaw on March 29, 1995.

H-3627 filed by Weigel of Chickasaw on March 29, 1995.

H-3630 filed by Holveck of Polk on March 29, 1995.

H-3632 filed by Holveck of Polk on March 29, 1995.

H-3619 filed by Holveck of Polk on March 29, 1995.

H-3617 filed by Brand of Benton on March 29, 1995.

H-3628 filed by Bell of Jasper on March 29, 1995.

H-3618 filed by Holveck of Polk on March 29, 1995.

H-3616 filed by Brand of Benton on March 29, 1995.

H-3613 filed by Weigel of Chickasaw on March 29, 1995.

H-3614 filed by Weigel of Chickasaw on March 29, 1995.

H-3611 filed by Weigel of Chickasaw on March 29, 1995.

H-3612 filed by Brand of Benton on March 29, 1995.

H-3620 filed by Bell of Jasper on March 29, 1995.

H-3615 filed by Fallon of Polk on March 29, 1995.

Metcalf of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 518)

The ayes were, 88:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Cornelius	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Garman

Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Hurley	Huseman	Jacobs
Jochum	Klemme	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 10:

Bernau	Brand	Burnett	Fallon
Holveck	Koenigs	Kreiman	Ollie
Running	Weigel		

Absent or not voting, 2:

Brammer	Houser
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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

Siegrist of Pottawattamie asked and received unanimous consent that House File 518 be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 559, by committee on ways and means, a bill for an act defining multiple housing cooperatives and certain other property of nonprofit organizations as residential property for purposes of assessing the value of the property for taxation purposes, and providing for the Act's retroactive applicability.

Read first time and placed on the ways and means calendar.

HOUSE FILE 306 WITHDRAWN

Welter of Jones asked and received unanimous consent to withdraw House File 306 from further consideration by the House.

House File 222, a bill for an act relating to the establishment of home development districts, with report of committee recommending passage, was taken up for consideration.

Jacobs of Polk offered amendment H-3777 filed by Jacobs, et. al., as follows:

H-3777

1 Amend House File 222 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 358C.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Board" means the board of trustees of a real
8 estate improvement district.

9 2. "Construction" includes materials, labor, acts,
10 operations, and services necessary to complete a
11 public improvement.

12 3. "Cost" of a public improvement includes the
13 cost of engineering, preliminary reports, property
14 valuations, estimates, plans, specifications, notices,
15 legal services, acquisition of land, consequential
16 damages, easements, rights-of-way, construction,
17 repair, supervision, inspection, testing, notices and
18 publication, interest during construction and for not
19 more than six months thereafter, and printing and sale
20 of bonds.

21 4. "District" means a real estate improvement
22 district as created in this chapter.

23 5. "Public improvement" includes the principal
24 structures, works, component parts, and accessories of
25 the facilities or systems specified in section 358C.3.

26 6. "Repair" includes materials, labor, acts,
27 operations, and services necessary for the
28 reconstruction, reconstruction by widening, or
29 resurfacing of a public improvement.

30 Sec. 2. NEW SECTION. 358C.2 REAL ESTATE
31 IMPROVEMENT DISTRICT CREATED.

32 1. A majority of the owners having an interest in
33 the real property within the limits of a proposed
34 district may file a petition in the office of county
35 auditor of the county in which the proposed district
36 or major part of the proposed district is located,
37 requesting that the question be submitted to the
38 registered voters of the proposed district of whether
39 the territory within the boundaries of the proposed
40 district shall be organized as a real estate
41 improvement district as provided in this chapter.

42 Areas of contiguous and noncontiguous territory may be
43 incorporated within a district. The petition shall be
44 addressed to the board of supervisors if all or part
45 of the proposed district includes territory located
46 outside the boundaries of a city, shall be submitted
47 to and approved by the board of supervisors before it
48 is filed with the county auditor, and shall set forth

- 49 the following information:
50 a. The name of the district.

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- 1 b. The district shall have perpetual existence.
2 c. The boundaries of the district.
3 d. The names and addresses of the owners of land
4 in the proposed district.
5 e. The description of the tracts of land situated
6 in the proposed district owned by those persons who
7 may organize the district.
8 f. The names and descriptions of the real estate
9 owned by the persons who do not join in the
10 organization of the district, but who will be
11 benefited by the district.
12 g. A listing of one or more of the district
13 improvements specified in section 358C.3 which will be
14 carried out by the district.
15 h. The owners of real estate in the proposed
16 district that are unknown may also be set out in the
17 petition as being unknown.
18 i. That the establishment of the proposed district
19 will be conducive to the public health, comfort,
20 convenience, and welfare.
21 2. The petition shall also state that the owners
22 of real estate who are forming the proposed district
23 are willing to pay the taxes which may be levied
24 against all of the property in the proposed district
25 and special assessments against the real property
26 benefited which may be assessed against them to pay
27 the costs necessary to carry out the purposes of the
28 district.
29 3. The petition shall also state whether or not
30 owners of real estate who are forming the proposed
31 district shall waive any objections to a subsequent
32 annexation by a city if the district has issued bonds
33 or obligations for public improvements within the
34 district and the annexing city assumes those
35 obligations.
36 4. The petition shall propose the names of five or
37 more trustees who shall be owners of real estate in
38 the proposed district, to serve as a board of trustees
39 until their successors are elected and qualified if
40 the district is organized. The board of trustees
41 shall only carry out those purposes which are
42 authorized in this chapter and listed in the petition.
43 5. If the proposed district includes real estate
44 located in whole or in part within the boundaries of a
45 city, the petition shall be submitted to and approved
46 by the city council before it is filed with the county
47 auditor as provided in subsection 1. If a petition
48 includes a proposed district located solely within the
49 boundaries of a city, the petition is not subject to
50 action by the board of supervisors except for the

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1 purpose of selecting the initial trustees and setting
2 the election date to finally organize the district.

3 6. A proposed district shall be created only from
4 parcels of land within the boundaries of a city, on
5 parcels of land within two miles of the boundaries of
6 a city, or on parcels of land from both locations.

7 Sec. 3. NEW SECTION. 358C.3 PUBLIC IMPROVEMENTS
8 AUTHORIZED.

9 1. A district may acquire, construct, reconstruct,
10 install, maintain, and repair any of the public
11 improvements listed in subsection 2.

12 2. A public improvement includes the principal
13 structures, works, component parts, and accessories of
14 any of the following:

15 a. Underground gas, water, heating, sewer, and
16 electrical connections located in streets for private
17 property.

18 b. Sanitary, storm, and combined sewers.

19 c. Waterworks, water mains, and extensions.

20 d. Emergency warning systems.

21 e. Sidewalks and pedestrian underpasses or
22 overpasses.

23 f. Drainage conduits, dikes, and levees for flood
24 protection.

25 g. Public waterways, docks, and wharfs.

26 h. Public parks, playgrounds, and recreational
27 facilities.

28 i. Street grading, paving, graveling,
29 macadamizing, curbing, guttering, and surfacing with
30 oil and gravel or chloride.

31 j. Drives and driveway approaches located within
32 the public right-of-way.

33 k. Street lighting fixtures, connections, and
34 facilities.

35 l. Sewage pumping stations and disposal and
36 treatment plants.

37 m. Traffic control devices, fixtures, connections,
38 and facilities.

39 n. Public roads, streets, and alleys.

40 Sec. 4. NEW SECTION. 358C.4 DATE AND NOTICE OF
41 HEARING.

42 1. The board of supervisors to which the petition
43 is addressed, at its next meeting, shall set the time
44 and place for a hearing on the petition. The board
45 shall direct the county auditor in whose office the
46 petition is filed to cause notice to be given to all
47 persons whom it may concern, without naming them, of
48 the pendency and content of the petition, by
49 publication of a notice as provided in section
50 331.305. Proof of giving the notice shall be made by

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1 affidavit of the publisher and the proof shall be on
2 file with the county auditor at the time the hearing
3 begins. The notice of hearing shall be directed to
4 all persons it may concern, and shall state:
5 a. That a petition has been filed with the county
6 auditor of the county, naming it, for establishment of
7 a proposed district, and the name of the proposed
8 district.
9 b. An intelligible description of the boundaries
10 of the territory to be embraced in the district.
11 c. The date, hour, and the place where the
12 petition will be brought for hearing before the board
13 of supervisors of the named county.
14 d. That the board of supervisors will fix and
15 determine the boundaries of the proposed district as
16 described in the petition or otherwise, and for that
17 purpose may alter and amend the petition. At the
18 hearing all interested persons shall have an
19 opportunity to be heard on the location and boundaries
20 of the proposed district and to make suggestions
21 regarding the location and boundaries.
22 2. For a district which does not include land
23 within a city, copy of the notice shall also be sent
24 by mail to each owner, without naming them, of each
25 tract of land or lot within the proposed district as
26 shown by the transfer books of the auditor's office.
27 The mailings shall be to the last known mailing
28 address unless there is on file an affidavit of the
29 auditor or of a person designated by the board to make
30 the necessary investigation, stating that a mailing
31 address is not known and that diligent inquiry has
32 been made to ascertain it. The copy of notice shall
33 be mailed no less than twenty days before the day set
34 for hearing and proof of service shall be by affidavit
35 of the auditor. The proofs of service required by
36 this subsection shall be on file at the time the
37 hearing begins.
38 3. In lieu of the mailing to the last known
39 address a person owning land affected by a proposed
40 district may file with the county auditor an
41 instrument in writing designating the address for the
42 mailing. This designation when filed is effective for
43 five years and applies to all proceedings under this
44 chapter. The person making the designation may change
45 the address in the same manner as the original
46 designation is made.
47 4. In lieu of publication, personal service of the
48 notice may be made upon an owner of land in the
49 proposed district in the manner and for the time
50 required for service of original notices in the

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1 district court. Proof of the service shall be on file
2 with the auditor on the date of the hearing.
3 Sec. 5. NEW SECTION. 358C.5 HEARING OF PETITION
4 AND ORDER.

5 The board of supervisors to whom the petition is
6 addressed shall preside at the hearing provided for in
7 section 358C.4 and shall continue the hearing in
8 session, with adjournments from day to day, if
9 necessary, until completed, without being required to
10 give any further notice of the hearing. Proof of the
11 residences and qualifications of the petitioners as
12 registered voters shall be made by affidavit or
13 otherwise as the board may direct. The board may
14 consider the boundaries of a proposed district,
15 whether the boundaries are described in the petition
16 or otherwise, and for that purpose may alter and amend
17 the petition and limit or change the boundaries of the
18 proposed district as stated in the petition. The
19 board shall adjust the boundaries of a proposed
20 district as needed to exclude land that has no
21 reasonable likelihood of benefit from inclusion in the
22 proposed district. The boundaries of a proposed
23 district shall not be changed to incorporate property
24 not included in the original petition and published
25 notice until the owner of the property is given notice
26 of inclusion as on the original hearing. All persons
27 in the proposed district shall have an opportunity to
28 be heard regarding the location and boundaries of the
29 proposed district and to make suggestions regarding
30 the location and boundaries, and the board of
31 supervisors, after hearing the statements, evidence,
32 and suggestions made and offered at the hearing, shall
33 enter an order fixing and determining the limits and
34 boundaries of the proposed district and whether or not
35 all present and future property owners within the
36 district have waived any objections to the annexation
37 by a city if the district has issued obligations or
38 bonds for public improvement and the city assumes
39 those obligations, and directing that an election be
40 held for the purpose of submitting to the registered
41 voters owning land within the boundaries of the
42 proposed district the question of organization and
43 establishment of the proposed district as determined
44 by the board of supervisors. The order shall fix a
45 date for the election not more than sixty days after
46 the date of the order.

47 Sec. 6. NEW SECTION. 358C.6 NOTICE OF ELECTION.
48 In its order for the election the board of
49 supervisors shall direct the county commissioner of
50 elections of the county in which the petition is filed

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1 to cause notice of the election to be given at least
2 thirty days before the date of election by publication
3 of the notice as provided in section 331.305. The
4 notice shall state the time and place of holding the
5 election and the hours when the polls will open and
6 close, the purpose of the election, with the name of
7 the proposed district and a description of the
8 boundaries of the proposed district, and shall set
9 forth briefly the limits of each voting precinct and
10 the location of the polling places. Proof of
11 publication shall be made in the manner provided in
12 section 358C.4 and filed with the county auditor.

13 Sec. 7. NEW SECTION. 358C.7 ELECTION.

14 1. Each registered voter resident within the
15 proposed district shall have the right to cast a
16 ballot at the election and a person shall not vote in
17 any precinct but that of the person's residence.
18 Ballots at the election shall be in substantially the
19 following form, to wit:

20 For Real Estate Improvement District

21 Against Real Estate Improvement District

22 2. The board of supervisors shall cause a
23 statement of the result of the election to be included
24 in the records of the county auditor. If a majority
25 of the votes cast upon the question of incorporation
26 of the proposed district shall be in favor of the
27 proposed district, the proposed district shall be
28 deemed an organized real estate improvement district
29 under this chapter and established as conducive to the
30 public health, comfort, convenience, and welfare.

31 3. In the event the petition and order provide
32 that any present or future owner of property within
33 the district waives objection to annexation if the
34 district has issued obligations or bonds for a public
35 improvement and the annexing city assumes those
36 obligations, the board of supervisors shall file a
37 certified declaration of that provision and a legal
38 description of all real estate in the district with
39 the county recorder in each county in which the
40 district is located.

41 Sec. 8. NEW SECTION. 358C.8 EXPENSES AND COSTS
42 OF ELECTION.

43 The election held pursuant to this chapter shall be
44 conducted by the county commissioner of elections.
45 All expenses incurred in carrying out the preceding
46 sections of this chapter, and the costs of the
47 election, as determined by the county commissioner of
48 elections, shall be paid by those who will be
49 benefited by the proposed district. If the district
50 is not established, the expenses and costs shall be

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1 collected upon the bonds of the petitioners.

2 Sec. 9. NEW SECTION. 358C.9 SELECTION OF
3 TRUSTEES — TERM OF OFFICE.

4 1. At the election provided for in section 358C.7,
5 the names of candidates for trustee of the district
6 shall be submitted to the registered voters, and the
7 board of supervisors which had jurisdiction of the
8 proceedings for establishment of the district,
9 together with the board of supervisors of any other
10 county in which any part of the district is located,
11 shall appoint five trustees from among the five or
12 more persons receiving the greatest number of votes as
13 trustees of the district. One of the trustees shall
14 be designated to serve a term expiring on the first
15 day of January which is not a Sunday or legal holiday
16 following the next general election, two to serve a
17 term expiring on the first day of January which is not
18 a Sunday or legal holiday two years later, and two to
19 serve a term expiring on the first day of January
20 which is not a Sunday or legal holiday four years
21 later. Thereafter, each term shall be for a term of
22 years established by the board of supervisors, not
23 less than three years or more than six years.

24 Successors to trustees shall be elected by special
25 election or at a special meeting of the board of
26 trustees called for that purpose. For each special
27 election called after the initial election, a
28 candidate for office of trustee shall be nominated by
29 a personal affidavit of the candidate or by petition
30 of at least ten registered voters of the district and
31 the candidate's personal affidavit, which shall be
32 filed with the county commissioner of elections at
33 least twenty-five days before the date of the
34 election. The form of the candidate's affidavit shall
35 be substantially the same as provided in section 45.3.

36 2. Vacancies in the office of trustee of a
37 district shall be filled by the remaining members of
38 the board for the period until a successor is chosen
39 in the manner prescribed by this section or by section
40 69.12, whichever is applicable.

41 3. In lieu of a special election, successors to
42 trustees shall be elected at a special meeting of the
43 board of trustees called for that purpose. Upon its
44 own motion, the board of trustees may, or upon
45 petition of landowners owning more than fifty percent
46 of the total land in the district, shall, call a
47 special meeting of the residents of the district to
48 elect successors to trustees of the board. Notice of
49 the meeting shall be given at least ten days before
50 the date of the meeting by publication of the notice

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1 in a newspaper of general circulation in the district.
2 The notice shall state the date, times, and location
3 of the meeting and that the meeting is called for the
4 purpose of electing one or more trustees to the board.
5 Sec. 10. NEW SECTION. 358C.10 TRUSTEE'S BOND.

6 Each trustee, before entering upon the duties of
7 office, shall execute a bond payable to the district,
8 with security to be approved by the board of
9 supervisors which had jurisdiction of the petition for
10 establishment of the district, in such form and amount
11 as the board of supervisors may determine, which bond
12 shall be filed with the county auditor of the county.

13 Sec. 11. NEW SECTION. 358C.11 REAL ESTATE
14 IMPROVEMENT DISTRICT TO BE A BODY CORPORATE — EMINENT
15 DOMAIN.

16 1. Each district organized under this chapter
17 shall be a body corporate and politic, with the name
18 and style under which it was organized, and by that
19 name and style may sue and be sued, contract and be
20 contracted with, acquire and hold real and personal
21 property necessary for corporate purposes, adopt a
22 corporate seal and alter the same at pleasure, and
23 exercise all the powers conferred in this chapter.

24 2. All courts of this state shall take judicial
25 notice of the existence of real estate improvement
26 districts organized under this chapter.

27 3. A district shall not own or hold land in excess
28 of ten acres unless the land is actually used for a
29 public purpose within three years of its acquisition.
30 A district which owns or holds land in excess of ten
31 acres for more than three years without devoting it to
32 a public purpose as provided in this chapter shall
33 divest itself of the land by public auction to the
34 highest bidder.

35 4. A district may acquire by purchase,
36 condemnation, or gift, real or personal property,
37 right-of-way, and easement within or without its
38 corporate limits necessary for its corporate purposes
39 specified in section 358C.3.

40 5. If the board of trustees of the district decide
41 to make a public improvement pursuant to this chapter
42 which requires that private property be taken or
43 damaged, the board may exercise the power of eminent
44 domain. The procedure to condemn property shall be
45 exercised in the manner provided in chapter 6B.

46 Sec. 12. NEW SECTION. 358C.12 BOARD OF TRUSTEES
47 — POWERS — PROHIBITED ACTIONS.

48 1. The board of trustees is the corporate
49 authority of the district and shall manage and control
50 the affairs and property of the district. A majority

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1 of the board of trustees shall constitute a quorum,
2 but a smaller number may adjourn from day to day. The
3 board of trustees shall elect a president, a clerk,
4 and a treasurer from its membership and may employ
5 employees as necessary, who shall hold their
6 employment during the pleasure of the board. The
7 board shall prescribe the duties and fix the
8 compensation of all employees of the district and the
9 amount of bond to be filed by the treasurer of the
10 district and by any employee for whom the board may
11 require bond. The members of the board of trustees
12 shall receive a per diem of forty dollars for
13 attendance at a meeting of the board or while
14 otherwise engaged in official duties, but the total
15 per diem for each member shall not exceed two thousand
16 four hundred dollars for a fiscal year. However, the
17 board of trustees, by resolution, may establish for
18 its members a lower rate of pay than is fixed by this
19 section. The members of the board shall also be
20 reimbursed for their travel and other necessary
21 expenses incurred in performing their official duties.
22 Travel expenses are reimbursable at the rate specified
23 in section 70A.9.

24 2. The board of trustees may adopt the necessary
25 ordinances, resolutions, and regulations for the
26 proper management and conduct of the business of the
27 board of trustees and the corporation and for carrying
28 out the purposes for which the district is formed.

29 3. If the board of trustees wishes to expand its
30 authority to carry out public improvements in addition
31 to the public improvements listed in the board's
32 original petition as provided in section 358C.3, the
33 board shall submit a petition to the board of
34 supervisors specifying the additional public
35 improvements to be included within the authority of
36 the district and requesting that the board of
37 supervisors order an election as provided in section
38 358C.6 to approve or disapprove the amendment. If the
39 petition includes public improvements as specified in
40 section 358C.3, the board of supervisors shall order
41 the election to be conducted as otherwise provided in
42 this chapter. If the amendment is approved, the
43 original petition is amended to include the additional
44 public improvements.

45 4. The board of trustees of a district shall not
46 purchase and resell electric service.

47 Sec. 13. NEW SECTION. 358C.13 TAXES — POWER TO
48 LEVY — TAX SALES.

49 1. The board of trustees of a real estate
50 improvement district shall have the power by ordinance

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1 to levy annually for the purpose of paying the
2 administrative costs of the district, or for the
3 payment of deficiencies in special assessments, or for
4 both, a tax upon property within the territorial
5 limits of the district not exceeding fifty-four cents
6 per thousand dollars of the adjusted taxable valuation
7 of the property within the district for the preceding
8 fiscal year.

9 2. All taxes thus levied by the board shall be
10 certified by the clerk on or before March 1 to the
11 county auditor of each county in which any of the
12 property included within the territorial limits of the
13 district is located, and shall be placed upon the tax
14 list for the current fiscal year by the auditor. The
15 county treasurer of more than one county shall collect
16 all taxes so levied in the same manner as other taxes,
17 and when delinquent the taxes shall draw the same
18 interest. All taxes levied and collected shall be
19 paid over by the officer collecting the taxes to the
20 treasurer of the district.

21 3. Sales for delinquent taxes owing to the
22 district shall be made at the same time and in the
23 same manner as the sales are made for other taxes, and
24 all provisions of the law of this state relating to
25 the sale of property for delinquent taxes shall be
26 applicable, so far as may be, to the sales.

27 Sec. 14. NEW SECTION. 358C.14 RENTALS AND
28 CHARGES.

29 1. A board of trustees may by ordinance establish
30 equitable rates, charges, or rentals for the utilities
31 and services furnished by the district to be paid to
32 the district by every person, firm, or corporation
33 whose premises are served by a connection to the
34 utilities and services directly or indirectly. The
35 rates, charges, or rentals, as near as may be in the
36 judgment of the board of trustees, shall be equitable
37 and in proportion to the services rendered and the
38 cost of the services, and taking into consideration in
39 the case of the premises the quantity of sewage or
40 water produced or used and the concentration,
41 strength, and pollution qualities of the sewage. The
42 board of trustees may change the rates, charges, or
43 rentals as it may deem advisable, and by ordinance may
44 provide for collection. The board may contract with
45 any municipality within the district, whereby the
46 municipality may collect or assist in collecting any
47 of the rates, charges, or rentals, whether in
48 conjunction with water rentals or otherwise, and the
49 municipality may undertake the collection and render
50 the service. The rates, charges, or rentals, if not

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1 paid when due, shall constitute a lien upon the real
2 property served by a connection. The lien shall have
3 equal precedence with ordinary taxes, may be certified
4 to the county treasurer and collected in the same
5 manner as taxes, and is not divested by a judicial
6 sale.

7 2. Sewer rentals, charges, or rates may supplant
8 or replace, in whole or in part, any monetary levy of
9 taxes which may be, or have been, authorized by the
10 board of trustees for any of the following purposes:

11 a. To meet interest and principal payments on
12 bonds legally authorized for the financing of sanitary
13 utilities in any manner.

14 b. To pay costs of the construction, maintenance,
15 or repair of the facilities or utilities, including
16 payments to be made under any contract between
17 municipalities for either the joint use of water or
18 sewage facilities, or for the use by one municipality
19 of all or a part of the water or sewer system of
20 another municipality.

21 Sec. 15. NEW SECTION. 358C.15 DEBT LIMIT —
22 BORROWING — BONDS — PURPOSES.

23 1. A district may borrow money for its corporate
24 purposes, but shall not become indebted in any manner
25 or for any purpose to an amount in the aggregate
26 exceeding its constitutional debt limit of five
27 percent on the value of the taxable property within
28 the district, to be ascertained by the last state and
29 county tax lists previous to the incurring of the
30 indebtedness. Indebtedness within this constitutional
31 limit shall not include the indebtedness of any other
32 municipal corporation located wholly or partly within
33 the boundaries of the district, special assessment
34 bonds or obligations authorized under section 358C.16,
35 or revenue bonds authorized under section 358C.17.

36 2. Subject only to this debt limitation, a
37 district shall have the same powers to issue bonds,
38 including both general obligation and revenue bonds,
39 which cities have under the laws of this state. In
40 the application of the laws to this chapter, the words
41 used in the laws referring to municipal corporations
42 or to cities shall be held to include real estate
43 improvement districts organized under this chapter;
44 the words "council" or "city council" shall be held to
45 include the board of trustees of a district; the words
46 "mayor" and "clerk" shall be held to include the
47 president and clerk of a board of trustees; and like
48 construction shall be given to any other words in the
49 laws where required to permit the exercise of the
50 powers by real estate improvement districts.

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1 3. All bonds issued shall be signed by the
2 president of the board of trustees and attested by the
3 clerk, with the seal of the district, if any, affixed,
4 and interest coupons attached to the bonds shall be
5 attested by the signature of the clerk.

6 4. The proceeds of any bond issue made under this
7 section shall be used only for the public improvements
8 specified in section 358C.3. Proceeds from the bond
9 issue may also be used for the payment of special
10 assessment deficiencies. The bonds shall be payable
11 in not more than forty annual installments and with
12 interest at a rate not exceeding that permitted by
13 chapter 74A, and shall be made payable at the place
14 and be of the form as the board of trustees shall by
15 resolution designate. A district issuing bonds as
16 authorized in this section is granted authority to
17 pledge the future avails of a tax levy to the payment
18 of the principal and interest of the bonds after the
19 same come due, and the power to impose and certify the
20 levy is granted to the trustees of real estate
21 improvement districts organized under this chapter.

22 Sec. 16. NEW SECTION. 358C.16 SPECIAL
23 ASSESSMENTS.

24 1. The board of trustees of a real estate
25 improvement district may provide for payment of all or
26 any portion of the costs of a public improvement
27 specified in section 358C.3, by assessing all, or any
28 portion of the costs, on adjacent property according
29 to the benefits derived. For the purposes of this
30 chapter, the board of trustees may define "adjacent
31 property" as all that included within a designated
32 benefited district to be fixed by the board, which may
33 be all of the property located within the real estate
34 improvement district or any lesser portion of that
35 property. It is not a valid objection to a special
36 assessment that the improvement for which the
37 assessment is levied is outside the limits of the
38 district, but a special assessment shall not be made
39 upon property situated outside of the district.
40 Special assessments pursuant to this section shall be
41 in proportion to the special benefits conferred upon
42 the property, and not in excess of the benefits. The
43 value of a property is the present fair market value
44 of the property with the proposed public improvements
45 completed. Payment of installments of a special
46 assessment against property used and assessed as
47 agricultural property shall be deferred upon the
48 filing of a request by the owner in the same manner
49 and under the same procedures as provided in chapter
50 384 for special assessments by cities.

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1 2. The assessments may be made to extend over a
2 period not to exceed fifteen years, payable in as
3 nearly equal annual installments as practicable. A
4 majority vote of the board of trustees is requisite
5 and sufficient for any action required by the board of
6 trustees under this section.

7 3. Subject to the limitations otherwise stated in
8 this section, a district organized under this chapter
9 has all of the powers to specially assess the costs of
10 improvements described in this section, including the
11 power to issue special assessment bonds, warrants,
12 project notes, or other forms of interim financing
13 obligations, which cities have under the laws of this
14 state.

15 Sec. 17. NEW SECTION. 358C.17 REVENUE BONDS.

16 A district incorporated under this chapter may
17 exercise the powers granted to counties in sections
18 331.462 to 331.470, to issue revenue bonds for the
19 purposes in section 358C.3, subsection 2, paragraphs
20 "b", "c", "g", "h", and "i".

21 Sec. 18. NEW SECTION. 358C.18 ADDITIONAL
22 TERRITORY.

23 1. The district may be enlarged and additional
24 territory annexed to the district by either of the
25 following methods:

26 a. By petitions signed by the owners of all the
27 property to be annexed to the district. If a petition
28 requesting annexation is presented to the trustees and
29 approved by the trustees the change in the boundaries
30 to include the additional area shall be certified by
31 the clerk of the district to the county auditor in
32 which the greater portion of the district is located
33 and thereafter the district shall include the area
34 thus annexed.

35 b. By a petition filed with the clerk of the
36 district, signed by persons owning not less than fifty
37 percent of the area to be annexed, but not signed by
38 persons owning all the area requested to be annexed.
39 On the filing of the petition, the trustees of the
40 district shall fix a time and place for a hearing on
41 the petition and give notice of the hearing, as
42 provided in section 331.305, and by certified mail to
43 the record owners of all persons owning land within
44 the territory sought to be annexed, not less than ten
45 days prior to the date of the hearing, if the address
46 of the owners is known or can be ascertained by
47 reasonable diligence by the trustees. At the hearing,
48 any person owning property within the area proposed to
49 be annexed or any person owning property or residing
50 within the district may appear and be heard. If,

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1 after the hearing, the board of trustees determines
2 that annexation of the additional area will be
3 conducive to the public health, convenience, and
4 welfare and will not be an undue burden on the
5 district, the board of trustees may, by resolution,
6 annex the additional area and fix the boundary which
7 shall not include more than the area requested in the
8 petition. A copy of the resolution shall be filed
9 with the county auditor of the county in which the
10 largest portion of the district is located and
11 thereafter the area included by the resolution shall
12 be a part of the district.

13 2. All property, from and after it is annexed to
14 the district, shall be subject to all taxes and other
15 burdens levied by the district, regardless of when the
16 obligation for which the taxes or assessments are
17 levied was incurred.

18 Sec. 19. NEW SECTION. 358C.19 ANNEXATION BY A
19 CITY.

20 When a city or real estate improvement district
21 proposes that the district be annexed by the city,
22 either wholly or partially, an owner of property in
23 the district shall not object to the annexation if the
24 district has issued, and there remain, outstanding
25 obligations of the district for public improvements
26 and the original petition and order of the board of
27 supervisors provide that a property owner has waived
28 any right to object if obligations are issued for
29 public improvements. When a city annexes all the
30 territory within the boundaries of a real estate
31 improvement district, the district shall merge with
32 the city and the city shall succeed to all the
33 property and property rights of every kind, contracts,
34 and obligations, held by or belonging to the district,
35 and the city shall be liable for and recognize,
36 assume, and carry out all valid contracts and
37 obligations of the district. The city may assume and
38 provide for the payment of the obligations of any
39 bonds of the district by issuing general obligation,
40 special assessment, or revenue refunding bonds which
41 may be sold at public or private sale or exchanged for
42 outstanding bonds. General obligation bonds of the
43 city may be issued to refund special assessment and
44 revenue obligations if the governing body of the city
45 determines that it is in the best interest of the
46 city. The refunding of these obligations shall
47 constitute an essential corporate purpose under
48 section 384.24. All taxes, assessments, claims, and
49 demands of every kind due or owing to the district
50 shall be paid to and collected by the city. Any

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1 special assessments which the district was authorized
2 to levy, assess, relevel, or reassess, but which were
3 not levied, assessed, relevelled, or reassessed, at the
4 time of the merger, for improvements made by the
5 district or in the process of construction or
6 contracted for may be levied, assessed, relevelled, or
7 reassessed by the annexing city to the same extent as
8 the district may have levied or assessed but for the
9 merger. However, this section does not authorize the
10 annexing city to revoke any resolution, order, or
11 finding made by the district in regard to special
12 benefits or increase any assessments made by the
13 district, but the city shall be bound by all findings
14 or orders and assessments to the same extent as the
15 district would be bound. Also, a district shall not
16 levy any special assessments after the effective date
17 of the annexation.

18 Sec. 20. NEW SECTION. 358C.20 EFFECTIVE DATE OF
19 MERGER.

20 The merger shall be effective thirty days after the
21 effective date of the ordinance annexing the territory
22 within the district. However, if the validity of the
23 ordinance annexing the territory is challenged by a
24 court proceeding, the effective date of the merger
25 shall be thirty days after the final determination of
26 the validity of the ordinance. The trustees of a
27 district shall continue in possession and conduct the
28 affairs of the district until the effective date of
29 the merger, but shall not during the period levy any
30 special assessments after the effective date of
31 annexation.

32 Sec. 21. NEW SECTION. 358C.21 PARTIAL ANNEXATION
33 — DIVISION AGREEMENT.

34 If only a part of the territory within a district
35 is annexed by a city, the district and the city may
36 agree between themselves as to the equitable division
37 of the assets, liabilities, maintenance, or other
38 obligations of the district for a change in the
39 boundaries of the district so as to exclude the
40 portion annexed by the city or may agree upon a merger
41 of the district with the city. If a merger is agreed
42 upon, the city shall have all the rights, privileges,
43 duties, and obligations as provided in this chapter
44 when the city annexes the entire territory within the
45 district, and the trustees shall be relieved of all
46 further duties and liabilities and their bonds
47 exonerated. An agreement between the district and the
48 city shall not be effective until submitted to and
49 approved by the district court of the county in which
50 the major portion of the district is located. An

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1 agreement shall not be approved which may prejudice
2 the rights of any bondholder or creditor of the
3 district. The district court may direct amendments to
4 the agreement before approving the agreement. If the
5 district and city do not agree upon the proper
6 adjustment of all matters growing out of the
7 annexation of a part of the territory located within
8 the district, either the district or the annexing city
9 may apply to the district court of the county where
10 the major portion of the district is located for an
11 adjustment of all matters growing out of or in any way
12 connected with the annexation of the territory, and
13 after a hearing the district court may enter an order
14 or decree fixing the rights, duties, and obligations
15 of the parties. However, in every case the decree or
16 order shall require a change of the district
17 boundaries so as to exclude from the district that
18 portion of the territory of the district which has
19 been annexed. The change of boundaries shall become
20 effective on the date of entry of the decree. Only
21 the district and the city shall be necessary parties
22 to the action. The decree when entered shall be
23 binding on both parties the same as though the parties
24 had voluntarily agreed thereto. This section does not
25 authorize any district to levy any special assessments
26 within the annexed area after the effective date of
27 annexation.

28 Sec. 22. NEW SECTION. 358C.22 DISSOLUTION OF
29 DISTRICT.

30 When a majority of the board of trustees of a
31 district desire that the district be wholly dissolved,
32 the trustees shall first propose a resolution
33 declaring the advisability of the dissolution and
34 setting out the terms and conditions of the
35 dissolution, and also setting out the time and place
36 when the board of trustees shall meet to consider the
37 adoption of the resolution. Notice of the time and
38 place when the resolution shall be set for
39 consideration shall be published as provided in
40 section 331.305, which publication shall contain the
41 entire wording of the proposed resolution. If any
42 part of the district lies within the area of the
43 jurisdiction of a city, then the trustees shall mail a
44 copy of the proposed resolution to the city on the
45 date of first publication of the resolution. At the
46 hearing the owners of property within the district, or
47 a city if any part of the district lies within the
48 city, may appear and make objections to the proposed
49 resolution. If the owners representing a majority of
50 the area of real estate within the district fail to

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1 sign and present to the board, on or prior to the
2 hearing date, a written petition opposing the
3 resolution, a majority of the board of trustees may
4 pass the resolution and adopt the proposed
5 dissolution. However, the resolution shall not be
6 adopted if the district is obligated on any
7 outstanding bonds, warrants, or other debts or
8 obligations unless the holders of the bonds, warrants,
9 or other debts or obligations all sign written
10 consents to the dissolution prior to the adoption of
11 the resolution of dissolution. If the petition
12 opposing the resolution is signed by property owners
13 representing a majority of the area of real estate
14 within the district and presented to the board of
15 trustees on or prior to the hearing date, the board of
16 trustees shall not adopt the resolution. After the
17 board of trustees has adopted the resolution of
18 dissolution, the clerk of the district shall prepare
19 and file a certified copy of the resolution of
20 dissolution in the office of the county auditor where
21 the original petition was filed.

22 Sec. 23. NEW SECTION. 358C.23 DETACHMENT OF
23 LAND.

24 1. When a majority of the board of trustees of a
25 district desires that any property within the district
26 be detached from the district, the trustees shall
27 first propose a resolution declaring the advisability
28 of the detachment and setting out the terms and
29 conditions of the detachment and also setting out the
30 time and place when the board of trustees will meet to
31 consider the adoption of the resolution. Notice of
32 the time and place when the resolution is set for
33 consideration shall be published as provided in
34 section 331.305, which publication shall contain the
35 entire wording of the proposed resolution. If any
36 part of the district lies within a city, then the
37 trustees shall mail a copy of the proposed resolution
38 to the city on the date of first publication of the
39 resolution. At the hearing the owners of property
40 within the district, or any city, may appear and make
41 objections to the proposed resolution. If the owners
42 representing a majority of the area of real estate
43 within the district fail to sign and present to the
44 board of trustees, on or prior to the hearing date, a
45 written petition opposing the resolution, a majority
46 of the board of trustees may pass the resolution and
47 adopt the proposed detachment, except that the
48 resolution shall not be adopted if the district is
49 indebted on any outstanding bonds or warrants of the
50 district unless the holders of the bonds and warrants

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1 all sign written consents to the detachment prior to
2 the adoption of the resolution of detachment. If the
3 petition opposing the resolution is signed by property
4 owners representing a majority of the area of real
5 estate within the district and presented to the board
6 of trustees on or prior to the hearing date, the board
7 of trustees shall not adopt the resolution. After the
8 board of trustees has adopted the resolution of
9 detachment, the clerk of the district shall prepare
10 and file a certified copy of the resolution of
11 detachment in the office of the county auditor where
12 the original petition was filed, and the area detached
13 shall become excluded and detached from the boundaries
14 of the district.

15 2. The owner of a discrete tract of land which is
16 part of a district but which is not connected to the
17 main area of the district may petition the board of
18 trustees of the district to have the property detached
19 from the district. Following receipt of the petition,
20 the board of trustees shall propose a resolution
21 declaring the advisability of the detachment and
22 setting out the terms and conditions of the detachment
23 and setting out the time and place when the board of
24 trustees will meet to consider the adoption of the
25 resolution. Notice of the time and place for the
26 consideration shall be published as provided in
27 subsection 1. If any part of the district lies in
28 whole or in part within a city, the board of trustees
29 shall mail a copy of the proposed resolution to the
30 municipality within five days after the date of first
31 publication of the resolution. At the hearing for
32 consideration of the resolution, the board of trustees
33 shall determine if the tract of land proposed for
34 detachment has all of the following characteristics:
35 a. Has an area of twenty-five acres or more.
36 b. Is wholly detached from the main area of the
37 district and separated from the district by a distance
38 of at least one thousand feet at the nearest points.
39 c. Is undeveloped and predominantly devoted to
40 agricultural uses.
41 d. Has no improvements placed upon it by the
42 district and receives no current services from the
43 district.

44 3. If the board of trustees by majority vote
45 determines that the tract in question meets all of the
46 conditions provided in subsection 2, paragraphs "a"
47 through "d", the resolution shall be adopted, except
48 that the resolution shall not be adopted if the
49 district is indebted on any outstanding bonds or
50 warrants of the district unless the holders of the

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1 bonds and warrants all sign written consents to the
 2 detachment. After the board of trustees has adopted
 3 the resolution of detachment, the clerk of the
 4 district shall prepare and file a certified copy of
 5 the resolution of detachment in the office of the
 6 county auditor where the original petition was filed
 7 and the area detached shall become excluded and
 8 detached from the boundaries of the district.
 9 Sec. 24. NEW SECTION. 358C.24 CHAPTER LIBERALLY
 10 CONSTRUED.
 11 The provisions of this chapter shall be liberally
 12 construed to facilitate the development of land for
 13 housing."
 14 2. Title page, by striking lines 1 and 2 and
 15 inserting the following: "An Act relating to the
 16 creation of real estate improvement districts,
 17 authorizing the issuance of general obligation bonds
 18 and revenue bonds, the imposition of ad valorem
 19 property taxes, special assessments and fees, and
 20 other related matters."

Jacobs of Polk offered the following amendment H-3780, to amendment H-3777, filed by her and Myers from the floor and moved its adoption:

H-3780

1 Amend the amendment, H-3777, to House File 222, as
 2 follows:
 3 1. Page 1, line 47, by striking the words "and
 4 approved by".
 5 2. Page 5, line 32, by inserting after the word
 6 "hearing," the following: "shall approve or reject
 7 the petition. If the petition is approved, the
 8 board".

Amendment H-3780 was adopted.

On motion by Jacobs of Polk, amendment H-3777, as amended, was adopted.

RULE 32 INVOKED

Siegrist of Pottawattamie asked and received unanimous consent to refer **House File 222** to committee on **ways and means**.

House File 396, a bill for an act relating to delayed deposit services businesses and providing penalties, was taken up for consideration.

Metcalf of Polk offered the following amendment H-3708 filed by her and moved its adoption:

H-3708

- 1 Amend House File 396 as follows:
- 2 1. Page 6, by striking lines 16 through 19.
- 3 2. Page 6, by striking lines 24 through 30 and
- 4 inserting the following: "date agreed upon."
- 5 3. Page 10, line 7, by striking the word "—
- 6 INJUNCTION".
- 7 4. Page 10, by striking lines 12 through 15 and
- 8 inserting the following: "guilty of a serious
- 9 misdemeanor."
- 10 5. By renumbering as necessary.

Amendment H-3708 was adopted.

SENATE FILE 423 SUBSTITUTED FOR HOUSE FILE 396

Metcalf of Polk asked and received unanimous consent to substitute Senate File 423 for House File 396.

Senate File 423, a bill for an act relating to delayed deposit services businesses and providing penalties, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 423** be deferred and that the bill be placed on the **unfinished business calendar**.

HOUSE FILE 396 WITHDRAWN

Metcalf of Polk asked and received unanimous consent to withdraw House File 396 from further consideration by the House.

House File 457, a bill for an act providing for pesticides, by providing for notification of application and providing for the elimination of provisions relating to chemigation, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that **House File 457** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 344, a bill for an act relating to the determination of the annual salary of a deputy sheriff, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that **House File 344** be deferred and that the bill be placed on the **unfinished business calendar**.

Appropriations Calendar

House File 530, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights

commission, the department of elder affairs, the Iowa department of public health, the department of human rights, the commission of veterans affairs, and the governor's alliance on substance abuse, was taken up for consideration.

The House stood at ease at 4:05 p.m., until the fall of the gavel.

The House resumed session at 4:52 p.m., Gipp of Winneshiek in the chair.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-3545 filed by her and Murphy on March 28, 1995, placing out of order amendment H-3557, to amendment H-3545, filed by Mascher of Johnson and Murphy on March 29, 1995.

Mascher of Johnson asked and received unanimous consent to defer action on amendment H-3593.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Maanen of Marion, until he returns, on request of Siegrist of Pottawattamie.

Weigel of Chickasaw offered the following amendment H-3541 filed by Weigel, et. al., and moved its adoption:

H-3541

1 Amend House File 530 as follows:

2 1. Page 2, by inserting after line 33 the
3 following:

4 "Sec. 100. There is appropriated from the general
5 fund of the state to the department of elder affairs
6 for the fiscal year beginning July 1, 1994, and ending
7 June 30, 1995, the following amount, to be used for
8 the purpose designated:

9 For expansion of the case management program:

10 \$ 229,863

11 Notwithstanding section 8.33, the department may
12 retain \$229,863 which otherwise would revert and may
13 carry over this amount to the fiscal year beginning
14 July 1, 1995, and ending June 30, 1996."

15 2. Page 2, by inserting before line 34 the
16 following:

17 "The appropriation in this section is contingent
18 upon actual revenues of the general fund for the
19 fiscal year beginning July 1, 1994, and ending June
20 30, 1995, exceeding \$4,090,500,000 by at least

- 21 \$229,863.”
 22 3. Page 24, by inserting after line 8 the
 23 following:
 24 “Sec. ____ EFFECTIVE DATE. Section 100 of this
 25 Act which relates to the appropriation of funds to
 26 address the expansion of the case management program
 27 in the department of elder affairs, being deemed of
 28 immediate importance, takes effect upon enactment.”
 29 4. Title page, line 6, by inserting after the
 30 word “abuse” the following: “, and providing an
 31 effective date”.

Roll call was requested by Weigel of Chickasaw and Holveck of Polk.

On the question “Shall amendment H-3541 be adopted?” (H.F. 530)

The ayes were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt		

The nays were, 59:

Arnold	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Hanson	Harrison	Heaton	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Welter	Gipp	
		Presiding	

Absent or not voting, 7:

Blodgett	Brammer	Connors	Houser
Nelson, B.	Van Maanen	Weidman	

Amendment H-3541 lost.

Van Fossen of Scott offered amendment H-3542 filed by Van Fossen, et. al., as follows:

H-3542

- 1 Amend House File 530 as follows:
- 2 1. Page 3, by striking line 24 and inserting the
- 3 following:
- 4 "..... \$ 2,089,708".
- 5 2. Page 3, line 27, by striking the figure
- 6 "591,123" and inserting the following: "741,123".
- 7 3. Page 3, line 29, by inserting after the word
- 8 "premiums," the following: "travel reimbursement,".
- 9 4. Page 5, by striking line 31 and inserting the
- 10 following:
- 11 "..... \$ 25,000".

Weigel of Chickasaw offered the following amendment H-3577, to amendment H-3542, filed by him and moved its adoption:

H-3577

- 1 Amend the amendment, H-3542, to House File 530 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 11 and
- 4 inserting the following:
- 5 " Page 3, by inserting after line 13 the
- 6 following:
- 7 "Sec. 100. There is appropriated from the general
- 8 fund of the state to the Iowa department of public
- 9 health for the fiscal year beginning July 1, 1994, and
- 10 ending June 30, 1995, the following amount, to be used
- 11 for the purpose designated:
- 12 For travel reimbursement for the chronic renal
- 13 disease program:
- 14 \$ 150,000
- 15 Notwithstanding section 8.33, the department may
- 16 retain \$150,000 which otherwise would revert and may
- 17 carry over this amount to the fiscal year beginning
- 18 July 1, 1995, and ending June 30, 1996."
- 19 Page 3, by inserting before line 14 the
- 20 following:
- 21 "The appropriation in this section is contingent
- 22 upon actual revenues of the general fund for the
- 23 fiscal year beginning July 1, 1994, and ending June
- 24 30, 1995, exceeding \$4,090,500,000 by at least
- 25 \$150,000."
- 26 Page 24, by inserting after line 8 the
- 27 following:
- 28 "Sec. ____ EFFECTIVE DATE. Section 100 of this
- 29 Act which relates to the appropriation of funds to
- 30 address the travel reimbursement costs for the chronic
- 31 renal disease program of the Iowa department of public
- 32 health, being deemed of immediate importance, takes

- 33 effect upon enactment."
 34 ___ Title page, line 6, by inserting after the
 35 word "abuse" the following: ", and providing an
 36 effective date"."

Amendment H-3577 lost.

Division of amendment H-3542 was requested as follows:

Lines 2 through 8, Division A.

Lines 9 through 11, Division B.

On motion by Van Fossen of Scott, amendment H-3542A was adopted.

Kremer of Buchanan offered the following amendment H-3499 filed by him and moved its adoption:

H-3499

- 1 Amend House File 530 as follows:
 2 1. Page 5, line 5, by striking the figure
 3 "167,310" and inserting the following: "163,859".
 4 2. Page 5, line 9, by striking the figure
 5 "1,021,792" and inserting the following: "1,015,358".
 6 3. Page 5, line 23, by striking the figure
 7 "135,385" and inserting the following: "132,629".

Amendment H-3499 was adopted.

Van Fossen of Scott moved the adoption of amendment H-3542B.

Roll call was requested by Weigel of Chickasaw and Murphy of Dubuque.

On the question "Shall amendment H-3542B be adopted?"
 (H.F. 530)

The ayes were, 63:

Arnold	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Churchill
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Fallon	Garman
Greig	Greiner	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	McCoy	Mertz	Metcalf
Meyer	Millage	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell

Van Fossen
Weidman

Van Maanen
Welter

Vande Hoef
Gipp,
Presiding

Veenstra

The nays were, 34:

Baker
Brand
Connors
Harper
Kreiman
Moreland
Nelson, L.
Schrader
Wise

Bell
Burnett
Doderer
Holveck
Larkin
Mundie
O'Brien
Shoultz
Witt

Bernau
Cataldo
Drees
Jochum
Mascher
Murphy
Ollie
Warnstadt

Blodgett
Cohoon
Gries
Koenigs
May
Myers
Running
Weigel

Absent or not voting, 3:

Brammer

Carroll

Nelson, B.

Amendment H-3542B was adopted.

Brunkhorst of Bremer offered amendment H-3434 filed by him as follows:

H-3434

- 1 Amend House File 530 as follows:
- 2 1. Page 6, by striking line 14 and inserting the
- 3 following:
- 4 "..... \$ 2,197,507".
- 5 2. Page 8, by striking line 19 and inserting the
- 6 following:
- 7 "..... \$ 3,040,236".

Kremer of Buchanan offered the following amendment H-3579, to amendment H-3434, filed by Kremer, et. al., and moved its adoption:

H-3579

- 1 Amend the amendment, H-3434, to House File 530 as
- 2 follows:
- 3 1. Page 1, by striking line 4 and inserting the
- 4 following:
- 5 ""..... \$ 2,188,386".

Amendment H-3579 was adopted.

On motion by Brunkhorst of Bremer, amendment H-3434, as amended, was adopted.

Weigel of Chickasaw offered the following amendment H-3470 filed by him and moved its adoption:

H-3470

- 1 Amend House File 530 as follows:
- 2 1. By striking page 6, line 35, through page 7,
- 3 line 4, and inserting the following: "shall also
- 4 retain \$30,000 of federal radon funds for additional
- 5 radon program activities."

A non-record roll call was requested.

The ayes were 33, nays 49.

Amendment H-3470 lost.

Fallon of Polk offered the following amendment H-3430 filed by him and Murphy and moved its adoption:

H-3430

- 1 Amend House File 530 as follows:
- 2 1. Page 9, by inserting after line 22 the
- 3 following:
- 4 "() If during the 1995-1996 fiscal year, the
- 5 federal government incorporates the special
- 6 supplemental nutrition program for women, infants, and
- 7 children into a block grant, the department of human
- 8 services, Iowa department of public health, or any
- 9 other state agency which administers the block grant
- 10 shall require a competitive bid process for infant
- 11 formula purchased by or for families under the block
- 12 grant."
- 13 2. By renumbering as necessary.

Amendment H-3430 was adopted.

Running of Linn offered amendment H-3539 filed by Running et. al. as follows:

H-3539

- 1 Amend House File 530 as follows:
- 2 1. Page 20, by striking lines 28 and 29 and
- 3 inserting the following:
- 4 "..... \$ 102,227
- 5 FTEs 2.0".

Cataldo of Polk in the chair at 5:50 p.m.

Running of Linn moved the adoption of amendment H-3539.

Roll call was requested by Schrader of Marion and Brunkhorst of Bremer.

On the question "Shall amendment H-3539 be adopted?" (H.F. 530)

The ayes were, 35:

Baker	Bell	Bernau	Brand
Burnett	Cohoon	Connors	Doderer
Drees	Fallon	Harper	Harrison
Holveck	Jochum	Koenigs	Kreiman
Larkin	Martin	Mascher	May
Mertz	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Running
Schrader	Shoultz	Warnstadt	Weigel
Wise	Witt	Cataldo, Presiding	

The nays were, 59:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Churchill	Coon	Corbett, Spkr.	Cormack
Cornelius	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt
Hanson	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Metcalf	Meyer	Millage	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	

Absent or not voting, 6:

Brammer	Carroll	Grundberg	McCoy
Moreland	Nelson, B.		

Amendment H-3539 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nelson of Marshall on request of Siegrist of Pottawattamie.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3540 filed by Weigel, et. al., on March 28, 1995.

Running of Linn offered the following amendment H-3538 filed by him and Mascher and moved its adoption:

H-3538

1 Amend House File 530 as follows:

2 1. Page 23, by striking line 2 and inserting the

3 following:

4 "..... \$ 38,195,008".

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-3538 be adopted?" (H.F. 530)

The ayes were, 44:

Baker	Bell	Bernau	Brand
Burnett	Cohoon	Connors	Coon
Cormack	Cornelius	Dinkla	Doderer
Drees	Fallon	Garman	Hanson
Harper	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Mundie	Murphy	Myers
Nelson, L.	Nutt	O'Brien	Ollie
Renken	Running	Schrader	Schulte
Shoultz	Thomson	Warnstadt	Weigel
Welter	Wise	Witt	Cataldo, Presiding

The nays were, 51:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Churchill	Corbett, Spkr.	Daggett	Disney
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Rants	Salton	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	

Absent or not voting, 5:

Brammer	Carroll	Holveck	Moreland
Nelson, B.			

Amendment H-3538 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek on request of Siegrist of Pottawattamie.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-3608 filed by him on March 29, 1995.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-3537 filed by him on March 28, 1995.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-3593, previously deferred, filed by Mascher, et. al., on March 29, 1995.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 530)

The ayes were, 84:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Churchill	Coon	Corbett, Spkr.
Cormack	Cornelius	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt	Hanson
Harper	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Mundie
Myers	Nelson, L.	Nutt	Ollie
Rants	Renken	Salton	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Witt	Cataldo, Presiding

The nays were, 10:

Cohoon	Connors	Fallon	Jochum
Kreiman	Moreland	Murphy	O'Brien
Schrader	Wise		

Absent or not voting, 6:

Brammer	Carroll	Doderer	Holveck
Nelson, B.	Running		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that House File 530 be immediately messaged to the Senate.

RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of Senate File 140.

Regular Calendar

Senate File 140, a bill for an act to legalize the proceedings taken by the administration and board of directors of the Cedar Rapids Community School District concerning the sale of certain school district property and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Dinkla of Guthrie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 140)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Cornelius
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Hahn	Halvorson
Hammitt	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Running	Salton
Schrader	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Cataldo, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer
Nelson, B.

Carroll
Shoultz

Grubbs

Grundberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 140** be immediately messaged to the Senate.

House File 479, a bill for an act relating to the duties of the county treasurer and providing effective and applicability dates, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 479** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 401, a bill for an act relating to public health issues, including certain birth certificates and licensing of athletic trainers, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 401** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 197, a bill for an act relating to the expansion of the volunteer physician program to include other health care providers, with report of committee recommending passage, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 197** be deferred and that the bill be placed on the **unfinished business calendar**.

House File 511, a bill for an act relating to open-end credit pursuant to a credit card, including the permissible over-limit or delinquency charges, the offering of credit unemployment insurance, and the time requirements for making certain payments, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 511** be deferred and that the bill be placed on the **unfinished business calendar**.

INTRODUCTION OF BILL

House File 560, by committee on ways and means, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates.

Read first time and placed on the **ways and means calendar**.

SENATE FILES SUBSTITUTED FOR HOUSE FILES AND PLACED ON THE UNFINISHED BUSINESS CALENDAR

Siegrist of Pottawattamie asked and received unanimous consent that the following Senate Files be substituted for the indicated House Files and placed on the unfinished business calendar:

Senate File 159	for House File 178
Senate File 155	for House File 188
Senate File 272	for House File 209
Senate File 333	for House File 231
Senate File 255	for House File 245
Senate File 341	for House File 279
Senate File 247	for House File 287
Senate File 215	for House File 465
Senate File 298	for House File 501
Senate File 416	for House File 525
Senate File 406	for House File 536

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on April 6, 1995. Had I been present, I would have voted "aye" on House Files 177, 494 and 419.

BAKER of Polk

I was necessarily absent from the House chamber on Tuesday morning, April 4, 1995. Had I been present, I would have voted "aye" on House File 246.

HOUSER of Pottawattamie

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the

Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of April, 1995: House Files 154 and 515

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 6, 1995, he approved and transmitted to the Secretary of State the following bills:

House File 170, an act relating to exempting employees of the State Fair Authority from the State Merit Personnel System.

House File 477, an act requiring that a publication whose standards are incorporated by reference in agency rulemaking be purchased and provided by the agency to the administrative rules coordinator for deposit in the State Law Library.

House File 478, an act providing limited immunity for persons responding to oil spills.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five sixth grade students from Cedar Valley Christian, Cedar Rapids, accompanied by Karen Brunkhorst. By Brammer, Corbett and Running of Linn.

Fifty-eight fifth grade students from Oak Park Elementary, Des Moines, accompanied by Sue Renaud. By Fallon of Polk.

Members from 4-H of Linn County, accompanied by Pat Rector. By Thomson of Linn.

Fifty fifth grade students from East Ballard Elementary, Cambridge, accompanied by Lori Ostrem and Kristen Barta. By Bernau of Story.

Thirty-five eighth grade students from MFL Mar-Mac Middle School, McGregor, accompanied by Larry Cox. By Halverson of Clayton.

Twenty-three students from Essex High School, Essex, accompanied by Dan Cox. By Boggess of Taylor.

Twenty eighth grade students from MFL Mar-Mac School, McGregor, accompanied by Rod Lewis. By Halvorson of Clayton.

Two elementary students from Riverside Ainsworth, Travis Stout and Melissa Zimmermann, accompanied by their parents, teacher and principal. By Greiner of Washington and Heaton of Henry.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

ELIZABETH A. ISAACSON
Chief Clerk of the House

- 1995\181 Steven C. Balvanz Jr., Eldora – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\182 Brigadier General Harold M. Thompson, Johnston – For his retirement after thirty six years of dedicated service in the Iowa Army National Guard.
- 1995\183 Cory Parker, Guthrie Center – For being selected to the 1A All-State Boy's Basketball Team.
- 1995\184 Michael Haack, Primghar – For being appointed to the United States Air Force Academy.

SUBCOMMITTEE ASSIGNMENTS

Senate File 360

Local Government: Vande Hoef, Chair; Arnold and Mundie.

Senate File 392

Local Government: Hanson, Chair; Drees and Welter.

Senate File 394

Local Government: Vande Hoef, Chair; Martin and Mertz.

Senate File 422

Local Government: Carroll, Chair; Cohoon and Huseman.

Senate File 453

Human Resources: Ertl, Chair; Brand and Salton.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 327 Ways and Means

Relating to the electricity purchase or wheeling requirements for alternate energy production and small hydro facilities, providing a methane energy purchase sales tax credit, 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.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate Concurrent Resolution 20, a concurrent resolution in support of improvement in the wetland delineation process and a moratorium on wetlands determination until the 1995 farm bill has been passed and signed into the law by the Congress and the President.

Fiscal Note not required.

Recommended **Do Pass and laid over under Rule 25**, April 6, 1995.

COMMITTEE ON EDUCATION

Senate File 83, a bill for an act extending for an additional budget year the regular program district cost guarantee for school districts and increasing the amount of that guarantee and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 205, a bill for an act relating to shared superintendents for purposes of the supplementary weighting plan for public school districts and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 206, a bill for an act striking Code language that conflicts with federal work-study program requirements and language relating to unfunded programs administered by the college student aid commission, and repealing from the Code certain unfunded programs administered by the college student aid commission.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 390, a bill for an act relating to the Iowa arts and cultural enhancement and endowment program and foundation.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

COMMITTEE ON JUDICIARY

Senate File 7, a bill for an act relating to the knowing transmission of the human immunodeficiency virus and providing penalties.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

Senate File 66, a bill for an act relating to cruelty to police service dogs and providing for enhanced penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3786, April 5, 1995.

Senate File 88, 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 April 5, 1995.

Senate File 284, a bill for an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing penalties.

Fiscal Note is required.

Recommended Do Pass April 5, 1995.

Senate File 293, a bill for an act relating to providing for a five-year minimum prison term for a person who uses a dangerous weapon in the commission of a forcible felony.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

Senate File 359, a bill for an act providing for the modification of no-contact orders in domestic abuse cases in certain circumstances.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

Senate File 366, a bill for an act relating to the exhibition of humans.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

Senate File 371, a bill for an act relating to prohibiting a polygraph examination of a victim of sexual abuse as a precondition to an investigation by a law enforcement agency.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

Senate File 373, a bill for an act to permit the court to find a person in contempt for failure to pay restitution after the period of probation, work release, parole, or the person's sentence has ended.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3787, April 5, 1995.

Senate File 398, a bill for an act relating to commutation of sentences of persons who have been sentenced to life imprisonment.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3789, April 5, 1995.

Senate File 428, a bill for an act to provide for the reciprocal rendition of prisoners as witnesses in criminal proceedings and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

Senate File 438, a bill for an act relating to juvenile justice including notice requirements for certain hearings and authorizing associate juvenile judges to perform marriage ceremonies.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

Senate File 439, a bill for an act relating to making false reports to law enforcement agencies, making spurious calls to emergency 911 communications centers, or providing false information on citations and establishing penalties and providing a conditional effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3788, April 5, 1995.

Senate File 446, a bill for an act relating to the possession or use of alcohol while operating a motor vehicle by requiring the administrative revocation of driving privileges of persons under the age of twenty-one who operate a motor vehicle with an alcohol concentration of .02 or more, denying issuance of temporary restricted licenses during the period of revocation, including the revocation under implied consent provisions, providing for civil penalties, excluding the revocation from application of certain motor vehicle financial responsibility requirements, providing for minimum periods of license revocation, providing a scheduled fine for possession of an open alcohol container while operating a motor vehicle, providing for the impoundment or immobilization of motor vehicles driven or owned by persons convicted of operating while intoxicated and being a second or subsequent offender, providing criminal penalties, and other related matters.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 225, a bill for an act eliminating requirements for competitive bids regarding the printing of election ballots.

Fiscal Note is not required.

Recommended Do Pass April 5, 1995.

Senate File 360, a bill for an act to increase the fee for the transfer of property in county transfer records.

Fiscal Note is not required.

Committee Action: **Failed to Pass** April 5, 1995.

Senate File 394, a bill for an act relating to instruments filed or recorded with the county recorder.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

Senate File 422, a bill for an act relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1995.

COMMITTEE ON WAYS AND MEANS

Senate File 403, a bill for an act relating to collection of delinquent restitution payments and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1995.

Committee Bill (Formerly House File 21), relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1995.

AMENDMENTS FILED

H-3778	H.F.	552	Halvorson of Clayton
H-3779	H.F.	552	Halvorson of Clayton
H-3782	H.F.	525	Grubbs of Scott
H-3783	H.F.	522	Grundberg of Polk
H-3784	H.F.	522	Grundberg of Polk
H-3786	S.F.	66	Committee of Judiciary
H-3787	S.F.	373	Committee on Judiciary
H-3788	S.F.	439	Committee on Judiciary
H-3789	S.F.	398	Committee of Judiciary
H-3790	S.F.	266	Huseman of Cherokee Gries of Crawford
H-3793	S.F.	462	Running of Linn
H-3794	H.F.	479	Vande Hoef of Osceola

H-3795	H.F.	512	Fallon of Polk
H-3796	H.F.	534	Witt of Black Hawk
			Houser of Pottawattamie
H-3797	H.F.	512	Koenigs of Mitchell
H-3798	S.F.	7	Kreiman of Davis
H-3799	H.F.	502	Brand of Benton
H-3800	S.F.	266	Brand of Benton
H-3801	S.F.	352	Brand of Benton
H-3802	H.F.	522	Schulte of Linn
			McCoy of Polk
			O'Brien of Boone
			Lamberti of Polk
			Witt of Black Hawk
H-3803	S.F.	462	Houser of Pottawattamie

On motion by Siegrist of Pottawattamie, the House adjourned at 6:48 p.m. until 1:00 p.m., Monday, April 10, 1995.